

# **Worldwide Investigation and Prosecution of Nazi War Criminals**

**(April 1, 2004 – March 31, 2005)**

**An Annual Status Report**

**Dr. Efraim Zuroff**

**Simon Wiesenthal Center – Israel**

**Snider Social Action Institute**

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## EXECUTIVE SUMMARY

1. During the period in question the investigation and prosecution of Nazi war criminals continued in sixteen countries, among them countries such as Germany, Austria, Lithuania, Latvia and Poland in which the crimes of the Holocaust were committed and others like the United States, Great Britain, Canada and Australia which afforded a postwar haven to Holocaust perpetrators.
  
2. From April 1, 2004 until March 31, 2005, five convictions of Nazi war criminals were obtained – all in the United States. Most of those convicted served as armed guards in death camps and/or concentration camps in Poland and/or Germany. The number of convictions is lower by two than the number achieved during the previous year. From January 1, 2001 until March 31, 2005, a total of thirty-two convictions of Nazi war criminals were obtained all over the world. Of these convictions, twenty-three were in the United States with the others convicted in Germany (3), Canada (3), Poland (1), France (1) and Lithuania (1).
  
3. During the period under review, legal proceedings were initiated against at least six Nazi war criminals in four countries - three in the United States, one in Hungary, one in Denmark and one in Lithuania. The number of indictments obtained this year is lower by four than the figure achieved during the previous year. From January 1, 2001, thirty-three indictments have been submitted against Nazi war criminals, the majority in the United States.
  
4. During the period under review, new investigations were initiated in eleven countries against at least six hundred and sixty-three suspected Holocaust perpetrators (an increase of 98% from the previous year). At the moment, there are ongoing investigations against more than one thousand two hundred and fifty-two suspected Nazi war criminals in sixteen countries (an increase of almost 33% from last year), with the largest number of cases being investigated in Poland (450), the United States (246), Austria (199), Canada (190), Latvia (58) and Germany (46).

5. This year we have chosen the United States as the country with the most outstanding record in bringing Nazi war criminals to justice.

At the same time we have singled out Ukraine for its total failure to address the issue of Holocaust perpetrators, and are highlighting the failure of Croatia and Austria to prosecute Milivoj Ašner, who served as police chief of Požega, Croatia during World War II and played an important role in the persecution and deportation to concentration camps, where they were murdered, of hundreds of Jews, Serbs and Gypsies. After Ašner was exposed living in Croatia by the Wiesenthal Center's "Operation: Last Chance" project, he escaped to Klagenfurt, Austria where he currently resides.

We also want to point to the continued in-principle refusal of Sweden and Norway to investigate Nazi war criminals due to existing statutes of limitation.

## **INVESTIGATION AND PROSECUTION REPORT CARD**

As part of this year's annual status report, we have given grades ranging from A (highest) to F which reflect the Wiesenthal Center's evaluation of the efforts and results achieved by various countries during the period under review. (Countries that failed to respond to the questionnaire and in which there is no indication of any activity to investigate and/or prosecute Nazi war criminals were included in category X.)

The grades granted are categorized as follows:

### **Category A: Highly Successful Investigation and Prosecution Program**

Those countries which have adopted a proactive stance on the issue, have taken all reasonable measures to identify the potential suspected Nazi war criminals in the country in order to maximize investigation and prosecution and have achieved notable results during the period under review.

### **Category B: Ongoing Investigation and Prosecution Program Which Has Achieved Practical Success**

Those countries which, during the period under review, have obtained at least one conviction and/or filed an indictment accompanied by an extradition request (if the suspect was living elsewhere).

### **Category C: Minimal Success That Could Have Been Greater, Additional Steps Urgently Required**

Those countries which have failed to obtain any convictions or file at least one indictment (with an extradition request) during the period under review, but have either advanced ongoing cases currently in litigation or have opened new investigations which have serious potential for prosecution.

### **Category D: Insufficient and/or Unsuccessful Efforts**

Those countries which have ostensibly made at least a minimal effort to investigate Nazi war criminals but which failed to achieve any practical results, or those countries in which the issue had no practical dimension during the period under review. In many cases, these countries have stopped or reduced their efforts to deal with this issue long

before they should have and could achieve important results if they were to change their policy.

**Category F: Total Failure**

Those countries, which refuse in principle to investigate, let alone prosecute, suspected Nazi war criminals despite clear-cut evidence that such individuals were residing within their borders.

**The Grades:**

- A: USA
- B: Denmark, Hungary
- C: Australia, Canada, Germany, Italy, Latvia, Lithuania, Netherlands, Poland
- D: Austria, Bosnia-Herzegovina, Colombia, Croatia, Estonia, Finland, France, Great Britain, New Zealand, Romania, Slovakia, Slovenia
- F: Norway, Sweden, Syria, Ukraine
- X: Argentina, Belarus, Belgium, Bolivia, Brazil, Chile, Costa Rica, Czech Republic, Greece, Luxemburg, Paraguay, Russia, Spain, Uruguay, Venezuela, Yugoslavia

## INTRODUCTION

This year marked the sixtieth anniversary of the liberation of Auschwitz and the end of World War II, yet despite the passage of decades since the crimes of the Holocaust were committed, the efforts to prosecute Nazi war criminals continue and have even considerably increased in recent years. Despite numerous legal and technical problems which stem from, among other factors, the amount of time which has elapsed since the Shoa, the attempts to investigate and prosecute Holocaust perpetrators are currently underway in at least sixteen countries, eleven of which have initiated new investigations during the previous year.

The Simon Wiesenthal Center views the facilitation of the investigation and prosecution of Nazi war criminals as an important part of its international agenda. Over the past two decades, the Center has carried out extensive research in numerous countries to identify Nazi war criminals, document their crimes, trace their postwar escape and ascertain their current whereabouts in order to assist in bringing them to justice. It has also energetically lobbied various governments which have been reluctant to prosecute Holocaust perpetrators, and has sought to convince them of the importance of bringing such criminals to trial. The Center has also exposed the rehabilitations granted to Nazi war criminals in several East European countries and has played a role in the cancellation of dozens of these pardons.

The Center's experience has clearly shown that the existence of political will to bring Nazi war criminals to justice is an absolute prerequisite for the successful prosecution of Holocaust perpetrators. In that respect, the results achieved in this field are often just as much a function of the existent political climate, as of the strength of the evidence available against the suspects in question.

Starting in 2001, the Simon Wiesenthal Center has published an annual report on the current status of the investigation and prosecution of Nazi war criminals worldwide as a public service designed to focus attention on the issue, chronicle its development, and encourage all the governments involved to maximize their efforts to bring as many

unprosecuted Holocaust perpetrators as possible to justice. The date chosen for the publication of the report is Yom Ha-Shoa (Holocaust Remembrance Day) as designated by the State of Israel, which this year was observed on May 5, 2005. In that respect, the Center has always believed that the prosecution of the murderers of the Holocaust is one of the most fitting means of commemorating those annihilated by the Nazis. Famed Nazi-hunter Simon Wiesenthal has often noted the sense of personal obligation which he feels toward the victims of the Holocaust to do his utmost to maximize the number of murderers who will be forced to pay for their crimes. Needless to say, such trials also play an important role in strengthening the rule of law, educating the public regarding the dangers of anti-Semitism and racism and the crimes of the Holocaust, and ensuring a better future for all humanity.

In closing, allow me to point out, that while this report primarily presents facts and figures related to the investigation and prosecution of Nazi war criminals (as reported by the pertinent agencies in each country) but few details regarding the crimes committed, we must never lose sight of the terrible nature of the atrocities committed by those individuals identified as Holocaust perpetrators.

The evidence regarding these crimes will remain as an everlasting testament to the horrors of Nazi anti-Semitism and the depths of man's inhumanity to his fellow man, and as a constant reminder to all of us of the necessity of bringing such criminals to justice.

The Center welcomes any pertinent information, comments and/or suggestions relating to the contents of the report, which can be mailed or faxed (972-2-563-1276) to our Jerusalem office or sent by email to [swcjerus@netvision.net.il](mailto:swcjerus@netvision.net.il)

Dr. Efraim Zuroff  
Director, SWC-Israel  
Coordinator, SWC Nazi War Crimes Research

## **THE PERIOD UNDER REVIEW: APRIL 1, 2004 – MARCH 31, 2005**

In attempting to record and analyze the worldwide efforts to investigate and prosecute Nazi war criminals during a specific time period, there are four major criteria which have to be taken into account:

1. the number of convictions obtained;
2. the number of indictments filed;
3. the number of investigations initiated;
4. the number of ongoing investigations.

During the period under review, the numbers of convictions obtained and of new indictments filed were slightly lower than those achieved during the previous year, but this development was overshadowed by the remarkable increase in the number of new and ongoing investigations. Thus in the course of the twelve months prior to April 1, 2005, there was an increase of 98% in the number of new investigations opened and a rise of 33% in the number of ongoing cases being investigated as of March 31, 2005.

In analyzing the results of the previous year, it is clear that it is becoming increasingly difficult to convict Nazi war criminals on criminal charges, whereas the efforts to denaturalize and deport Holocaust perpetrators are continuing with a fair measure of success, particularly in the United States. Thus the past year was the second consecutive year since 2001 (when the Wiesenthal Center began publishing its annual reports) that not a single Nazi war criminal was convicted on criminal charges anywhere in the world. By comparison, six convictions [three in Germany, and one each in Poland, Lithuania, and France (in absentia)] were obtained during the period from January 1, 2001 until March 31, 2003.

On the other hand, the efforts to prosecute Nazi war criminals on civil charges (which result in denaturalization and/or deportation) are continuing at a fairly successful rate and during the period under review were the only convictions obtained. The number of such convictions dropped from seven to five during the period under review. Since

2001, twenty-six of the thirty-two convictions obtained throughout the world were on civil charges, twenty-three in the United States and three in Canada.

The outstanding results achieved in the United States are a continuation of the developments over the past two decades in which the number of trials conducted in countries of refuge (primarily the United States and Canada) have by far surpassed those held in the countries in which Nazi crimes were committed. These results have stemmed primarily from four major factors: the existence of resolute political will to prosecute these cases in the United States, and to a lesser degree in Canada; the large number of Nazi collaborators who emigrated to those countries after World War II; the relatively recent (late 1970's) discovery in these countries of the existence, and extensive scope, of the problem and the fact that both the United States, and ultimately Canada, have chosen to prosecute Nazi war criminals not for war crimes or genocide, but for immigration and naturalization violations, which are relatively easier to prove.

At the same time, the increased interest and awareness regarding the Holocaust, the dismemberment of the Soviet Union, and the fall of the Communist regimes in Eastern Europe have helped create numerous new opportunities for the prosecution of Holocaust perpetrators in the countries in which the crimes of the Shoa were committed. (These developments have also facilitated prosecution in the countries which granted a haven to these criminals.) Unfortunately, relatively few countries have made an effort to exploit the full and unfettered access – available for the first time – to Eastern European archives and witnesses and the renewed interest in the crimes of the Shoa to launch a serious effort to maximize the prosecution of Holocaust perpetrators. In fact, even those countries which have initiated programs to bring Nazi war criminals to justice have rarely been able to achieve significant successes.

During the period under review, not a single conviction was obtained in Eastern Europe, despite the fact that countries such as Lithuania, Latvia and especially Poland, are currently conducting numerous such investigations. And while the results achieved no doubt reflect the objective difficulties involved in the criminal prosecution of crimes committed several decades previously, there is no doubt that the lack of political will to pursue such cases remains a major obstacle to greater success, particularly in the Baltics and in countries like Romania, Ukraine, Russia, and Belarus. In that respect, the fall of

Communism and the dismemberment of the Soviet Union have not resulted in abundant political will to locate and bring to trial unprosecuted local Nazi collaborators. The only possible exception to this generalization has been Poland, where the local authorities appear to be making a serious effort to prosecute Nazi criminals, but have to date achieved very limited practical success.

Elsewhere in Europe, Germany remains the only country in which the crimes of the Holocaust were committed, which is still actively pursuing Nazi war criminals with the requisite political will, and in fact, it has achieved the most convictions on criminal charges during the past four years. The existence of a special prosecution agency for Nazi war crimes (the “Zentrale Stelle” in Ludwigsburg) is undoubtedly a major reason for whatever modest success Germany has registered.

The negative effects of the lack of such a specialized prosecution agency are particularly evident in Austria, which once again has failed to secure a conviction or file an indictment against a single Nazi war criminal. Despite a large number of potential suspects, Austria has not convicted anyone for crimes committed against Jews during the Holocaust for three decades. Whether this will ever change will be determined during the coming year when the Austrian authorities will be examining the names of 199 suspects, most of whom were submitted by the Simon Wiesenthal Center during the period under review.

In Norway, local authorities point to an existent statute of limitations as an impassable obstacle to prosecution and the same is true in Sweden, several of whose citizens served in the SS, and where dozens of Nazi perpetrators from the Baltics found refuge after World War II.

In other countries of refuge, apart from the United States, the results achieved during the period under review were not particularly encouraging. Although Canada (in 1987), Australia (in 1989) and Great Britain (in 1991), all passed special laws to enable prosecution, no convictions were obtained nor were any indictments filed. Even Canada, which in 1994 switched to the “American model” of denaturalization and deportation and has achieved a moderate measure of success during the past decade, failed to obtain a single conviction during the period under review. This result is especially discouraging when compared to the success achieved by the United States

under relatively similar conditions. As far as Australia and Great Britain are concerned, both countries have closed down their specialized prosecution agencies and it therefore is extremely unlikely that they will be able to obtain any convictions while they continue to insist on prosecuting these suspects on criminal charges. This is particularly true in Australia, where all witnesses in such cases must appear in person, a factor which would make a successful prosecution next to impossible, given the country's geographic distance from the scene of the crimes committed.

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Besides the figures on convictions and indictments, it is important to assess the number of new investigations filed and ongoing cases which are indicators of the practical results that can possibly be achieved during the coming years. In that regard, the most surprising figure is from Poland which has opened three hundred and six new investigations during the period under review. Also encouraging is the number of new cases opened in Austria (272), the United States (34), Germany (27), Denmark (9) and Italy (6).

With one thousand two hundred and fifty-two investigations currently underway, there is cause for cautious optimism that additional Holocaust perpetrators will indeed be brought to justice during the coming years. This will no doubt be the case in the United States, but it is important that such trials also be conducted in those countries in which the crimes of the Holocaust were committed, and especially in post-Soviet countries, in which there was extensive collaboration by the local population in the mass murder of Jews. These countries have been particularly reluctant to prosecute local Nazi war criminals since they regained their independence. The importance of such trials cannot be overestimated, not only in achieving justice but also in educating these societies about the crimes of the Holocaust and the complicity of local residents in the atrocities.

In July 2002, the Wiesenthal Center and the Targum Shlishi Foundation of Miami, headed by Aryeh Rubin, launched "Operation: Last Chance," a project designed to assist in the prosecution of Nazi war criminals by offering financial rewards for information which would facilitate their conviction and punishment. The project was originally initiated in Lithuania, Latvia and Estonia, and a year later was expanded to Poland, Romania and Austria. During the previous year, it was launched in Croatia (June 30, 2004), Hungary (July 13, 2004) and Germany (January 26, 2005). So far, the

Center has received the names of three hundred and sixty-four suspects, seventy-nine of which have been submitted to local prosecutors. The names of forty-nine suspects from Germany (28), Croatia (12) and Hungary (9) have been received during the period under review. One of the project's successes to date has been the issue by Hungary in March 2005 of an international warrant for the arrest of Karoly (Charles) Zentai, who was identified in the framework of "Operation: Last Chance" as an escaped Nazi war criminal currently residing in Perth, Australia. Hungary has since requested his extradition and Zentai is currently attempting to appeal against the recent decision of the Australian government to approve his extradition to Budapest to stand trial.

Mention should also be made of various administrative and legal steps besides prosecution, which have been taken by several countries against suspected Holocaust perpetrators. Thus, for example, Lithuania canceled ten rehabilitations granted illegally to individuals convicted by the Soviet courts (among them an unknown number of Nazi war criminals) and the American Office of Special Investigations added five names to the US watch-list of suspected Axis persecutors and denied two such individuals entry into the United States.

In all, despite numerous obstacles and difficulties, significant progress was made during the period under review. If we combine the figures presented in our last four reports, we can point to thirty-two convictions and thirty-three indictments during the past fifty-one months, concrete proof that much can still be achieved in the efforts to bring the perpetrators of the Holocaust to the bar of justice.

**CONVICTIONS OF NAZI WAR CRIMINALS OBTAINED**  
**DURING THE PERIOD UNDER REVIEW**

April 1, 2004 – March 31, 2005

1. United States of America – 5

Details of Convictions Obtained During the Period Under Review

1. April 30, 2004: John (Ivan) Demjanjuk – denaturalization  
guard at Sobibor and Majdanek death camps in Poland and at Flossenburg  
concentration camp in Germany; member of SS-run unit at Trawniki labor  
camp which actively participated in mass murder of Polish Jewry
2. June 10, 2004: Jakiw Palij – deportation  
armed guard at SS-run Trawniki labor camp
3. August 27, 2004: Joseph Wittje – denaturalization  
served as armed guard in SS-Death's Head battalion at Sachsenhausen  
concentration camp in Germany
4. January 26, 2005: Vladas Zajanckauskas – denaturalization  
served in SS unit which helped destroy the Warsaw Ghetto in 1943
5. February 28, 2005: Iwan Mandycz – denaturalization  
served as armed guard at Trawniki and Poniatowa, SS-run labor camps in  
Poland

**CONVICTIONS OF NAZI WAR CRIMINALS:**  
**COMPARATIVE STATISTICS 2001-2005**

	<b>January 1, 2001- March 31, 2002</b>	<b>April 1, 2002 – March 31, 2003</b>	<b>April 1, 2003 – March 31, 2004</b>	<b>April 1, 2004 – March 31, 2005</b>	<b>Total</b>
United States	6	5	7	5	23
Canada	3	0	0	0	3
Germany	2	1	0	0	3
Poland	1	0	0	0	1
France	1	0	0	0	1
Lithuania	1	0	0	0	1
<b>Total</b>	<b>14</b>	<b>6</b>	<b>7</b>	<b>5</b>	<b>32</b>

## **NEW CASES FILED DURING THE PERIOD UNDER REVIEW**

United States – 3

Denmark – 1

Hungary – 1

Lithuania – 1

### **1. United States of America**

- a. August 9, 2004: Anton Geiser – denaturalization  
served as armed SS-Death's Head Battalion guard at Sachsenhausen concentration camp in Germany
  
- b. December 17, 2004: John (Ivan) Demjanjuk - deportation  
served as armed guard at Sobibor and Majdanek death camps in Poland and Flossenberg concentration camp in Germany; member of SS-run unit at Trawniki labor camp which actively participated in mass murder of Polish Jewry
  
- c. December 29, 2004: Michael Bojcun - denaturalization  
served in the Ukrainian auxiliary police in Nazi occupied Lvov (then Poland, now Ukraine), where he participated in Nazi-sponsored acts of persecution

### **2 Denmark**

December 7, 2004: Soeren Kam – murder  
charged in absentia (currently living in Germany) with the murder of Danish newspaper editor Carl Henrik Clemmensen in August 1943

### **3. Hungary**

March 3, 2005: Karoly (Charles) Zentai – murder  
charged with the murder of at least one Jew (teenager Peter Balasz) in Budapest in November 1944 – international arrest warrant issued as suspect resides in Australia

#### 4. **Lithuania**

Algimantas Dailide – accessory to murder

served with the Saugumas (Lithuanian Security Police) in the Vilnius district

**NEW CASES FILED: COMPARATIVE STATISTICS 2001 – 2005**

	<b>January 1, 2001 – March 31, 2002</b>	<b>April 1, 2002 – March 31, 2003</b>	<b>April 1, 2003 - March 31, 2004</b>	<b>April 1, 2004 - March 31, 2005</b>	<b>Total</b>
United States	4	10	5	3	22
Germany	1	1	2	0	4
Canada	1	0	3	0	4
Denmark	0	0	0	1	1
Hungary	0	0	0	1	1
Lithuania	0	0	0	1	1
<b>Total</b>	<b>6</b>	<b>11</b>	<b>10</b>	<b>6</b>	<b>33</b>

**NEW INVESTIGATIONS OF NAZI WAR CRIMINALS INITIATED DURING  
THE PERIOD UNDER REVIEW**

Poland	306
Austria <sup>1</sup>	272
United States	34
Germany <sup>2</sup>	27
Denmark	9
Italy	6
Romania	4
Lithuania	2
Hungary	1
Croatia	1
Australia	1
Canada <sup>3</sup>	?
<b>Total</b>	<b>663</b>

1. In seven cases criminal investigations have already been launched.
2. The figure for new investigations in Germany denotes the number of cases, rather than the number of individuals being investigated, and consequently the number of suspects is probably considerably higher.
3. The Canadian Crimes Against Humanity and War Crimes Section of the Department of Justice claimed that they were prohibited from providing such information.

**NEW INVESTIGATIONS OF NAZI WAR CRIMINALS: COMPARATIVE**  
**STATISTICS 2001 – 2005\***

	<b>January 1, 2001 –March 31, 2002</b>	<b>April 1, 2002 – March 31, 2003</b>	<b>April 1, 2003 – March 31, 2004</b>	<b>April 1, 2004 – March 31, 2005</b>	<b>Total</b>
Poland	48	8	172	306	534
Austria	10	3	60	272	345
Lithuania	100	24	18	2	144
United States	46	16	40	34	136
Italy	0	56	18	6	80
Germany <sup>1</sup>	9	?	9	27	45
Latvia	0	4	16	0	20
Estonia	2	17	1	0	20
Denmark	0	0	1	9	10
Australia	0	9	0	1	10
Great Britain	6	1	0	0	7
Romania	0	0	0	4	4
Hungary	0	0	0	1	1
Croatia	0	0	0	1	1
<b>Total</b>	<b>221</b>	<b>138</b>	<b>335</b>	<b>663</b>	<b>1,357</b>

\* This figure is incomplete since it does not include the figures for Canada, which is forbidden to supply such information.

1. The figures for Germany are incomplete due to the partial information supplied by the German judicial authorities.

**ONGOING INVESTIGATIONS OF NAZI WAR CRIMINALS**  
**AS OF MARCH 31, 2005**

Poland	450	
United States <sup>1</sup>	246	
Austria <sup>2</sup>	199	
Canada <sup>3</sup>	190	
Latvia <sup>4</sup>	58	
Germany	46	
Lithuania	21	
Italy	13	
Denmark	11	
Netherlands	6	
Romania	4	
Estonia	3	
Croatia <sup>2</sup>	2	
Australia <sup>5</sup>	1	
Great Britain	1	
Hungary <sup>5</sup>	1	
<b>Total</b>	<b>1,252</b>	<b>(1250)</b>

1. The figure for the United States includes 20 cases in litigation, 63 formal investigations and 163 preliminary investigations.
2. One of the cases being investigated in Austria is also under investigation in Croatia.
3. The figure for Canada includes 68 active files and 122 allegations.
4. The figure for Latvia is a minimum figure since four of the investigations are of specific atrocities not of individual suspects.
5. The case under investigation in Australia is the same case being investigated in Hungary.

**ONGOING INVESTIGATIONS OF NAZI WAR CRIMINALS:**  
**COMPARATIVE STATISTICS 2001 – 2005**

	<b>January 1, 2001 –March 31, 2002</b>	<b>April 1, 2002 – March 31, 2003</b>	<b>April 1, 2003 – March 31, 2004</b>	<b>April 1, 2004 – March 31, 2005</b>
United States <sup>1</sup>	175	275	285	246
Lithuania	110	108	25	21
Canada	78	67	194	190
Poland	48	13	350	450
Germany	27	13	35	46
Great Britain	6	2	1	1
Croatia	3	2	1	2
Austria	3	4	27	199
Latvia <sup>2</sup>	2	5	5	58
Netherlands	1	0	0	6
Estonia	1	2	3	3
Costa Rica	1	0	0	0
Denmark	0	1	2	11
Italy	0	0	12	13
Romania	0	0	0	4
Australia	0	0	0	1
Hungary	0	0	0	1
<b>Total</b>	<b>455</b>	<b>492</b>	<b>940</b>	<b>1,252</b>

1. The figure for January 1, 2001 – March 31, 2002 includes only formal investigations, while the figure for April 1, 2002 – March 31, 2003 includes formal investigations (107) and preliminary inquiries (168).
  
2. Both cases for January 1, 2001 – March 31, 2002 are of persons already deceased. Two of the five cases for April 1, 2002 – March 31, 2003 are of persons deceased.

## **INVESTIGATION AND PROSECUTION REPORT CARD**

As part of this year's Annual Status Report, we have given grades ranging from A (highest) to F which reflect the Wiesenthal Center's evaluation of the efforts and results achieved by various countries during the period under review. (Countries which failed to respond to the questionnaire, and in which there is no indication of any activity to investigate and/or prosecute Nazi war criminals, were listed in Category X.)

The grades granted are categorized as follows:

### **Category A: Highly Successful Investigation and Prosecution Program**

Those countries which have adopted a proactive stance on the issue, have taken all reasonable measures to identify the potential suspected Nazi war criminals in the country in order to maximize investigation and prosecution and have achieved notable results during the period under review.

### **Category B: Ongoing Investigation and Prosecution Program Which Has Achieved Practical Success**

Those countries which during the period under review have obtained at least one conviction and/or filed an indictment accompanied by an extradition request (if the suspect was living elsewhere).

### **Category C: Minimal Success, Which Could Have Been Greater; Additional Steps Urgently Required**

Those countries which have failed to obtain any convictions or file at least one indictment (with an extradition request) during the period under review, but have either advanced ongoing cases currently in litigation or have opened new investigations which have serious potential for prosecution.

### **Category D: Insufficient and/or Unsuccessful Efforts**

Those countries which have ostensibly made at least a minimal effort to investigate Nazi war criminals but which failed to achieve any practical results, or those countries in which the issue had no practical dimension during the period under review. In many cases these countries have stopped or reduced their efforts to deal with this issue long before they should have and could achieve important results if they were to change their policy.

### **Category F: Total Failure**

Those countries which refuse in principle to investigate, let alone prosecute, suspected Nazi war criminals despite clear-cut evidence that such individuals were living within their borders.

### **Category A - Highly Successful Proactive Prosecution Program**

1. United States – Since its establishment in 1979, the OSI, currently headed by Eli M. Rosenbaum, Esq., has conducted the most successful program of its kind in the world. During the period under review, OSI continued to achieve outstanding results obtaining five convictions and filing three new cases. At the moment, OSI has twenty cases in litigation and is examining an additional two hundred and twenty-six cases. In addition, thirty-four new investigations were initiated, five names were added to the “watch-list” of those barred from entering the United States (among them more than 70,000 Nazi war criminals and collaborators) and two such individuals were denied entry during the period under review.

The scope of the success achieved by the OSI is clearly reflected in the high number of convictions it has hereto obtained. In fact, in May 2005 (shortly after the period under review in this report), it achieved a truly remarkable milestone when it won a case against its one-hundredth defendant, in this case Trawniki labor camp SS-guard Josias Kumpf of Racine, Wisconsin. While acknowledging the lower level of proof required in civil as opposed to criminal cases, the results achieved by OSI clearly underscore the professional excellence and dedication of its director and staff and the critical role played by political will in the prosecution of Holocaust perpetrators.

Of particular note among the cases dealt with during the period under review is the case of Sobibor and Majdanek death camp guard John (Ivan) Demjanjuk. OSI should be commended for its perseverance in pursuing this case, despite various legal setbacks which resulted in Demjanjuk’s return to the United States following his conviction by the Israeli Supreme Court for the relatively-minor offense of membership in a Nazi organization and the return of his American citizenship. In April 2004, Demjanjuk was again stripped of his US citizenship and now faces

deportation, although it is not clear whether a country can be found which will admit him.

**Category B - Ongoing Prosecution Program Which Has Achieved Practical Success**

1. Denmark – On December 7, 2004, the city court of Lyngby sentenced Soeren Kam in absentia for murder and approved his extradition from Germany, where he currently resides. On December 20, that ruling was confirmed by the Danish district court (Oestre Landsret) and on March 17, 2005, Denmark officially requested his extradition from Germany.

In addition, in November 2004, the Danish Attorney-General instructed the Justice Ministry to request legal assistance from the German and Austrian authorities in the cases of: Bernhard Galle, Adam Hännemann, Hermann Hövermann, Carl Kässemodel, Eduard Walther Nagel, Hans Naumann, Heinrich Wilden, Adam or Toni Gfoller and Friedrich Lackner, all of whom are suspected of complicity in murder committed during the German occupation of Denmark.

2. Hungary – In late February 2005, Hungarian prosecutors asked a court to issue an arrest warrant against former Hungarian army officer Karoly (Charles) Zentai who is suspected of murdering at least one Jewish teenager in Budapest in November 1944 and was discovered living in Perth, Australia by the Simon Wiesenthal Center in the framework of its “Operation: Last Chance” project.

On March 3, 2005, the Hungarian authorities issued an arrest warrant against Zentai, which was followed by a request submitted by Hungary to the Australian government for his extradition to stand trial in Budapest.

The expeditious treatment accorded the Zentai investigation by the Hungarian judicial authorities, which since the return to democracy have hereto never investigated, let alone prosecuted, any local Nazi collaborators, was truly exemplary and therefore deserving of the highest grade achieved by Hungary since this report was initially launched.

Category C - Minimal Success Which Could Have been Greater; Additional Steps  
Urgently Required

1. Australia – During the period under review, Australia conducted an investigation of former Hungarian army officer Karoly (Charles) Zentai, who is accused of the murder of at least one Jewish teenager in Budapest in November 1944 and was discovered residing in Perth by the Simon Wiesenthal Center in the framework of its “Operation: Last Chance” project. Australian Justice Minister Chris Ellison recently (July 2005) signed an extradition request submitted by the Hungarian authorities, but Zentai intends to appeal the decision in hearings slated to begin in September 2005.

The potential extradition of Zentai is likely to be the final opportunity for Australia to take successful legal action against a Nazi war criminal resident in the country. Despite amending existing laws to facilitate the extradition of suspected Nazi war criminals to Lithuania and Latvia, Australia remains the only major Western country of refuge which admitted at least several hundred Nazi war criminals and collaborators, which has hereto failed to take successful legal action against a single one.

In recent years, numerous attempts have been made by the Australia-Israel Jewish Affairs Committee and the Simon Wiesenthal Center to convince the Australian authorities to adopt civil remedies (denaturalization and/or deportation) to deal with the Holocaust perpetrators living in the country, but the government has hereto refused to do so. This policy is in contrast to the 1997 decision by the Australian government to denaturalize and deport criminals who entered the country under false pretenses from the date of the change in the law. The refusal to make this policy retroactive has spared those who entered Australia prior to 1997 from such prosecution, among them practically all of the Nazi war criminals and collaborators in the country.

2. Canada – As one of the two countries in the world (along with the United States) which currently apply the civil remedies of denaturalization and deportation against Nazi war criminals, it was hoped that Canada would be among the countries which

achieved the best results in the efforts to prosecute Holocaust perpetrators. Unfortunately, however, that has not been the case to date, and even those cases which the Canadian Crimes Against Humanity and War Crimes section have initially won remain unresolved as defendants have utilized the appeal process to block their denaturalization and/or deportation from Canada.

During the past decade, since the switch was made from prosecution on criminal charges to the application of civil remedies, the Canadian authorities have initiated twenty-one cases and obtained eight denaturalizations against defendants residing in Canada, not a single one of whom, however, has been deported. Two defendants voluntarily left the country and six died during the course of the proceedings against them. Three won their cases against the government.

During the period under review, Canada failed to obtain any convictions or to file any indictments, and no practical results were achieved in the cases won by the government in the past. These extremely disappointing results contrast sharply with the successes continually registered year after year by the American Office of Special Investigations which also applies civil remedies against Nazi war criminals.

Given the fact that the Holocaust perpetrators who emigrated to both countries very much fit the same geographic and biographical profile, the large discrepancy between the impressive results achieved in the United States and the minimal progress made in Canada should be cause for serious concern and analysis in Ottawa.

3. Germany – For the first time since the Wiesenthal Center began publishing its Annual Status Report (the first report covered the period from January 1, 2001 until March 31, 2002), Germany failed during the period under review, to obtain a single conviction or file a single indictment.

In addition, the proceedings against Prof. Rosemarie Albrecht, who was charged in January 2004 with participation in the murder of at least 159 women and 11 children in a psychiatric hospital in Stadroda in Thuringia in the framework of the Nazis' euthanasia program were stopped in February 2005 because the defendant was considered medically unfit to stand trial. This marks the second year in a row in

which the prosecution in Germany of a World War II criminal was halted due to health reasons. In February 2004, the trial of former SS-man Hubertus Bikker, who was charged with the murder of a Dutch civilian, was suspended when he was declared medically unfit.

The only positive practical result achieved in Germany during the period under review was the opening in Munich of the trial of Ladislav Nizanansky, who was charged with the murder of Jews and Slovak partisans as commander of the Nazi “Edelweiss” police unit.

An important problem related to the prosecution of Nazi war criminals, which has arisen in Germany during the past year, has been whether it should admit individuals deported from the United States for concealing their World War II service in Nazi-sponsored units. In recent years, the American Office of Special Investigations has succeeded in obtaining court decisions ordering the deportation from the United States of individuals who, for example, served as guards at Nazi concentration camps in Poland and/or Germany but whom no country was willing to admit, a situation which prevented their deportation from the United States. In fact, during the period under review, two individuals – Wasyl Krysa who served as a guard at the Poniatowa slave labor camp in Poland and at the Gusen subcamp of Mauthausen, and Bronislaw Hajda who served as an armed guard at the Treblinka and Trawniki labor camps and participated in the massacre of Jewish inmates at the former – died in the United States before their removal could be carried out. The United States has asked Germany to accept such persons in view of their service in Nazi-sponsored units, but to date the government has categorically refused to do so, despite Germany’s ostensible responsibility to assist in the removal of such persons from the United States, and the support for such a policy expressed by Kurt Schrimm, the director of the “Zentrale Stelle,” the special office in Germany which is in charge of investigating Nazi crimes.

4. Italy – During the period under review, Italy has continued its renewed efforts to prosecute individuals who participated in atrocities against Italian civilians during the years 1944-1945. Several of the investigations have reached the trial stage, but during the period under review no convictions were obtained nor were any new

indictments filed. One of the positive developments has been an increase in the number of suspects under investigation and for the first time the inclusion of Italian suspects.

The establishment of a specialized agency to investigate and prosecute these cases could probably considerably facilitate the expedition and the expansion of the research effort to uncover additional suspects.

5. Latvia – During the period under review, no convictions were obtained nor were any indictments filed. At the present time, investigations are being carried out regarding the mass murder of Jews and other civilians during World War II in the following locations: Valmiera region, Tukums region (murder of Gypsies), and Strenci Psychiatric Hospital, as well investigations against specific individuals, most of whose names were submitted by the Simon Wiesenthal Center in the framework of “Operation: Last Chance.”
  
6. Lithuania – The good news is that former Saugumas (Lithuanian Security Police) operative Algimantas Dailide has finally been charged by the Lithuanian authorities, more than a year after his deportation from the United States and seven years after his denaturalization by the Office of Special Investigations for concealing his wartime past and his participation in the persecution of Jews in the Vilnius Ghetto. For reasons unclear to us, however, Lithuania has hereto refrained from submitting an extradition request for Dailide to Germany, where he currently resides. Past experience in Lithuania, where high-ranking Lithuanian Nazi collaborators Aleksandras Lileikis and Kazys Gimzauskas were only indicted after it was clear that they were medically unfit to stand trial, would indicate that this inexplicable delay does not augur well for Dailide’s prosecution in Vilnius.

Also of importance is the fact that during the period under review ten rehabilitations granted illegally to persons convicted by Soviet courts (among them an unknown number – usually 90% - of Nazi war criminals and collaborators) were cancelled by the Lithuanian judicial authorities.

In the meantime, the investigation of several suspects submitted by the Wiesenthal Center, following their discovery in the framework of “Operation: Last Chance” continues but has not yet yielded a conviction or an indictment.

7. Netherlands – During the past year, the Dutch government has approached the German Ministry of Justice regarding the possibility that six individuals sentenced in the Netherlands to imprisonment for crimes committed during World War II, but currently residing in Germany, will serve their sentences in German prisons. The individuals in question are:

1. Hubertus Bikker (sentenced to life imprisonment; indicted in Germany, but his trial was suspended in February 2004 for medical reasons)
2. H. Boere (sentenced to life imprisonment)
3. S. Bruins (sentenced to life imprisonment)
4. T. Soetebier
5. K.C. Faber
6. J.W. van der Tuin

8. Poland – For the past two years, Poland has had the highest number of new and ongoing investigations, yet these figures have yet to yield a single new indictment, let alone a conviction. Under these circumstances, the question is whether Poland will be able to prosecute any of the suspects currently under investigation during the next few years, while criminal prosecution is still possible. At present there are at least two cases in which the Institute of National Memory (Institut Pamięci Narodowej) has decided to press criminal charges against suspected Nazi war criminals, who hopefully will be indicted and prosecuted during the coming year.

## Category D – Insufficient and/or Unsuccessful Efforts

1. Austria - While the number of new and ongoing investigations in Austria is exceptionally high, they have hereto not resulted in a single indictment, let alone conviction. In fact, during the past three decades, not a single Nazi war criminal has been convicted in Austria.

During the coming year, Austria's declared intention of bringing Holocaust perpetrators to justice will be put to the test in the case of Milivoj Ašner (Georg Aschner), who in 1941-1942 served as the chief of police in the Croatian city of Požega, where he actively participated in the persecution and deportation to Croatian concentration camps, in which most were murdered, of hundreds of Serbs, Jews, and Gypsies. Ašner was exposed by the Wiesenthal Center on June 30, 2004 in the framework of the launching in Croatia of "Operation: Last Chance," but he fled shortly thereafter to Klagenfurt, Austria, where he currently resides at Paulistchgasse 8. Austria will apparently have to decide whether to prosecute Asner in Klagenfurt, accede to an extradition request from Croatia which will most likely be sent to Vienna in the early fall, or decline to take legal action against the former Ustashe operative.

2. Bosnia-Herzegovina – During the period under review, no convictions were obtained, nor were any indictments filed or investigations initiated.
3. Colombia – During the period under review, no convictions were obtained, nor were any indictments filed or investigations initiated.
4. Croatia – On June 30, 2004, following the submission by the Simon Wiesenthal Center to Attorney-General Mladen Bajić of extensive documentation (collected by researcher Alen Budaj) regarding the crimes committed by Požega police chief Milivoj Ašner, during the years 1941-1942, a criminal investigation into his wartime activities was officially initiated. The case was transferred on January 28, 2005 to the jurisdiction of the Požega County State Attorney and, in the meantime, a warrant for

his investigation has been issued, but he has not yet been indicted, nor have the Croatian authorities requested his extradition from Austria.

5. Estonia – During the period under review, no practical progress was made on any of the cases currently under investigation. The Estonian Security Police Board is currently examining three cases, but none of the individuals under suspicion has been declared an official suspect, let alone indicted. Given our knowledge of the evidence against the suspects in two of the cases in question, the failure of the Estonian authorities to proceed is inexplicable.
6. Finland – During the period under review no convictions were obtained, nor were any indictments filed or investigations initiated.

The official governmental investigation into the deportation to Nazi Germany of approximately three thousand foreigners, among them many Jewish Soviet prisoners of war and Soviet political officers, which was launched at the request of the Simon Wiesenthal Center, continues under the direction of Dr. Jussi Nuorteva, director-general of the National Archives of Finland.

7. Great Britain – During the period under review, the government continued its investigation of the 14<sup>th</sup> Waffen-SS Division, but no convictions were obtained nor were any new cases filed. For the past few years, the Wiesenthal Center has urged the British authorities to prosecute Holocaust perpetrators for immigration and naturalization violations as has been done with great success by the United States, but until now no such change has been made. Home Secretary Blunkett informed the Center three years ago that a proposal to that effect would be presented to Parliament but this hoped-for change has not been instituted.
8. New Zealand – During the period under review, no convictions were obtained, nor were any indictments filed or investigations initiated.

9. Romania – On February 8, 2005, the Wiesenthal Center asked Attorney-General Dr. Ilie Botos to investigate the cases of four Romanian suspects discovered in the framework of “Operation: Last Chance” who are alleged to have participated in the persecution and/or murder of Jews during World War II. During the period under review, no response was received from the Romanian authorities, nor were any legal measures initiated against the suspects.

In this context, it should be noted that from the institution of democracy in Romania, there has never been a single investigation, let alone a prosecution, of a Romanian suspected of participation in Holocaust crimes, and at least two high-ranking Romanian officers convicted after World War II for their roles in the mass murder of Jews in Bessarabia and Bukovina in 1941 were granted official pardons canceling their convictions.

10. Slovakia – During the period under review, no convictions were obtained, nor were any indictments filed or investigations initiated.

11. Slovenia - During the period under review, no convictions were obtained, nor were any indictments filed or investigations initiated.

### **Category F - Total Failure**

1. Norway – According to Norwegian law, there is a statute of limitations on murder cases, which in principle makes the investigation, let alone prosecution, of Holocaust perpetrators impossible in Norway.
2. Sweden –The Swedish government refuses in principle to investigate, let alone prosecute, Swedish Nazi war criminals and/or Nazi war criminals (mostly from the Baltics) who found refuge in Sweden after World War II, due to a statute of limitations on murder, which was instituted in 1926. Thus despite extensive evidence regarding the crimes committed by these individuals during the Holocaust, and contrary to its active involvement in Holocaust education worldwide, Sweden

remains among the few countries which in principle refuse to take legal action against Holocaust perpetrators.

3. Syria – Despite abundant convincing evidence to the contrary, Syria has consistently denied that Alois Brunner, who bears direct responsibility for the deportation to Nazi death camps of 128,500 Jews from Austria, Greece, France, and Slovakia is living in Damascus. In March 2001, Brunner was sentenced in absentia to life imprisonment (for the third time) in France. Germany, Austria, Slovakia, France and Poland currently seek his extradition, but the Syrians have been totally uncooperative regarding this case.
  
4. Ukraine – Since it gained independence from the Soviet Union in 1991, there has never been an investigation, let alone a prosecution, of suspected Ukrainian Nazi war criminals in the Ukraine. No effort has ever been made by the Ukrainian judicial authorities to examine the cases of Ukrainians suspected of participation in Holocaust crimes, whether they were residents of the Ukraine or living abroad. In fact, until Ukraine received an F this year, the Ukrainian authorities had never even responded to the Wiesenthal Center’s questionnaire on the investigation and prosecution of Nazi war criminals, the answers to which form the basis of this report.

**INVESTIGATION AND PROSECUTION REPORT CARD: COMPARATIVE****STATISTICS 2001-2005**

	<b>2001 2000/1</b>	<b>2002 2001/2</b>	<b>2003 2002/3</b>	<b>2004 2003/4</b>	<b>2005 2004/5</b>
Argentina	C	X	D	D	X
Australia	D	D	D	D	C
Austria	D	D	D	C	D
Belarus		X	X	X	X
Belgium		X	X	X	X
Bolivia		X	X	X	X
Bosnia-Herzegovina		X	X	X	D
Brazil		X	X	X	X
Canada	B	B	C	B	C
Chile		X	X	X	X
Colombia		F	F	F	D
Costa Rica	C	D	C	X	X
Croatia	C	D	D	D	D
Czech Republic		D	X	X	X
Denmark		D	D	D	B
Estonia	D	D	D	D	D
Finland		D	D	D	D
France	B	C	D	D	X
Germany	B	B	B	B	C
Great Britain	C	D	D	D	D
Greece		X	X	X	X
Hungary		X	D	D	B
Italy	B	C	C	C	C
Latvia	C	D	C	C	C
Lithuania	C	C	C	C	C
Luxemburg		X		X	X
Netherlands		D	X	D	C
New Zealand	D	D		D	D

Norway		D	F	F	F
Paraguay		X		X	X
Poland		B	C	C	C
Romania		X	D	F	D
Russia		X	X	X	X
Scotland	D	D	-	-	-
Slovakia		X	D	D	D
Slovenia				D	D
Spain			D	D	X
Sweden	F	F	F	F	F
Syria	F	F	F	F	F
Ukraine		X	X	X	X
United States	A	A	A	A	A
Uruguay		X	X	X	X
Venezuela		F	X	F	X
Yugoslavia		X	X	X	X

## SWC MOST WANTED LIST OF NAZI WAR CRIMINALS

### **1. Alois Brunner – Syria**

Key operative of Adolf Eichmann

Responsible for deportation of Jews from Austria (47,000), Greece (44,000), France (23,500), and Slovakia (14,000) to Nazi death camps

Status – Syrian refusal to cooperate stymies prosecution efforts; convicted in absentia by France

### **2. Dr. Aribert Heim - ?**

Doctor in Mauthausen and Buchenwald concentration camps

Murdered hundreds of camp inmates by lethal injection

Status – disappeared in 1962 prior to planned prosecution; strong evidence that he is still alive

### **3. Ivan Demjanjuk – USA**

Participated in mass murder of Jews in Sobibor death camp; also served in Majdanek death camp and Trawniki SS-training camp

Status – denaturalized in USA and currently facing deportation; under investigation in Poland

### **4. Ladislav Niznansky - Germany**

Commander of Nazi “Edelweiss” unit that murdered dozens of Jews and Slovak anti-Nazi partisans

Status: currently on trial in Germany

### **5. Milivoj Ašner – Austria**

Police chief of Slavonska Požega, Croatia

Active role in persecution and deportation to death of hundreds of Serbs, Jews, and Gypsies

Status – discovered in 2004 in framework of “Operation: Last Chance;” under investigation in Croatia and Austria

**6. Jack Reimer – USA**

Participated in murder of Polish Jews as officer of Trawniki SS-training camp

Status: denaturalized in USA and currently facing deportation

**7. Mikhail Gorshkow – Estonia**

Participated in murder of Jews in Belarus

Status: denaturalized in USA, under investigation in Estonia

**8. Karoly (Charles) Zentai – Australia**

Participated in manhunts, persecution, and murder of Jews in Budapest in 1944

Status – discovered in 2004 by “Operation: Last Chance;” Hungary has issued an international arrest warrant against him and has asked for his extradition from Australia

**9. Algimantas Dailide – Germany**

Arrested Jews murdered by Nazis and Lithuanian collaborators

Status: deported from USA; indicted by Lithuania, which has not yet sought his extradition

**10. Harry Mannil – Venezuela**

Arrested Jews and Communists executed by Nazis and Estonian collaborators

Status: under investigation in Estonia

## **Simon Wiesenthal Center**

### **Snider Social Action Institute**

The Simon Wiesenthal Center is an international Jewish human rights organization dedicated to preserving the memory of the Holocaust by fostering tolerance and understanding through community involvement, educational outreach and social action. The Center confronts important contemporary issues including racism, anti-Semitism, terrorism and genocide and is accredited as an NGO both at the United Nations and UNESCO. With a membership of over 400,000 families, the Center is headquartered in Los Angeles and maintains offices in New York, Toronto, Miami, Jerusalem, Paris and Buenos Aires.

Established in 1977, the Center closely interacts on an ongoing basis with a variety of public and private agencies, meeting with elected officials, the U.S and foreign governments, diplomats and heads of state. Other issues that the Center deals with include: the prosecution of Nazi war criminals; Holocaust and tolerance education; Middle East Affairs; and extremist groups, neo-Nazism, and hate on the Internet.

The Center is headed by Rabbi Marvin Hier, its Dean and Founder. Rabbi Abraham Cooper is its Associate Dean and Rabbi Meyer May its Executive Director.

#### **International headquarters:**

1399 South Roxbury Drive

Los Angeles, California 90035

UNITED STATES

Tel: 310/553-9036 or (toll-free from within the U.S.) 800/900-9036

Fax: 310/553-4521

Email: [information@wiesenthal.com](mailto:information@wiesenthal.com)

Website: [www.wiesenthal.com](http://www.wiesenthal.com)

## **Simon Wiesenthal Center - Israel Office**

Since its establishment in Jerusalem in 1986, the Simon Wiesenthal Center's Israel Office has made the efforts to help bring Nazi war criminals to justice the primary focus of its activities. Founded by Holocaust historian Dr. Efraim Zuroff, who also coordinates the Center's Nazi war crimes research worldwide, the office has played an important role in tracking down and exposing escaped Nazi war criminals and in helping to facilitate their prosecution. During the past nineteen years, the office has carried out innovative research which has helped identify over 2,850 suspected Nazi war criminals, most of whom escaped to Western democracies after World War II. It also played an important role in helping to convince countries of refuge such as Canada (in 1987), Australia (in 1989), and Great Britain (in 1991) to pass special legislation to enable the prosecution of Nazi war criminals residing in those countries.

Following the dismemberment of the Soviet Union and the fall of Communism, the Israel Office has been particularly active in Eastern Europe, and especially in the Baltics, in helping to identify Holocaust perpetrators and convince often-reluctant governments to bring local Nazi war criminals to justice. It has also exposed the illegal rehabilitations granted in independent Lithuania and Latvia to dozens of individuals convicted by Soviet courts who had actively participated in the mass murder of Jews during the Holocaust.

During the past decade these efforts have intensified and have been expanded to include the fight for historical truth in many of the countries in which the Holocaust took place, as well as the struggle against contemporary anti-Semitism. These three objectives are the goals which in 2002 prompted the Israel Office to launch, together with the Targum Shlishi Foundation of Miami, Florida, founded and headed by Aryeh Rubin, of "Operation: Last Chance," which offers financial rewards for information which will facilitate the conviction and punishment of Nazi war criminals. Utilizing special ads created for the project, "Operation: Last Chance" has not only helped identify over 360 suspected Holocaust perpetrators, but has also focused public attention on the important role played by the locals in the mass murder of Jews in virtually every country in Eastern Europe.

**Contact Information**

Director: Dr. Efraim Zuroff  
Office Manager: Talma Hurvitz  
1 Mendele St.  
Jerusalem 92147  
ISRAEL  
Tel: 972-2-563-1273/4/5  
Fax: 972-2-563-1276  
Email: swcjerus@netvision.net.il  
Website: www.operationlastchance.org

**International offices:**

SWC – New York  
Director - Rhonda Barad  
50 East 42nd St., 16th Floor  
New York, NY 10017  
UNITED STATES  
Tel: 212/370-0320  
Fax: 212/883-0895  
Email: swcny@swcny.com

SWC – Florida  
Director – Bob Novak  
4601 Sheridan St., Suite 220  
Hollywood, Fl. 33021  
UNITED STATES  
Tel: 954/966-1118  
Fax: 954/966-1533  
Email: swcsouthern@aol.com

SWC – Toronto  
Director of National Affairs - Leo Adler  
5075 Yonge St., Suite 902  
Toronto, Ontario M2N 6C6  
CANADA  
Tel: 416/864-9735

Fax: 416/864-1083

Email: [swc\\_cdn@pathcom.com](mailto:swc_cdn@pathcom.com)

SWC – Paris

Director - Shimon Samuels

64 avenue Marceau

75008 Paris

FRANCE

Tel: 331/47-23-76-37

Fax: 331/47-20-84-01

Email: [csw europe@compuserve.com](mailto:csw europe@compuserve.com)

Website: [www.wiesenthal-europe.com](http://www.wiesenthal-europe.com)

SWC – Buenos Aires

Director - Sergio Widder

Maipu 853 4° 1006

Buenos Aires

ARGENTINA

Tel: 5411/4347-4313

Fax: 5411/4313-3985

Email: [cswlatin@einstein.com.ar](mailto:cswlatin@einstein.com.ar)

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