

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

**(April 1, 2006 – March 31, 2007)**

**An Annual Status Report**

**Dr. Efraim Zuroff**

**Simon Wiesenthal Center – Israel Office**

**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 twelve countries, among them countries such as Germany, Austria and Poland in which the crimes of the Holocaust were committed and others like the United States and Canada which afforded a postwar haven to Holocaust perpetrators.
2. From April 1, 2006 until March 31, 2007, twenty-one convictions of Nazi war criminals were obtained. Most of those convicted participated in atrocities against civilians in Italy or served as armed guards in concentration and death camps in Poland and Germany. The number of convictions is higher by five than the number achieved during the previous year. From January 1, 2001 until March 31, 2007, a total of sixty-nine convictions of Nazi war criminals were obtained all over the world. Of these convictions, thirty-four were in the United States with the others convicted in Italy (25), Germany (3), Canada (3), Lithuania (2), Poland (1), and France (1).
3. During the period under review, legal proceedings were initiated against at least six Nazi war criminals, all in the United States. The number of indictments obtained this year is higher by one than the figure achieved during the previous year. From January 1, 2001, forty-four indictments have been submitted against Nazi war criminals, the majority in the United States.
4. This year we have chosen the United States and Italy as the countries which have achieved the most outstanding record in bringing Nazi war criminals to justice. At the same time, we have singled out fourteen different countries who, in our opinion, have failed to achieve the results which they should have during the period under review. For the first time ever, the countries who have received a failing grade (F) have been divided into two different categories: F-1 for those countries which in principle are either unwilling or unable to investigate and/or prosecute Nazi war criminals [Syria (ideological reasons), Norway and Sweden (statutes of limitations)] and F-2 for those countries which are able, at least in theory, to take legal action against Holocaust perpetrators, but have failed to achieve significant positive results during the period under review (Australia, Austria, Canada, Croatia, Estonia, Germany, Great Britain, Latvia, Lithuania, Poland, Ukraine). The reasons for the failing grade awarded to each country are explained in the report.

## **INTRODUCTION**

As time passes since the crimes of the Holocaust were committed, it would appear that the chances of successfully bringing Nazi war criminals to justice are rapidly diminishing, but in fact the opposite is true. Despite the passage of more than six decades since the end of World War II, the efforts to hold Holocaust perpetrators accountable are continuing with much greater success than in the past and there is considerable potential for significant achievements in the immediate future. This assessment is firmly reflected in the figures presented in this year's report which point to a significant increase for the second year in a row in the number of convictions of Nazi war criminals during the period under review and the existence, as of April 1, 2007, of hundreds of ongoing investigations of Nazi perpetrators in twelve different countries. It is true that the number of new investigations launched during the period under review was much lower than during the previous year, but at least 60 new investigations were launched in eight different countries, a figure which portends considerable potential for successful legal action.

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 2002, the Simon Wiesenthal Center has published an annual report to document 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 April 16, 2007. 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 often noted his sense of personal obligation toward the victims of the Holocaust to do his utmost to maximize the number of murderers forced to pay for their crimes. Needless to say, such trials also play an important role in educating the public about the Holocaust, preserving its memory and helping to combat contemporary anti-Semitism, racism, and xenophobia.

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The figures and statistics which appear in this report were primarily provided by the pertinent agencies dealing with this issue in each country. We have tried to the best of our ability to point to various problems and lacunae in the information supplied. 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 Office  
Coordinator, SWC Nazi War Crimes Research

## **THE PERIOD UNDER REVIEW: APRIL 1, 2006 – MARCH 31, 2007**

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.

The most notable development during the period under review was the significant increase in the number of convictions recorded during the past year. From April 1, 2006 until March 31, 2007, twenty-one Nazi war criminals were convicted for their crimes, whereas sixteen convictions were recorded during the previous year. Also of note was the fact that the trend which began the previous year, when for the first time since this report was initiated in 2002, the number of Nazi war criminals convicted on criminal charges was larger than the number stripped of their citizenship and/or deported, continued and even became stronger. While it is true that a majority of those convicted on criminal charges were tried in absentia, the significance of their successful prosecution should not be underestimated. Two negative developments during the period under review were a significant decrease in the number of new investigations initiated, as well as a much smaller drop in the number of ongoing investigations being conducted as of April 1, 2007 and the number of countries carrying out these investigations.

In analyzing the results presented in this report, the critical importance of political will in bringing Nazi war criminals to justice is increasingly evident. Thus the renewed efforts by Italy to prosecute German perpetrators led to the highest number of convictions ever recorded since these reports were initially published. Once again, the results clearly indicate that the chances of successful prosecutions in countries reluctant to bring Holocaust perpetrators to justice are minimal or nonexistent.

At the same time, the success of the United States in bringing Nazi war criminals to justice continues at the same impressive pace as in previous years. And while it is true that the method of denaturalization and deportation employed in the United States does have certain inherent advantages over criminal prosecution in terms of achieving successful convictions, a comparison of the results achieved in America and Canada, both of which level civil, rather than criminal, charges against World War II criminals clearly shows that while there is abundant political will in the United States to bring these criminals to justice, the same cannot be said about Canada. Thus since 2001, the Americans have won 34 cases and the Canadians only 3, and the latter have failed to deport any of the eight Nazi war criminals denaturalized since 1994, when the Canadians switched from criminal to civil prosecution.

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; 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.

Additional developments, such as the increased worldwide 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 far greater 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.

Thus during the period under review, not a single conviction was obtained in Eastern Europe, despite the fact that numerous post-Communist countries such as Lithuania, Latvia and especially Poland, are currently conducting many such investigations. And while the lack of results achieved no doubt reflects the objective difficulties involved in the criminal prosecution of crimes committed several decades previously, there is no doubt that the absence 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 rarely resulted in serious efforts to locate and bring to trial unprosecuted local Nazi collaborators. Even in those countries such as Croatia and Poland which have each successfully prosecuted a single Holocaust perpetrator, the results achieved could have been much better.

Elsewhere in Europe, with the exception of Italy, 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, which explains why it has achieved the most convictions on criminal charges of suspects able to be punished during the past five 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. To Germany’s credit, mention should also be made of the impressive efforts being made by the special police task force established to locate escaped Nazi war criminal Dr. Aribert Heim (number 2 on the SWC “Most Wanted” list).

On the negative side of the ledger, Germany has failed to assume responsibility for those criminals who served under German aegis in security police units or concentration camps who have been ordered deported by American courts, but whose countries of origin are refusing to accept them. In addition, there appears to be a lack of urgency among certain German prosecutors in the handling of World War II cases, a factor which no doubt accounts for the paucity of practical judicial results during the past two years.

In Austria, which has consistently failed to achieve any practical success, the negative effects of the lack of a specialized prosecution agency are particularly evident. Once again it 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 more than three decades.

Austria's continued failure to extradite Milivoj Ašner to Croatia to stand trial and her refusal last year to prosecute Majdanek guard Erna Wallisch are indicative of the general reluctance of the Austrians to bring to trial Holocaust perpetrators. In this respect, the relatively high number of ongoing cases currently being examined in Vienna is primarily an indication of intensified research by the Wiesenthal Center, rather than a manifestation of newly-found political will in Vienna to hold Nazi war criminals accountable.

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. Another problem encountered in Australia during the past year, is that suspected Holocaust perpetrator Charles Zentai, whose extradition for murder during the Holocaust has been requested by Hungary, has been able to postpone his appeal for over a year by raising technical challenges totally unrelated to his alleged crimes. The failure of the Australian legal system to expedite this case is another indication of the lack of sufficient political will in Canberra to prosecute Nazi war criminals.

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Besides the figures on convictions and indictments, it is important to assess the statistics on new investigations filed and ongoing cases, which are indicators of the practical results that can possibly be achieved during the coming years. As of April 1, 2007, the number of ongoing investigations is only slightly lower than those being conducted a year previously although there has been a significant decline in the number of new investigations reported, primarily due to the steep drop in Poland which initiated 141 investigations in 2005-6 but only two in 2006-7.

Nonetheless, with over one thousand 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. In 2004, it was launched in Croatia and Hungary and in 2006 in Germany. So far, the Center has received the names of four hundred and seventy-one suspects, ninety-four of which had been submitted to local prosecutors by July 1, 2007. The names of twenty-nine new suspects have been received during the period under review.

Among the project's major successes to date have been the submission of requests by Hungary to Australia for the extradition of Karoly (Charles) Zentai, currently residing in Perth, and by Croatia to Austria for the extradition of Milivoj Ašner, currently residing in Klagenfurt. Both are wanted for their participation in Holocaust crimes and are currently attempting to appeal against their return to their countries of origin to stand trial. Another promising case is that Dr. Sandor Kepiro, who was convicted in Hungary in January 1944 for his role in the January 1942 mass murder of at least 1,250 civilians (mostly Jews) in the city of Novi Sad (today Serbia, then

Hungarian-occupied Voivodina), but never served his sentence. He was discovered living in Budapest in the summer of 2006 in the framework of “Operation: Last Chance” and in March 2007, a criminal investigation for war crimes was opened against him.

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 sixteen 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 six names to the US watch-list of suspected Axis persecutors and denied three such individuals entry into the United States.

In summation, despite numerous obstacles and difficulties, significant progress was made during the period under review. If we combine the figures presented in our last six reports, we can point to sixty-nine convictions and forty-four indictments during the past seventy-five 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, 2006 – March 31, 2007

1. Italy – 15
2. United States of America – 6

Details of Convictions Obtained During the Period Under Review:

1. Italy

- A. On September 27, 2006, a military court in La Spezia convicted the following of participating in the June 27, 1944 mass murder of civilians in Falzano di Cortona (Arezzo district):
  1. Scheungraber, Josef (born 1918) – life imprisonment
  2. Stommel, Herbert (born 1918) – life imprisonment
- B. On October 10, 2006, a military court in La Spezia convicted the following of participating in the June 29, 1944 mass murder of civilians in Civitella Cornia, and San Pancrazio:
  1. Milde, Max Josef (born 1922) – life imprisonment
- C. On November 3, 2006, a military court in La Spezia convicted the following of participation in the August 27, 1944 murder in Branzolini and the September 9, 1944 murder in San Tome of ten civilians:
  1. Nordhorn, Heinrich (born 1919) – life imprisonment
- D. On November 13, 2006, a military court in Torino convicted the following of participation in the shooting in December 1944 – February 1945 of 56 civilians in Foce del Centa, Albenga:
  1. Dosse, Gerhard (born 1909) – life imprisonment

- E. On January 13, 2007, a military court in La Spezia convicted the following of participation in the September 29-30, 1944 massacre of approximately 700 civilians in Marzabotto:
1. Albers, Paul (born 1919) - life imprisonment
  2. Bauman, Josef (born 1925) - life imprisonment
  3. Bichler, Hubert (born 1920) - life imprisonment
  4. Roitmeier, Max (born 1922) - life imprisonment
  5. Schneider, Adolf (born 1920) - life imprisonment
  6. Schneider, Max (born 1925) - life imprisonment
  7. Speiler, Kurt (born 1925) - life imprisonment
  8. Traeger, Heinz Fritz (born 1923) - life imprisonment
  9. Wache, Georg (born 1921) - life imprisonment
  10. Wulf, Helmut (born 1923) - life imprisonment

2. United States

- A. June 29, 2006: Elfriede Rinkel – deportation  
served as SS guard at Ravensbrueck concentration camp
- B. September 29, 2006: Anton Geiser – denaturalization  
served as armed SS guard at the Sachsenhausen, Buchenwald, and Buchenwald subcamp at Arolsen concentration camps.
- C. November 17, 2006: Orest Galan – denaturalization  
served in the Ukrainian Auxiliary Police in Lviv, Ukraine
- D. January 3, 2007: Josias Kumpf – deportation  
served as armed SS Death's Head guard at the Sachsenhausen concentration camp in Germany and at the Trawniki SS labor camp in Poland, as well as at the construction site in France of V-1 and V-2 missiles

E. February 23, 2007: Vladas Zajanckauskas – deportation

served as noncommissioned officer in the SS auxiliary force based at the Trawniki training camp in Poland; participated in the liquidation of the Warsaw Ghetto in 1943

F. March 29, 2007: John (Ivan) Kalymon – denaturalization

served in the Ukrainian Auxiliary Police in Lviv, Ukraine where he personally shot Jews and participated in the roundup and deportation of Jews to death and concentration camps from the Lviv Ghetto

**CONVICTIONS OF NAZI WAR CRIMINALS:**  
**COMPARATIVE STATISTICS 2001-2007**

	<b>1.I. 2001 – 31.III. 2002</b>	<b>1.IV. 2002 – 31.III. 2003</b>	<b>1.IV. 2003 – 31.III. 2004</b>	<b>1.IV. 2004 – 31.III. 2005</b>	<b>1.IV. 2005 – 31.III. 2006</b>	<b>1.IV. 2006 – 31.III. 2007</b>	<b>Total</b>
United States	6	5	7	5	5	6	34
Italy	0	0	0	0	10	15	25
Canada	3	0	0	0	0	0	3
Germany	2	1	0	0	0	0	3
Lithuania	1	0	0	0	1	0	2
Poland	1	0	0	0	0	0	1
France	1	0	0	0	0	0	1
<b>Total</b>	<b>14</b>	<b>6</b>	<b>7</b>	<b>5</b>	<b>16</b>	<b>21</b>	<b>69</b>

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

United States – 6

### **United States**

1. May 1, 2006: Josef Wittje – deportation  
served as armed SS Death's Head guard at the Sachsenhausen concentration camp in Germany
2. June 1, 2006: Elfriede Rinkel – deportation  
served as guard at the Ravensbrueck concentration camp in Germany
3. June 23, 2006; Josias Kumpf – deportation  
served as armed SS Death's Head guard at the Sachsenhausen concentration camp in Germany, at the Trawniki labor camp in Poland, and at construction sites in France where inmates built launching platforms for Germany's V-1 and V-2 missiles
4. July 20, 2006: Vladas Zajancauskas – deportation  
served as SS noncommissioned officer at the Trawniki training camp and participated in the liquidation of the Warsaw Ghetto in Poland
5. November 16, 2006: Orest Galan – denaturalization  
served as member of the Ukrainian Auxiliary Police in Lviv, Ukraine
6. March 15, 2007: Osyp Firischak – deportation  
served as member of the Ukrainian Auxiliary Police in Lviv, Ukraine

**NEW CASES FILED: COMPARATIVE STATISTICS 2001 – 2007**

	<b>1.I. 2001 – 31.III. 2002</b>	<b>1.IV. 2002 – 31.III. 2003</b>	<b>1.IV. 2003 – 31.III. 2004</b>	<b>1.IV. 2004 – 31.III. 2005</b>	<b>1.IV. 2005 – 31.III. 2006</b>	<b>1.IV. 2006 – 31.III. 2007</b>	<b>Total</b>
United States	4	10	5	3	2	6	30
Germany	1	1	2	0	0	0	4
Canada	1	0	3	0	0	0	4
Italy	0	0	0	0	2	0	2
Lithuania	0	0	0	1	0	0	1
Hungary	0	0	0	1	0	0	1
Poland	0	0	0	0	1	0	1
Denmark	0	0	0	1	0	0	1
<b>Total</b>	<b>6</b>	<b>11</b>	<b>10</b>	<b>6</b>	<b>5</b>	<b>6</b>	<b>44</b>

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

United States	30
Germany <sup>1</sup>	22
Serbia	3
Italy	2
Poland	2
Australia	1
Denmark	1
Hungary	1
Lithuania	1
Canada <sup>2</sup>	?
<b>Total</b>	<b>63</b>

1. 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.
2. The Canadian Crimes Against Humanity and War Crimes Section of the Department of Justice claims that it is forbidden to provide such information.

**NEW INVESTIGATIONS OF NAZI WAR CRIMINALS:**  
**COMPARATIVE STATISTICS 2001 – 2007**

	<b>1.I. 2001 – 31.III. 2002</b>	<b>1.IV. 2002 – 31.III. 2003</b>	<b>1.IV. 2003 – 31.III. 2004</b>	<b>1.IV. 2004 – 31.III. 2005</b>	<b>1.IV. 2005 – 31.III. 2006</b>	<b>1.IV. 2006 – 31.III. 2007</b>	<b>Total</b>
Poland	48	8	172	306	141	2	677
Austria	10	3	60	272	1	0	346
United States	46	16	40	34	27	30	193
Lithuania	100	24	18	2	3	1	148
Germany <sup>1</sup>	9	?	9	27	38	22	105
Canada <sup>2</sup>	0	0	0	0	103	?	103
Italy	0	56	18	6	2	2	84
Latvia	0	4	16	0	0	0	20
Estonia	2	17	1	0	0	0	20
Australia	0	9	0	1	3	1	14
Denmark	0	0	1	9	0	1	11
Great Britain	6	1	0	0	0	0	7
Romania	0	0	0	4	0	0	4
Hungary	0	0	0	1	1	1	3
Serbia	0	0	0	0	0	3	3
Croatia	0	0	0	1	1	0	2
Spain	0	0	0	0	1	0	1
Slovenia	0	0	0	0	1	0	1
<b>Total</b>	<b>221</b>	<b>138</b>	<b>335</b>	<b>663</b>	<b>322</b>	<b>63</b>	<b>1,742</b>

1. The figures for Germany are incomplete due to the partial information supplied by the German judicial authorities.
2. The figures for Canada for the years 2001-5 and 2006-7 are incomplete due to the refusal of the pertinent Canadian authorities to provide statistics on the number of new investigations.

**ONGOING INVESTIGATIONS OF NAZI WAR CRIMINALS AS OF APRIL 1, 2007**

Poland	333
Canada <sup>1</sup>	255
United States <sup>2</sup>	221
Austria <sup>3</sup>	83
Latvia <sup>4</sup>	55
Lithuania	24
Germany	20
Italy <sup>5</sup>	17
Serbia	3
Croatia <sup>3</sup>	2
Denmark	2
Hungary	2
Estonia	1
France	1
<b>Total</b>	<b>1,019</b>

1. The figure for Canada which includes 37 active investigations and 218 allegations is as of March 2006, the most recent figure made available by the Canadian judicial authorities.
2. The figure for the United States includes 16 cases in litigation, 37 formal investigations and 168 preliminary investigations.
3. One of the cases being investigated in Austria is also under investigation in Croatia.
4. The figure for Latvia is a minimum figure since four of the investigations are of specific atrocities not of individual suspects.
5. The figure for Italy is a minimum figure since all the investigations being conducted are of specific atrocities carried out by numerous suspects.

**ONGOING INVESTIGATIONS OF NAZI WAR CRIMINALS:**  
**COMPARATIVE STATISTICS 2001 – 2007**

	<b>April 1, 2002</b>	<b>April 1, 2003</b>	<b>April 1, 2004</b>	<b>April 1, 2005</b>	<b>April 1, 2006</b>	<b>April 1, 2007</b>
United States <sup>1</sup>	175	275	285	246	236	221
Lithuania	110	108	25	21	26	24
Canada <sup>2</sup>	78	67	194	190	255	255
Poland	48	13	350	450	365	333
Germany	27	13	35	46	28	20
Great Britain	6	2	1	1	1	0
Croatia	3	2	1	2	2	2
Austria	3	4	27	199	131	83
Latvia <sup>2</sup>	2	5	5	58	53	55
Netherlands	1	0	0	6	6	0
Estonia	1	2	3	3	1	1
Costa Rica	1	0	0	0	0	0
Denmark	0	1	2	11	1	2
Italy	0	0	12	13	5	17
Romania	0	0	0	4	4	0
Australia	0	0	0	1	2	0
Hungary	0	0	0	1	2	2
Slovenia	0	0	0	0	1	0
Spain	0	0	0	0	1	0
Serbia	0	0	0	0	0	3
France	0	0	0	0	0	1
<b>Total</b>	<b>455</b>	<b>492</b>	<b>940</b>	<b>1,252</b>	<b>1,130</b>	<b>1,019</b>

1. The figure for January 1, 2001 – March 31, 2002 includes only formal investigations, while the figures for subsequent years include formal investigations and preliminary inquiries.
2. The latest figures are as of March 2006.
3. 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**

Every Annual Status Report includes 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 have taken the necessary measures to enable the proper investigation of Nazi war criminals and have obtained at least one conviction and/or filed an indictment during the period under review.

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

Those countries which have failed to obtain any convictions or indictments 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 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 might achieve important results if they were to change their policy.

**Category E: No known suspects**

Those countries in which there are no known suspects and no practical steps have been taken to uncover new cases.

**Category F-1: Failure in principle**

Those countries which refuse in principle to investigate, let alone prosecute, suspected Nazi war criminals because of legal (statute of limitation) or ideological restrictions.

**Category F-2: Failure in practice**

Those countries in which there are no legal obstacles to the investigation and prosecution of suspected Nazi war criminals, but whose efforts (or lack thereof) have resulted in complete failure during the period under review, primarily due to the absence of political will to proceed and/or a lack of the requisite resources and/or expertise.

**Category X: Failure to submit pertinent data**

Those countries which did not respond to the questionnaire, but clearly did not take any action whatsoever to investigate suspected Nazi war criminals during the period under review.

A: United States

B: Italy

C: Denmark, Hungary, Serbia

D: France, Romania

E: Bosnia, Finland, Russia, Slovakia, Uruguay

F-1: Norway, Sweden, Syria

F-2: Australia, Austria, Canada, Croatia, Estonia, Germany, Great Britain, Latvia, Lithuania, Poland, Ukraine

X: Argentina, Belarus, Belgium, Bolivia, Brazil, Chile, Colombia, Costa Rica, Czech Republic, Greece, Luxemburg, Netherlands, New Zealand, Paraguay, Slovenia, Spain, Venezuela

## 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 six convictions and filing six new cases. At the moment, OSI has sixteen cases in litigation and is examining an additional two hundred and five cases, among them thirty new investigations initiated during the past year. In addition six 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 three 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, during the year previous to the period under review, it achieved a truly remarkable milestone when it won a case against its one-hundredth defendant, in this case SS-Trawniki labor camp 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. They also clearly demonstrate that, given the right circumstances, successful legal action can be taken against Holocaust perpetrators even decades after they committed their crimes, a fact often purposely ignored by those critical of the contemporary efforts to bring Nazi war criminals to justice.

In assessing the activities of the OSI during the period under review, mention must be made of a serious problem hampering its activities which has become increasingly difficult in recent years. There are currently several cases of Nazi war criminals who have been ordered deported from the United States but whose deportation has been delayed for lack of a country willing to accept them. This is particularly true of individuals born in certain East European countries which have refused to accept individuals deported from the United States for concealing their wartime activities during World War II. During the past two years, at least two such persons have died in the United States after being ordered deported, because no country was willing to admit them. Under these circumstances, a powerful argument could be made that since they served in units under German aegis or in concentration camps built and operated by Nazi Germany, Germany should assume responsibility for them and admit them. But the Federal Republic has hereto consistently refused to do so. It is to be hoped that in the near future some solution can be found for this problem which might well become far worse. It would be a travesty of justice if these perpetrators could not be punished to the full extent of the law and that they would be able to stay in the United States until the end of their lives.

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

Italy – One of the most positive developments in recent years has been the renewed efforts by Italian military prosecutors to bring to trial German perpetrators of crimes against civilians in Italy during World War II.

During the period under review, Italian military prosecutors obtained the conviction of fifteen Nazi war criminals, by far the highest number ever achieved anywhere since the publication of this report was initiated in 2002 (to cover the period from January 1, 2001 until March 31, 2002). During the trials concluded, a total of nine suspects were acquitted, two died during the proceedings and three suspects were not located and apparently are no longer alive. Most of the trials took place in the military court in La Spezia, where fourteen of the fifteen convictions were obtained. The trial with the largest number of defendants was concluded on January 13, 2007 with the conviction of ten suspects and the acquittal of seven others in the massacre of Italian civilians in Marzabotto on September 29 and 30, 1944.

It should be noted that, unfortunately all of the trials of Nazi war criminals conducted in Italy during the period under review were in absentia, with not a single suspect present during the proceedings. Efforts by the Italian judicial authorities to obtain the extradition of the suspects, and/or of those convicted, all of whom with one exception (an Austrian) are German citizens residing in Germany, have hereto been rejected by the Federal Republic which refuses in principle to extradite its citizens.

Unfortunately, to date, there has been no effort to investigate Holocaust crimes in Italy or to examine the role of Italians in the deportation of Italian Jews to Auschwitz.

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

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

1. Denmark – The Danish judicial authorities have, during the period under review, made significant efforts to bring to justice Danish Nazi war criminal Soeren Kam who was charged in Copenhagen with the murder of Danish anti-Nazi newspaper editor Carl Henrik Clemmenson on August 30, 1943. In the wake of the resubmission to Germany on August 8, 2006 of a Danish request for Kam’s extradition, the criminal who has been living in Germany for decades, was supposed to be extradited to Copenhagen to serve his sentence. On February 4, 2007, however, the Oberlandesgericht in Munich ruled that the case fell under a German statute of limitations since his crime was manslaughter and not murder. Shortly thereafter, the author of this report submitted evidence to Danish Justice Minister Lene Espersen regarding the active role played by Soeren Kam in the theft of the community registrar of Danish Jewry which was carried out in order to facilitate the deportation of the Jews to Nazi concentration camps and asked the Danish authorities to renew their investigations of Kam’s crimes in the light of this evidence. Justice Minister Espersen replied that the material would be examined in order to determine whether it could serve as the basis for a renewed request for the extradition of Kam.
  
2. Hungary – During the period under review, the Hungarian authorities dealt with three important cases of unprosecuted and/or unpunished Holocaust perpetrators: Karoly Zentai, Lajos Polgar and Dr. Sandor Kepiro. The first two suspects were discovered in Australia following the launch of “Operation: Last Chance” in Hungary. In Zentai’s case, the Hungarian government has already requested his extradition to stand trial in Budapest, but that process has been continuously delayed by legal and technical challenges mounted by Zentai’s lawyer. (See the section on Australia.) The Hungarian justice authorities initiated an investigation for participation in genocide against Polgar on November 9, 2005, but the Arrow Cross youth leader died in Melbourne on July 8, 2006 while it was still being conducted.

The most recent Hungarian case discovered is that of former gendarmerie captain Dr. Sandor Kepiro, who was among the officers responsible for the January 23, 1942 mass murder of civilians (mostly Jews, the others Serbs and Gypsies) in the Serbian city of Novi-Sad, then part of Hungarian–occupied Voivodina. Kepiro was convicted for his role in this atrocity

(together with 14 other Hungarian gendarmerie and army officers) in January 1944 but due to the Nazi occupation of Hungary on March 19 of the same year, none of those convicted served their sentences. After World War II, Kepiro escaped to Austria and in 1948 fled to Argentina, where he remained until 1996, when he returned to Budapest. His current whereabouts were discovered by the Wiesenthal Center in July 2006 in the course of the investigation of a fellow gendarme currently living in Scotland, who was suspected of participation in the deportation of Jews from Miskolc to Auschwitz.

On August 1, 2006, the author of this report submitted documentation regarding Kepiro's participation in the murders at Novi Sad and his current residence in Budapest to Hungarian prosecutors and asked that his original sentence of ten years' imprisonment be immediately implemented. On February 19, 2007, however, the Budapest Municipal Court decided that Kepiro's original sentence could not be automatically implemented, since it had been annulled by the Hungarian judicial authorities in 1944 (following the Nazi occupation of Hungary). In early March 2007, however, Hungarian prosecutors opened a criminal investigation to clarify Kepiro's role in the mass murder of civilians in Novi Sad in January 1942. We are currently awaiting their decision as to whether or not to put him on trial.

3. Serbia – In August 2006 the author of this report met in Belgrade with Serbian President Boris Tadić and subsequently in March 2007 with Prime Minister Vojislav Kostunica, Justice Minister Zoran Stojkovic and President Tadic to enlist the active involvement of the Serbian authorities in the efforts to bring to justice three Nazi war criminals who played an active role in the persecution and murder of Yugoslav citizens (Serbs, Jews and Gypsies) during World War II. The cases in question are those of the Croatian Ustashe police chief of Požega Milivoj Ašner, currently in Klagenfurt, Austria; the Croatian Ustashe governor of Dubrovnik Ivo Rojnica, currently in Buenos Aires; and Hungarian gendarmerie captain Dr. Sandor Kepiro who was involved in the mass murder of civilians in Novi Sad in January 1942. While Croatia has already (in September 2005) asked Austria for Ašner's extradition, the Austrians have hereto refused to accede to their request, whereas Croatia has hereto failed to take legal action against Rojnica and the Hungarians have still not decided whether to prosecute Kepiro.

In the meantime, the Serbian judicial authorities have initiated full-scale investigations against all three criminals and have supplied pertinent documentation to Hungary and Croatia in the cases of Kepiro and Rojnica. According to the Ministry of Justice, Serbia cannot seek the extradition of Kepiro, Ašner or Rojnica since none of them is a Serbian citizen and all are already the subject of legal proceedings regarding their possible criminal activities against civilians during World War II.

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

1. France – During the period under review, a minimal effort was made by the French authorities to investigate a file opened in 1993 against a person who served as a guard in the Sobibor death camp in Poland, as well as in the Flossenburg and Regensburg concentration camps in Germany.
2. Romania - During the period under review, the Romanian judicial authorities finally completed their investigation into four cases of suspected Holocaust perpetrators submitted by the Wiesenthal Center on February 8, 2005. The names of the suspects were discovered in the framework of the Center’s “Operation: Last Chance” project, which was launched in Romania on September 12, 2003 and yielded a total of eighteen suspects, only four of whom were considered to be sufficiently worthy of submission to the Romanian Prosecutor-General for investigation.

All four cases were investigated by military prosecutors who concluded that there was insufficient evidence to indict any of the four suspects. While the decision of the military prosecutors in one case, that of a Romanian soldier accused of participating in the murder of Jews in the area of Odessa in 1942 by shooting or by setting them on fire, appeared somewhat questionable to the author of this report (who personally met the informant who submitted the evidence), the demise of the suspect rendered the matter of no practical relevance.

### **Category E – No Known Suspects**

During the period under review, there were no suspects known to the Wiesenthal Center or to the local authorities who were either residing in the following countries or had committed Nazi war crimes there during World War II, nor were any practical steps taken in these countries to uncover such potential suspects:

1. Bosnia
2. Finland
3. Russia
4. Slovakia
5. Uruguay

### Category F-1: Failure in Principle

1. Norway – According to Norwegian law, there is a statute of limitations on all 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 in direct contradiction to its highly-positive role 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, Greece and Poland all have issued warrants for his arrest, but the Syrians have been totally uncooperative regarding this case.

## Category F-2: Failure in Practice

1. Australia – During the period under review, the Australian judicial authorities dealt with two important cases of suspected Hungarian Nazi war criminals, both of whom emigrated to Australia from Europe during the decade following the end of World War II. In both cases, for reasons explained below, no progress whatsoever was made during the past year, which under the current circumstances constitutes a distinctly negative result, and justifies the grade of F.

The first case was of former Hungarian Army officer Karoly (Charles) Zentai, who was discovered residing in Perth by the Simon Wiesenthal Center in the framework of its “Operation: Last Chance” project. Zentai has been charged with the murder of a Jewish teenager in Budapest in November 1944 and the Hungarian authorities sought his extradition from Australia in March 2005. The second case was of Hungarian Arrow Cross youth leader Lajos Polgar, who was in charge of the Budapest headquarters of the fascist movement during the fall of 1944. Polgar was initially exposed, living in Melbourne, by Labor MP Michael Danby in August 2005. Submissions by the Wiesenthal Center to the Hungarian and Australian authorities of evidence concerning Polgar’s wartime activities led to the opening of an investigation for participation in genocide against him in Hungary, as well as an investigation in Australia.

In July 2005, Australian Justice Minister Chris Ellison signed the extradition request for Zentai submitted by the Hungarian authorities, which ostensibly paved the way for his removal to Budapest to stand trial, pending his appeal. That process, however, did not commence during the period under review (although it was scheduled to begin in September 2005), due to a legal challenge related to the process of the extradition of suspects living in Western Australia which was initiated by a fraud suspect wanted in Ireland, and which Zentai joined, and as a result of which his extradition appeal has been postponed for almost two years. In the past, the Wiesenthal Center appealed to Australian Minister of Justice Ellison and Attorney-General Ruddock to prevent this abuse of the legal system, but during the entire period under review Zentai’s lawyer was able to postpone his appeal time after time.

The second case, that of Lajos Polgar, ended for all practical purposes when the former Arrow Cross youth leader died in Melbourne on July 8, 2006 before he could be indicted. Under these circumstances, the extradition of Zentai will almost certainly 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. Austria – This is one of the countries whose statistics are extremely misleading. Thus although in recent years Austria has initiated investigations in a relatively high number of cases, they have not resulted in a single indictment, let alone conviction. In fact, during the past three decades, Austria has failed to convict a single Nazi war criminal.

During the period under review, the Austrian authorities did not make any concrete progress whatsoever regarding the prosecution of Nazi war criminals in Austria or the facilitation of their prosecution elsewhere. The obvious lack of political will in Vienna to facilitate the efforts to bring Holocaust perpetrators to justice can be clearly seen in the handling by the Austrians of the case of Milivoj (Georg) Ašner (Aschner), the former Ustashe police chief of the Croatian city of Požega during the years 1941-1942 who is currently residing in Klagenfurt.

In his capacity as police chief, Ašner carried out a deliberate program of extreme persecution against the local Serbs, Jews, and Gypsies, at least hundreds of whom he deported to Ustashe concentration camps where they were severely mistreated and in many cases murdered. At the end of World War II, Ašner fled Yugoslavia, where he was wanted for war crimes, and settled in Austria, where he obtained citizenship and remained for at least four decades until Croatia became independent.

On June 30, 2004, the Wiesenthal Center launched “Operation: Last Chance” in Croatia and exposed the fact that Ašner was living unprosecuted in Daruvar, Croatia. Before he could be arrested, the former Ustashe police chief fled back to Klagenfurt, where he had previously resided. In September 2005, the Croatian authorities officially requested his extradition to stand trial in Požega, but the Austrians refused to accede to the request on the grounds that Ašner was an Austrian citizen. They did, however, indicate that they would investigate his wartime activities to determine whether he could be prosecuted in Austria.

On January 31, 2006, Austrian Justice Minister Karin Gastinger informed the Wiesenthal Center that Ašner could not be prosecuted in Austria due to the statute of limitations on the crimes he had committed. Two days later, however, an official of the Carinthian Ministry of the Interior announced that Ašner had lost his Austrian citizenship when he had applied in 1992 to obtain Croatian citizenship, without obtaining prior permission from the Austrian authorities.

Such a decision should, at least in theory, have paved the way for Ašner’s immediate extradition to Croatia to stand trial, but this did not take place. Thus during the two months prior to the period under review and the entire period under review no progress was made whatsoever and Ašner had still not been extradited. In the meantime, the Landesgericht Klagenfurt has ruled that Ašner is medically unfit for extraction, a decision which seriously jeopardizes any hope that he will ever be held accountable for his crimes.

There has also been no progress whatsoever in Austria on other issues relating to the prosecution of Nazi war crimes. Thus during the period under review, the Austrian government failed to respond to the request of the Wiesenthal Center that it match or

supplement the financial reward being offered by the German police for information leading to the arrest of escaped Nazi war criminal Dr. Aribert Heim. (Heim was born and educated in Austria.) Despite assurances by the Austrian ministers of justice (Gastinger) and the interior (Prokop) that such a step was possible and would be viewed favorably by the government, it had still not been approved by March 31, 2007.

There has also been no change in the refusal of the Austrian authorities to prosecute former Majdanek guard Erna Wallisch currently residing in Vienna, who was exposed by the Wiesenthal Center's "Operation: Last Chance" project. Although Wallisch admitted taking camp inmates to be gassed and preventing them from escaping death, Austrian prosecutors in January 2006 categorized her crimes as "passive complicity in genocide," thereby preventing her prosecution due to the existent statute of limitations. In this regard, our efforts to convince the Austrians to change their decision were of no avail.

3. Canada – The following evaluation of the efforts of the Canadian government during the period under review is virtually the same exact text which has appeared in the last two Annual Status Reports (April 1, 2004 – March 31, 2005 and April 1, 2005 – March 31, 2006), which clearly underscores the total lack of progress made by the Crimes Against Humanity and War Crimes Section of the Canadian Justice Ministry during the period from April 1, 2006 to March 31, 2007. 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 significant 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 thirteen years, 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 consistently 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.

4. Croatia – There was ostensibly much reason for optimism regarding Croatia's efforts to prosecute Nazi war criminals during this past year, but in practice no progress whatsoever was achieved on either one of the two major cases dealt with by the Croatian judicial authorities.

The case in which the blame for the lack of progress can be directly attributed to the Croatian authorities is that of Ivo Rojnica who served as Ustashe governor of Dubrovnik during the initial months of Croatian independence and is currently residing in Buenos Aires, Argentina. Thanks to the research efforts of Alen Budaj of Zagreb who uncovered hereto-unknown documents regarding the wartime activities of Rojnica and his possible implication in the persecution of Serbs, Jews, and Gypsies, the office of Attorney-General Mladen Bajić renewed its investigation of the former governor and promised a decision in his case by January 2007. Unfortunately, no decision was made during the period under review which ended on March 31, 2007.

On the other hand, the Croatian authorities are not responsible for the failure to achieve any progress on the second case involving crimes committed during World War II since Austria (see above) has hereto refused to accede to Croatia's request for the extradition of Milivoj Ašner, the Ustashe police chief of Požega during the years 1941-1942.

5. Estonia – During the period under review, Estonia has not made any progress whatsoever in bringing local Holocaust perpetrators to justice. More specifically, legal action has still not

been taken against Gestapo operative Michael Gorschkow who returned to his native Estonia after he was successfully prosecuted in the United States for concealing his wartime collaboration with the Nazis and his active participation in Holocaust crimes in Slutsk, Belarus.

6. Germany – For the third consecutive year 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. Given the relatively-large number of investigations being conducted by the German judicial authorities, and the extremely large number of potential suspects, the lack of practical results achieved in recent years has undoubtedly been disappointing.

The reasons for the meager results achieved by German prosecutors are not entirely clear, especially in view of several important advantages enjoyed by the attorneys involved in the efforts to hold World War II criminals accountable for their crimes. The large number of potential suspects has clearly been noted, but equally important is the fact that unlike the situation practically everywhere else in Europe, there is no lack of political will in Berlin to prosecute Nazi war criminals. Nor is there any significant political opposition to such trials. Thus the dismal results achieved over the past three years appear to stem primarily from a dearth of energetic young prosecutors, and certain legal restrictions which considerably limit the number of cases which can be prosecuted. Thus, for example, World War II crimes have to have been committed on the basis of racial hatred, an element which in the case of Holocaust crimes should not be difficult to prove but in fact has prevented the prosecution of individual Nazi war criminals.

Another disturbing problem which has arisen in Germany in recent years, concerns the cases of individuals who served in Nazi-sponsored units during World War II, emigrated after the war to the United States, and were subsequently prosecuted there for concealing their wartime activities during the immigration and/or naturalization process. In several of these cases, although the American Office of Special Investigations succeeded in obtaining a court decision ordering the deportation of these individuals from the United States it was unable to find a country willing to admit them. Thus during the previous three years, at least two criminals – 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, and former Trawniki commander Jack Reimer – 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.

On the positive side of the ledger, the only good news to report is that the special task force established by the German police to track down Nazi war criminal Dr. Aribert Heim (number two on this report's Most Wanted List), has continued its global efforts to apprehend this escaped Holocaust perpetrator. The reward of 130,000 euros currently being offered by the German government for information leading to Heim's capture remains the highest of its kind (and was matched last year by the Wiesenthal Center).

7. Great Britain – During the period under review there has been no practical progress achieved in the investigation of suspected Nazi war criminals living in the United Kingdom.
8. Latvia – During the period under review, there has been no practical progress in the investigation of suspected Latvian Nazi war criminals.
9. Lithuania – Lithuania is another country where statistics can be very misleading. Thus Lithuania has achieved the largest number of convictions of Nazi war criminals in post-Communist Europe (two), but not a single Lithuanian Holocaust perpetrator has ever been punished for these crimes since the country reobtained its independence in 1991.

The most recent case to come to court clearly reflects the lack of political will in Vilnius to hold local Nazi war criminals accountable for their crimes. On March 27, 2006, Lithuanian Security Police operative Algimantas Dailide was convicted in Vilnius for his role in the persecution of civilian Jews and Poles under the Nazi occupation and sentenced to five years' imprisonment. (What makes this decision particularly noteworthy is the fact that it was the only conviction on criminal charges during the past three years in which the defendant was

present at the trial and, at least in theory, faced punishment if convicted. All the other defendants who were convicted on criminal charges were tried in absentia.)

Unfortunately, the judges in this case decided that the sentence meted out to Dailide would not be implemented because he was old, no longer a threat to society and had to care for his ill wife. Following protests by the United States, Israel and the Simon Wiesenthal Center, this decision was appealed by the Lithuanian prosecution, as well as by Dailide's lawyers who sought his acquittal. On June 8, 2006, the court decided to appoint a medical board to review Dailide's health in order to respond to the appeals by both sides. During the period under review, however, this panel never met and thus no action was taken to implement the sentence.

The failure to date of the Lithuanian authorities to implement the verdict against Dailide is symptomatic, in the view of this author, of the deeply-rooted difficulty of Lithuanian society to acknowledge the extensive scope of local complicity in the crimes of the Holocaust. A practical reflection of this attitude is the fact that not a single Lithuanian Nazi war criminal has ever been punished by a Lithuanian court since the country regained its independence in 1991, although two such criminals were convicted (Gimzauskas in 2001 and Dailide in 2006) and one died in the middle of his trial (Lileikis in 2000). None of the three was ever incarcerated at any point before, during, or after their trial.

10. Poland – The figures on the number of new and ongoing investigations being conducted by the Institute of National Memory, Poland's prosecution agency (and memorial institute) are extremely misleading. Thus during the past six years, Poland has initiated 675 new investigations, the largest number by far of any country and as of April 1, 2007 also had the largest number by far of ongoing investigations, yet these impressive figures have almost never yielded concrete judicial results. Thus during the period in which this report has been published, only one Polish Holocaust perpetrator (Henryk Mania) was ever convicted for his crimes and only one additional war criminal (Piotr Wiczorek) was ever indicted. During the period under review, for example, no convictions were obtained nor were any indictments filed.

11. Ukraine – Since it obtained independence from the Soviet Union, Ukraine has to the best of our knowledge never conducted a single investigation of a local Nazi war criminal, let alone prosecuted a Holocaust perpetrator. It has also hereto refused to admit Ukrainian Nazi war criminals who were ordered deported from the United States for concealing their wartime activities during the immigration and/or naturalization process.

**INVESTIGATION AND PROSECUTION REPORT CARD: COMPARATIVE**

**STATISTICS 2001-2007**

	<b><u>2001</u></b> <b>2000/1</b>	<b><u>2002</u></b> <b>2001/2</b>	<b><u>2003</u></b> <b>2002/3</b>	<b><u>2004</u></b> <b>2003/4</b>	<b><u>2005</u></b> <b>2004/5</b>	<b><u>2006</u></b> <b>2005/6</b>	<b><u>2007</u></b> <b>2006/7</b>
Argentina	C	X	D	D	X	X	X
Australia	D	D	D	D	C	C	F-2
Austria	D	D	D	C	D	F	F-2
Belarus		X	X	X	X	X	X
Belgium		X	X	X	X	X	X
Bolivia		X	X	X	X	X	X
Bosnia-Herzegovina		X	X	X	D	D	E
Brazil		X	X	X	X	X	X
Canada	B	B	C	B	C	C	F-2
Chile		X	X	X	X	D	X
Colombia		F	F	F	D	D	X
Costa Rica	C	D	C	X	X	D	X
Croatia	C	D	D	D	D	B	F-2
Czech Republic		D	X	X	X	X	X
Denmark		D	D	D	B	D	C
Estonia	D	D	D	D	D	F	F-2
Finland		D	D	D	D	D	E
France	B	C	D	D	X	D	D
Germany	B	B	B	B	C	C	F-2
Great Britain	C	D	D	D	D	D	F-2
Greece		X	X	X	X	X	X
Hungary		X	D	D	B	C	C
Italy	B	C	C	C	C	B	B
Latvia	C	D	C	C	C	C	F-2
Lithuania	C	C	C	C	C	B/F	F-2

Luxemburg		X		X	X	X	X
Netherlands		D	X	D	C	D	X
New Zealand	D	D		D	D	D	X
Norway		D	F	F	F	F	F-1
Paraguay		X		X	X	X	X
Poland		B	C	C	C	B	F-2
Romania		X	D	F	D	F	D
Russia		X	X	X	X	X	E
Scotland	D	D	-	-	-	-	-
Serbia		X	X	X	X	X	C
Slovakia		X	D	D	D	D	E
Slovenia				D	D	D	X
Spain			D	D	X	D	X
Sweden	F	F	F	F	F	F	F-1
Syria	F	F	F	F	F	F	F-1
Ukraine		X	X	X	X	F	F-2
United States	A	A	A	A	A	A	A
Uruguay		X	X	X	X	X	E
Venezuela		F	X	F	X	X	X

## **MOST WANTED NAZI WAR CRIMINALS**

**As of April 1, 2007**

**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 – living in Syria for decades; Syrian refusal to cooperate stymies prosecution efforts; convicted in absentia by France

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

Doctor in Sachsenhausen (1940), Buchenwald (1941) and Mauthausen (1941) concentration camps

Murdered hundreds of camp inmates by lethal injection in Mauthausen

Status – disappeared in 1962 prior to planned prosecution; current whereabouts unknown but 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; ordered deported from USA; under investigation in Poland

**4. 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;” indicted by Croatia which requested his extradition from Austria which has hereto refused to extradite him

**5. Dr. Sandor Kepiro - Hungary**

Hungarian gendarmerie officer; participated in mass murder of over 1,200 civilians in Novi Sad, Serbia

Status – discovered in 2006 in framework of “Operation: Last Chance;” was originally convicted but never punished in Hungary in 1944 and apparently in absentia in 1946; Hungary recently refused to implement his original sentence but has opened a new criminal investigation against him

**6. Mikhail Gorshkow – Estonia**

Participated in murder of Jews in Belarus

Status: denaturalized in USA, under investigation in Estonia

**7. Erna Wallisch – Austria**

Guard at Majdanek death camp; admitted role in mass murder

Status – Austria refuses to prosecute due to statute of limitations; under investigation in Poland

**8. Soeren Kam - Germany**

Participated in the murder of anti-Nazi Danish newspaper editor Carl Henrik Clemmensen; stole the population registry of the Danish Jewish Community to facilitate the roundup and subsequent deportation of Danish Jews to Nazi concentration camps, where dozens were murdered.

Status – Kam was indicted in Denmark for the murder of Clemmensen, but a German court refused to approve his extradition to stand trial in Copenhagen. The Danish judicial authorities have recently launched an investigation of his role in the deportation of the Jews at the request of the Wiesenthal Center.

**9. 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; Zentai is currently appealing his extradition to Hungary

**10a. Algimantas Dailide – Germany**

Served in Saugumas (Lithuanian Security Police) in Vilnius; arrested Jews who were subsequently murdered by Nazis and Lithuanian collaborators

Status: deported from USA; convicted by Lithuania, which has hereto refused to implement his sentence of imprisonment

**10b. Harry Mannil – Venezuela**

Arrested Jews and Communists who were subsequently executed by Nazis and Estonian collaborators

Status: cleared by investigation in Estonia; barred from entry to US

**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 twenty years, the office has carried out innovative research which has helped identify over 2,870 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 and the Balkans, 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 numerous 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**

### **Israel Office**

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](mailto:swcjerus@netvision.net.il)

Website: [www.operationlastchance.org](http://www.operationlastchance.org)

### **International offices:**

SWC – New York

Director - Rhonda Barad

50 East 42<sup>nd</sup> St., 16<sup>th</sup> Floor

New York, NY 10017

UNITED STATES

Tel: 212/370-0320

Fax: 212/883-0895

Email: [swcny@swcny.com](mailto:swcny@swcny.com)

SWC – Florida

4601 Sheridan St., Suite 220

Hollywood, Fl. 33021

UNITED STATES

Tel: 954/966-1118

Fax: 954/966-1533

Email: [swcsouthern@aol.com](mailto: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

38 Rue Bassano

75008 Paris

FRANCE

Tel: 331/44312276

Fax: 331/47208401

Email: [csweurope@compuserve.com](mailto:csweurope@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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