

Worldwide Investigation and Prosecution of Nazi War Criminals

(April 1, 2010 – March 31, 2011)

An Annual Status Report

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EXECUTIVE SUMMARY

1. During the period in question the investigation and prosecution of Nazi war criminals continued in at least eight 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. The large increase in the number of new and ongoing investigations clearly reflects the importance of the continuing efforts to hold Holocaust perpetrators accountable all over the world.
2. During the period from April 1, 2010 until March 31, 2011, two individuals were convicted for Nazi war crimes, both in the United States. The extremely significant conviction of Ivan Demjanjuk in Germany took place after the period under review.

From January 1, 2001 until March 31, 2011, a total of eighty-nine legal decisions have been won against Nazi war criminals and collaborators, almost half of them (39) in the United States. The others were recorded in Italy (35), Canada (6), Germany (5), Lithuania (2), Poland (1) and France (1).

3. During the period under review, legal proceedings were initiated against five suspected Nazi war criminals, most importantly in Hungary against Dr. Sandor Kepiro for his role in the massacre of approximately 1,250 Jews, Serbs and Roma in Novi Sad, Serbia. In addition, for the first time ever, a Spanish court indicted a Nazi war criminal, in this case Ivan Demjanjuk, for crimes at the Flossenburg concentration camp. From January 1, 2001, at least eighty-three indictments have been submitted against Nazi war criminals, the majority in the United States.
4. The continued and consistent success of the United States effort to bring Holocaust perpetrators to justice is reflected in the A grade it had been awarded every year since 2002, when this report was first issued. During the period under review, Italy and Germany continued their recent successes, albeit with fewer practical results, and the sharp increase in new (28%) and ongoing (56%) investigations clearly show that much can still be done to maximize justice. At the same time, we have singled out nine different countries which failed to achieve the results they should have during the period under review. These countries which 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 (Austria, Canada, Estonia, Latvia, Lithuania, and Ukraine). The reasons for the failing grade awarded to each country are explained in the report.

5. The most encouraging result in a specific case during the period under review was Hungary's indictment of Dr. Sandor Kepiro, who was among the Hungarian officers who organized the mass murder of hundreds of civilians in Novi Sad, Serbia on January 23, 1942. It was the first indictment of a local Nazi war criminal in post-Communist Eastern Europe in more than five years. Kepiro's trial, the first-ever in Hungary since the transition to democracy, opened on May 5, 2011 after the period under review.

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 a significant measure of success and there is considerable potential for additional achievements in the immediate future. This assessment is firmly reflected in the figures presented in this year's report which point to at least five hundred and eighty-four new investigations of Nazi perpetrators initiated during the period under review and one thousand three hundred and twenty-eight ongoing investigations as of April 1, 2011.

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 three 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 past year was observed on May 2, 2011. 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.

* * *

The figures and statistics which appear in this report were primarily provided by the special agencies dealing with this issue in each country, not all of whom were willing to provide the pertinent data. 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. This report in its entirety will be posted on our website www.operationlastchance.org

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THE PERIOD UNDER REVIEW: APRIL 1, 2010 – MARCH 31, 2011

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

1. the number of “convictions” (including denaturalizations, deportations and extraditions) obtained;
2. the number of indictments filed;
3. the number of investigations initiated;
4. the number of ongoing investigations.

During the past year there were mixed results in the abovementioned criteria. Whereas there was a significant drop in the number of convictions obtained and especially in the figure for indictments filed, there was a very large increase in the number of both new and ongoing investigations. Another highly-significant positive result was the filing of criminal charges on February 3, 2011 in Hungary against Dr. Sandor Kepiro, which is the first indictment on criminal charges submitted against an East European Nazi war criminal/collaborator in more than five years. Also important was the continuation of the prosecution of armed SS Sobibor death camp guard Ivan Demjanjuk, which was successfully completed in May 2011. The significance of the Demjanjuk verdict, the first time a German court convicted a Nazi criminal without evidence of a specific crime with a specific victim being presented to the court, cannot be underestimated. Its consequences are very likely to significantly influence the future of Nazi war crimes prosecutions in the Federal Republic in a very positive manner. A third positive development was the indictment by Spain, the first-ever in Spanish history, of the same Ivan Demjanjuk for crimes committed against Spanish citizens in the Flossenbergl Nazi concentration camp.

In other respects, the past year was very similar to its predecessor. As usual, the critical importance of political will in bringing Nazi war criminals to justice was increasingly evident. 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. This is particularly evident in post-Communist Eastern Europe, where despite 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, which have helped create numerous new opportunities for the prosecution of Holocaust perpetrators in the countries in which the crimes of the Shoa were committed, little progress has been made. (These developments have also facilitated prosecution in the overseas 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 post-Communist 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 countries in the region 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, and Belarus. In Hungary on the other hand, as noted above, convicted (but unpunished) Holocaust perpetrator Dr. Sandor Kepiro, was finally indicted more than four years after the Wiesenthal Center informed Hungarian justice officials that he was living in Budapest. The delay hereto by the Hungarians to prosecute Kepiro is in contrast to their persistence in seeking the extradition from Australia for Holocaust crimes of Karoly (Charles) Zentai. As a general rule, however, 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 nine 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.

By contrast, Austria, which in early 2010 established a working group (Forschungstelle Nachkriegsjustiz), to identify alleged Nazi war criminals and to carry out a comprehensive investigation of 526 public court files which relate to Nazi war crimes, again failed to achieve any practical success. Thus the interim report, which was scheduled to be completed by mid-2010 has still not appeared, let alone the final report scheduled for 2011. Such a comprehensive investigation effort is particularly welcome given Austria's consistent failure during the past three decades to bring Holocaust perpetrators to justice. 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.

Symbolic of Austria's terrible record in this regard has been her failure to extradite former Ustasha police chief Milivoj Ašner to stand trial in Croatia for his role in the destruction of the Serb, Jewish and Roma communities in Požega which was clearly highlighted by an embarrassing series of interviews Ašner gave to the British tabloid The Sun, as well as to Austrian and Croatian television stations in June 2008. While Austrian doctors had twice claimed that he was medically unfit to be extradited because of diminished mental capacity, the interviews cast serious doubt on these findings. The court in Klagenfurt refused to accede to a request by the Wiesenthal Center to bring in a foreign expert to examine Ašner, and in a June 2008 meeting with the author of this report, Justice Minister Dr. Maria Berger also turned down a similar request. Several weeks later, however, she decided to invite Dr. Marc Graf, a Swiss expert, to assess Ašner's health, but months went by without the examination taking place, amid reports that financial considerations were the cause for the delay.

Last year, Ašner was finally reexamined, this time by Munich forensic psychiatrist Norbert Nedopil, who confirmed that the former Požega Ustasha police chief was indeed unfit for trial because he was suffering from dementia, thereby effectively ending any chance of his prosecution for his crimes. The manner in which the Ašner case was handled by the Austrian authorities clearly reflects the abysmal absence of political will to bring Holocaust perpetrators to justice.

Although statutes of limitations on cases of murder exist in many countries, until recently there were only two countries in the world which proscribed the prosecution of crimes related to genocide, war crimes and crimes against humanity. The countries in question were Norway and Sweden, which therefore refused in principle to investigate, let alone prosecute, Nazi war

criminals. On March 7, 2008, Norway finally cancelled the statute of limitations on genocide, war crimes and crimes against humanity and in February 2010, Sweden did so as well. Unfortunately those changes were not made retroactive and thus neither country can prosecute Nazi war criminals.

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 in any of the three countries nor were any indictments filed. (Canada in 1994 switched to the “American model” of denaturalization and deportation, but to date not a single person who was stripped of his Canadian citizenship has been successfully deported from the country, a stark contrast to the impressive 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 five years by raising technical challenges totally unrelated to his alleged crimes. To Australia’s credit, the government has continued its effort to extradite him despite various legal setbacks.

The only exception in this regard is Spain, where a group of determined human rights lawyers named Nizkor (we will remember in Hebrew) achieved history by convincing a Spanish judge to indict Ivan Demjanjuk for his crimes in the Flossenbergr concentration camp.

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, 2011, the number of ongoing investigations is much higher than those being conducted a year previously, and the

number of new investigations launched during the period under review, has also risen significantly, both indicators which are cause for guarded optimism.

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 2005 in Germany. In 2007 it was started in Argentina, Chile, Brazil and Uruguay. As of April 1, 2011, the Center had received the names of five hundred and eighty-three suspects, the names of one hundred and one of whom have been submitted to local prosecutors. The names of twenty-three new suspects were received during the period under review.

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 nine reports, we can point to eighty-nine convictions and at least eighty-three indictments during the past ten and quarter one years, 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, 2010 – March 31, 2011

United States - 2

Details of Convictions Obtained During the Period Under Review:

1. May 17, 2010: Anton Geiser – deportation
served as an armed SS guard at the Sachsenhausen, Buchenwald and Arolson concentration camp

2. January 31, 2011: John (Ivan) Kalymon – deportation
shot Jews in the Lwow (today Lviv) Ghetto while serving in the Ukrainian Auxiliary Police

CONVICTIONS OF NAZI WAR CRIMINALS:
COMPARATIVE STATISTICS 2001-2011

	1.I.2001 – 31.III.2002	1.IV.2002 – 31.III.2003	1.IV. 2003 – 31.III.2004	1.IV.2004 – 31.III.2005	1.IV.2005 – 31.III.2006	1.IV.2006 – 31.III.2007	1.IV.2007 – 31.III.2008	1.IV.2008 – 31.III.2009	1.IV.2009 – 31.III.2010	1.IV.2010 – 31.III.2011	Total
United States	6	5	7	5	5	6	3	0	0	2	39
Italy	0	0	0	0	10	15	1	6	3	0	35
Canada	3	0	0	0	0	0	3	0	0	0	6
Germany	2	1	0	0	0	0	0	0	2	0	5
Lithuania	1	0	0	0	1	0	0	0	0	0	2
Poland	1	0	0	0	0	0	0	0	0	0	1
France	1	0	0	0	0	0	0	0	0	0	1
Total	14	6	7	5	16	21	7	6	5	2	89

NEW CASES FILED DURING THE PERIOD UNDER REVIEW

Italy - at least 2
Germany - 1
Hungary - 1
Spain - 1

1. Italy

Unknown date: at least two persons

An unknown number of suspects were indicted by the Rome Military Court for “continued and aggravated violence with murder” in Italy during World War II

2. Germany

July 28, 2010: Samuel Kunz

Charged with participation as an armed SS guard in the mass murder of 430,000 Jews carried out at the Belzec death camp

3. Hungary

February 3, 2011: Dr. Sandor Kepiro

Charged with responsibility for the murder of 36 persons during a mass murder of Jews, Serbs, and Roma by Hungarian military and gendarmerie in Novi Sad, Serbia on January 23, 1942

4. Spain

January 7, 2011; Ivan Demjanjuk

Charged with participation as an armed SS guard in the murder of Spanish citizens in the Flossenberg concentration camp in Germany

NEW CASES FILED: COMPARATIVE STATISTICS 2001 – 2011

	1.I.2001 – 31.III.2002	1.IV.2002 – 31.III.2003	1.IV.2003 – 31.III.2004	1.IV.2004 – 31.III.2005	1.IV.2005 – 31.III.2006	1.IV.2006 – 31.III.2007	1.IV.2007 – 31.III.2008	1.IV.2008 – 31.III.2009	1.IV.2009 – 31.III.2010	1.IV.2010 – 31.III.2011	Total
United States	4	10	5	3	2	6	2	1	2	0	35
Italy	0	0	0	0	2	0	5	2	16	*2	*27
Germany	1	1	2	0	0	0	1	2	3	1	11
Canada	1	0	3	0	0	0	0	0	0	0	4
Hungary	0	0	0	1	0	0	0	0	0	1	2
Denmark	0	0	0	1	0	0	0	0	0	0	1
Lithuania	0	0	0	1	0	0	0	0	0	0	1
Poland	0	0	0	0	1	0	0	0	0	0	1
Spain	0	0	0	0	0	0	0	0	0	1	1
Total	6	11	10	6	5	6	8	5	21	5	83

* The number of individuals indicted in Italy is a minimum figure since the case filed during the period under review does not specify an exact number, but refers to “persons’ (plural).

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

Poland	409
Germany	161
Austria	6
United States	5
Italy	2 ¹
Australia	1
Canada	? ²
Total	584

1. The number of new investigations in Italy is a minimum figure since the new investigations initiated by the military courts at Verona and Rome have an unspecified number of suspects.
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 – 2011

	1.I.2001 – 31.III.2002	1.IV.2002 – 31.III.2003	1.IV.2003 – 31.III.2004	1.IV.2004 – 31.III.2005	1.IV.2005 – 31.III.2006	1.IV.2006 – 31.III.2007	1.IV.2007 – 31.III.2008	1.IV.2008 – 31.III.2009	1.IV.2009 – 31.III.2010	1.IV.2010 – 31.III.2011	Total
Poland	48	8	172	306	141	2	142	230	290	409	1,748
Germany ¹	9	?	9	27	38	22	31	43	130	161	470
Austria	10	3	60	272	1	0	2	16	24	6	394
United States	46	16	40	34	27	30	22	5	5	5	230
Italy	0	56	18	6	2	2	3	21	4	2*	114*
Argentina	0	0	0	0	0	0	1	0	0	0	1
Australia	0	9	0	1	3	1	0	0	0	0	14
Belgium									1	0	1
Brazil	0	0	0	0	0	0	1	0	0	0	1
Canada ²	?	?	?	?	103	?	?	?	?	?	103*
Chile	0	0	0	0	0	0	1	0	0	0	1
Croatia	0	0	0	1	1	0	0	0	0	0	2
Denmark	0	0	1	9	0	1	0	0	0	0	11
Estonia	2	17	1	0	0	0	0	0	0	0	20
Great Britain	6	1	0	0	0	0	0	0	1	0	8
Hungary	0	0	0	1	1	1	0	0	0	0	3
Latvia	0	4	16	0	0	0	0	0	0	0	20
Lithuania	100	24	18	2	3	1	1	0	1	0	150
Romania	0	0	0	4	0	0	0	0	0	0	4
Serbia	0	0	0	0	0	3	0	0	0	0	3
Slovenia	0	0	0	0	1	0	0	0	0	0	1
Spain	0	0	0	0	1	0	0	0	0	0	1
Switzerland	0	0	0	0	0	0	1	0	0	0	1
Total	221	138	335	663	322	63	205	315	456	584	3,302

ONGOING INVESTIGATIONS OF NAZI WAR CRIMINALS AS OF APRIL 1, 2011

Germany	582
Poland	471
Canada	167 ¹
USA	76 ²
Italy	23
Austria	5
Hungary	2
Serbia	2
Total	1,328

1. The latest figure for Canada is as of March 31, 2008.
2. The figure for the United States includes 6 cases in litigation, 21 formal investigations and 49 preliminary investigations

ONGOING INVESTIGATIONS OF NAZI WAR CRIMINALS:
COMPARATIVE STATISTICS 2001 – 2011

	April 1, 2002	April 1, 2003	April 1, 2004	April 1, 2005	April 1, 2006	April 1, 2007	April 1, 2008	April 1, 2009	April 1, 2010	April 1, 2011
United States ¹	175	275	285	246	236	221	216	150	87	76
Lithuania	110	108	25	21	26	24	17	13	9	?
Canada ²	78	67	194	190	255	255	?	180	180	167
Poland	48	13	350	450	365	333	305	270	316	471
Germany	27	13	35	46	28	20	30	27	177	582
Great Britain	6	2	1	1	1	0	0	0	2	0
Croatia	3	2	1	2	2	2	1	1	1	0
Austria	3	4	27	199	131	83	4	5	28	5
Latvia ³	2	5	5	58	53	55	3	1	0	?
Netherlands	1	0	0	6	6	0	0	1	0	0
Estonia	1	2	3	3	1	1	1	1	2	0
Costa Rica	1	0	0	0	0	0	0	0	0	0
Denmark	0	1	2	11	1	2	1	0	1	0
Italy	0	0	12	13	5	17	22	52	43	23
Romania	0	0	0	4	4	0	0	0	0	0
Australia	0	0	0	1	2	0	0	0	0	0
Hungary	0	0	0	1	2	2	1	2	2	2
Slovenia	0	0	0	0	1	0	0	0	0	0
Spain	0	0	0	0	1	0	1	0	0	0
Serbia	0	0	0	0	0	3	3	3	3	2
France	0	0	0	0	0	1	0	0	0	0
Argentina	0	0	0	0	0	0	1	0	0	0
Brazil	0	0	0	0	0	0	1	0	0	0
Chile	0	0	0	0	0	0	1	0	0	0
Belgium	0	0	0	0	0	0	0	0	1	0
Total	455	492	940	1,252	1,130	1,019	608	706	852	1,328

1. The figure for April 1, 2002 includes only formal investigations, while the figures for subsequent years include formal investigations and preliminary inquiries
2. The latest data supplied by the Canadian authorities is as of March 31, 2008.
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

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.

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 and prosecution of Nazi war criminals and have registered at least one conviction and/or filed one indictment during the period under review.

Category C: Minimal Success That 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 could have and could 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: Germany, Hungary, Italy, Serbia, Spain*

C: Australia, Netherlands*, Poland

D: Denmark*

E: Bosnia-Herzegovina, Costa Rica, Croatia*, Finland, Greece, New Zealand, Romania, Slovenia

F-1: Norway, Sweden, Syria

F-2: Austria, Canada, Estonia*, Latvia*, Lithuania*, Ukraine*

X: Argentina, Belarus, Belgium, Bolivia, Brazil, Chile, Colombia, Czech Republic, France, Great Britain, Luxemburg, Paraguay, Russia, Slovakia, Uruguay

* denotes data from independent sources not government agencies

Category A - Highly Successful Proactive Prosecution Program

1. United States – Since its establishment in 1979, the OSI, renamed the Human Rights and Special Prosecution Section (HRSPS), currently headed by Eli M. Rosenbaum, Esq., has conducted the most successful program of its kind in the world, and has been a model of proactive investigation and prosecution of Holocaust perpetrators for the past three decades. Its outstanding performance has earned it unique status, as the only agency to have received the highest possible grade every single year since this report was launched in 2002.

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 period from January 1, 2001 until March 31, 2011, 39 of the 89 convictions registered worldwide were recorded in the United States. While acknowledging the lower level of proof required in civil as opposed to criminal cases, the results achieved by the Americans clearly underscore the professional excellence and dedication of the agency 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 recent years, there has been a decrease in the number of convictions obtained, not due to any lack of effort by the HRSPS, but rather a function of its unusually-successful program and the obvious increased difficulty of bringing Nazi war criminals to justice, so many years after the crimes were committed.

During the period under review, however, the HRSPS obtained two convictions, its first such successes since November 2007. In addition, it identified Belzec death camp guard Samuel Kunz to the German authorities and helped locate key evidence in his case which facilitated his indictment on July 28, 2010. Also of importance was the extensive assistance provided by the HRSPS to the German authorities during the Demjanjuk trial, which helped result in his conviction after the period under review.

Also of note was the effort made to bring US citizen Peter Egner, who served in the Nazi-controlled Security Police and Security Service in occupied Belgrade, Serbia to justice. Egner died on January 26, 2011, less than four weeks prior to the opening of his denaturalization trial in Seattle, Washington.

Category B - Ongoing Prosecution Program Which Has Achieved Practical Success

1. Germany - Last year Germany became the first country besides the United States to ever receive the highest grade awarded by this report. The improvement in Germany's effort came as a direct result of two positive changes in the decades-old German prosecution policy. Until several years ago, German prosecutors focused almost exclusively on officers and suspects who were Germans or Volksdeutsche. By expanding the scope of potential suspects to include individuals who were neither officers nor of German origin, the possibilities for the successful prosecution of Holocaust perpetrators increased many fold. The second change was the adoption by several German prosecutors of a more proactive approach in order to maximize the prosecution of Nazi war criminals while it is still possible to achieve justice.

The practical results achieved during the previous year as a result of these changes were quite impressive – two convictions and three indictments, the best results achieved by Germany during the decade since this report was launched. This unusually high-level of practical success was unfortunately not duplicated during the period under review, but two important achievements were recorded by German prosecutors.

The first was the indictment of armed SS Belzec death camp guard Samuel Kunz and the second was the continued prosecution of armed SS Sobibor death camp guard Ivan Demjanjuk, who was ultimately convicted after the period in review. If we add the small increase in the number of new investigations and the very large increase in ongoing investigations, it becomes clear why Germany has one of the best records in the world in terms of the prosecution of Nazi war criminals.

Having said that, there remain a few cases in which Germany has consistently failed to hold World War II criminals accountable, despite overwhelming evidence regarding their guilt. I am referring in particular to the cases of Klaas Carl Faber of Holland and Soeren Kam of

Denmark, both of whom joined the SS in their countries of origin and committed murder (in Faber's case many murders) in its service. Both men acquired German citizenship as a result of their collaboration with the Nazis and fled to Germany to escape punishment. Extradition requests from the Netherlands and Denmark have been rejected, as have been requests that they serve jail sentences in Germany. These two cases remain a serious blemish on the otherwise relatively positive recent record of the German judiciary.

2. Hungary – More than four years after his presence – alive, healthy, and unpunished – in Budapest was brought to the attention of the Hungarian judicial authorities by the Simon Wiesenthal Center, Dr. Sandor Kepiro was finally charged for his role in the January 23, 1942 massacre by Hungarian forces of at least 1,246 Jews, Serbs and Roma in the Hungarian-occupied city of Novi Sad, Serbia on January 23, 1942. Kepiro, who was one of the gendarmerie officers responsible for the roundups of the victims, was charged with direct responsibility for the fate of 36 persons.

The indictment was only the second-ever filed in Hungary against a local Nazi collaborator since the transition to democracy (the first was against Karoly Zentai – see below), and is the first submitted in Eastern Europe against a Holocaust perpetrator in more than five years. Kepiro's trial, which began after the period under review, was the first-ever in Hungary in the post-Communist era.

In the meantime, Hungary's request for the extradition of Karoly Zentai from Australia is still pending and a final decision is expected in early 2012.

3. Italy – One of the most positive developments in recent years has been the renewed efforts by Italian military prosecutors to bring to trial German and Austrian perpetrators of crimes against civilians in Italy during World War II. The positive results achieved during the period under review - at least two indictments – continue this important trend. Thus during the years 2005-2011, a total of thirty-five Nazi war criminals have been convicted by military prosecutors, by far the highest number ever achieved anywhere over a five year period since the publication of this report was initiated in 2002.

It should be noted, however, that unfortunately, all of the cases of Nazi war criminals prosecuted in Italy during past five years have been conducted 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 two exceptions were German citizens residing in Germany, have hereto been rejected by the Federal Republic, which refused in principle to extradite its citizens. In the wake of this refusal, Italy has requested in at least five cases that those convicted and sentenced to life imprisonment serve their sentences in Germany. Last year, one of the officers convicted in Italy, Josef Scheungraber, was convicted in Germany and sentenced to life imprisonment.

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.

4. Serbia – During the period under review, the Serbian judicial authorities continued their efforts to facilitate the prosecution of three suspected Holocaust perpetrators, all of whom were living in other countries: Dr. Sandor Képiró, (Hungary) who is accused of helping to organize the mass murder of at least 1,246 Jewish, Serb and Roma civilians in the Hungarian-occupied city of Novi Sad, Serbia on January 23, 1942; former Ustasha police chief of the city of Požega, Croatia Milivoj Ašner (Austria), who is accused of orchestrating the persecution and deportation to concentration camps, where they were murdered, of hundreds of Serbs, Jews and Gypsies; and former Belgrade Gestapo operative Peter Egner (United States), who is accused of participation in the persecution and murder of thousands of civilians in Nazi-occupied Yugoslavia.

During the past year, the Serbian authorities issued arrest warrants against Egner and Asner, and asked for the extradition of the former from the United States.

5. Spain – One of the most surprising positive developments during the period under review was the first indictment ever issued by a Spanish court against a Nazi war criminal. On January 7, 2011, Judge Ismael Moreno indicted Ivan Demjanjuk in a Madrid court for his service as an armed SS guard at the Flossenberg Nazi concentration camp in Bavaria, Germany, where dozens of Spanish citizens were murdered. He also issued a European arrest

warrant in the case. This indictment complements the charges Demjanjuk faced in Germany, where he was prosecuted for his service as an armed SS guard at the Sobibor death camp.

The indictment is the result of an initiative by a group of Spanish human rights lawyers named *Nizkor* (we will remember in Hebrew) together with Madrid attorney Gloria Trinidad and with the assistance of the Israel Office of the Simon Wiesenthal Center. The project was originally intended to solve the problem of those cases of Nazi war criminals who had been denaturalized and ordered deported from the United States, but who were stuck in America for lack of a country willing to accept them. It was subsequently reduced to the cases of four individuals who had served in the Flossenburg (Ivan Demjanjuk), Mauthausen (Johann Leprich and Anton Tittjung), and Sachsenhausen (Josias Kumpf) concentration camps, in which Spanish Republicans had been incarcerated and persecuted during World War II.

It is important to note that the willingness to attempt to bring Nazi war criminals to justice is a radical departure from previous Spanish policy, which turned a blind eye to the presence of numerous Holocaust perpetrators in Spain. They were initially able to gain refuge there during the Franco era, but continued to enjoy protection even after his demise and the transition to democracy.

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

1. Australia – The case of Karoly (Charles) Zentai, whose extradition was requested by Hungary in early 2005, has still not been resolved. The Perth resident, who is accused of murdering Peter Balazs, an eighteen year old Jewish boy whom he caught on a Budapest streetcar without the requisite yellow star on November 8, 1944, has hereto been able to avoid being sent to Hungary for trial.

During the period under review, the following developments took place in the case. On July 2, 2010, Zentai won his appeal against the extradition when Judge Neil McKerracher ruled that he was wanted only for questioning and that the government had failed to consider whether his extradition to his homeland would be “oppressive and incompatible with humanitarian considerations,” given Zentai’s age and health and the potential severity of his possible punishment. To the credit of Home Affairs Minister Brendan O’Conner, the Australian government appealed that decision on January 5, 2011 on the grounds that the judges had erred in blocking the extradition, since Zentai faced prosecution not merely questioning in Hungary, and that McKerracher had exceeded his power by blocking a legal extradition. In mid-May, the case was heard by the full bench of the Federal court but the judges have still not announced their decision.

This is the last case before the Australian courts and it is the country’s final chance to take successful legal action against a Nazi war criminal who found refuge in Australia after World War II. If Zentai is not extradited to Hungary, it will mean that Australia has proven to be a safe haven for every single one of the Holocaust perpetrators who escaped there.

2. Netherlands – During the period under review, the focus from the Dutch perspective was on the case of former Dutch SS executioner Klaas Faber, who escaped from a prison in the Netherlands to Germany in late 1952. Efforts by the Dutch authorities in 1954 and 2004 to extradite Faber back to Holland or have him serve his original jail sentence in Germany have been hereto refused by the Bavarian judicial authorities, who pointed to Faber’s German citizenship, which he acquired thanks to his SS service during the war.

In August 2010, German Justice Minister Sabine Leutheuser-Schnarrenberger asked the Bavarian authorities to review the case. This request was followed by pressure from Israel, where a petition organized by Jerusalem lawyer David Schonberg and signed by 150 local lawyers calling upon Israeli Justice Minister Neeman to urge his German counterpart to find a way to hold Faber accountable, bore the desired result. Thus in late November, the Netherlands issued a European arrest warrant for Faber in accordance with a new system adopted by the European Union in 2002, which it was hoped would finally force Germany to extradite him or put him in jail in Bavaria.

These initiatives were also supported by members of the Dutch Parliament from all parties, who wrote a letter to their colleagues in the German Bundestag urging them to do “all they can to ensure the speedy imposition of sentence” on Faber. Organized by SP leader Emile Roemer, the letter was initiated by De Pers journalist Arnold Karskens, who has lead the Dutch and international campaign to bring Faber to justice and deserves much of the credit for the abovementioned activities.

No decision had yet been made by the Bavarian authorities by the end of the period under review.

3. Poland – The record of the Institute of National Memory, the Polish agency entrusted with the prosecution of the crimes committed under the Nazi occupation and Communist rule, is somewhat enigmatic. On the one hand, over the past decade it has opened far more new investigations than any other equivalent agency and continues to have the second largest number of ongoing investigations being currently conducted. On the other hand, the practical results achieved during the past decade are negligible – one conviction (of Chelmno death camp operative Henryk Mania) and one indictment (of Nazi agent Piotr Wiczorek) since 2001, an extremely disappointing record.

Category D – Insufficient and/or Unsuccessful Efforts

Denmark - During the period under review, the Danish judicial authorities made no progress in the case of Danish Nazi war criminal Soeren Kam (currently residing in Germany), who had previously been charged in Denmark with the murder of Danish anti-Nazi newspaper editor Carl Henrik Clemmenson on August 30, 1943. Kam escaped to Germany, where his SS service earned him German citizenship which protected him from extradition to Copenhagen.

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-Herzegovina
2. Costa Rica
3. Croatia
4. Finland
5. Greece
6. New Zealand
7. Romania
8. Slovenia

Category F-1: Failure in Principle

1. Norway – For years, Norway refused in principle to investigate, let alone prosecute, Nazi war criminals due to the existing statute of limitations, which contrary to the situation elsewhere in the world with the exception of Sweden, applied even to genocide, war crimes and crimes against humanity. On March 7, 2008, however, the Norwegian authorities cancelled the existing statute of limitations on the crimes of genocide, war crimes, crimes against humanity and terrorism. This positive development does not, however, change the situation regarding Holocaust crimes which still cannot be prosecuted, since the amendment to the penal code does not allow for the prosecution of those cases which had already been under statute of

limitations when the law was changed. Thus, in principle, Norway cannot bring Nazi war criminals to justice.

2. Sweden – For years, the Swedish government refused in principle to investigate, let alone prosecute, Nazi war criminals due to a statute of limitations on murder, which was instituted in 1926, and which contrary to the situation elsewhere in the world with the exception of Norway, also applied to genocide, war crimes and crimes against humanity. In February 2010, the Swedish parliament cancelled the statute of limitations in cases of genocide, war crimes and crimes against humanity, but that step was not made retroactive and therefore does not allow for the prosecution of Holocaust perpetrators. Thus Sweden, like Norway, remains one of the only countries in the civilized world which in principle cannot prosecute Nazi war criminals.
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.

Four years ago, the Wiesenthal Center received information from a reliable source that Brunner had died in Syria, but to date his demise has not yet been officially confirmed.

Category F-2: Failure in Practice

1. Austria – Once again, Austria has failed to achieve any practical results against Nazi war criminals during the period under review, continuing its consistently-terrible record of the past three decades, during which not a single Holocaust perpetrator has been punished by an Austrian court. Last year, in the wake of the establishment of a working group by the Ministry of Justice to identify any Nazi cases in which legal action might still be possible, and the opening of twenty-four new investigations, it appeared that there might still be hope for meaningful progress. As a result, Austria was given a “D” rather than its usual failing grade, but as the report noted, “Only time will tell whether this step [the working group –

EZ) was conceived to deflect criticism of Austria's terrible record or will actually facilitate positive practical results for the first time in decades.”

In the meantime, there is only bad news. The interim report which was scheduled to be completed during the period under review (by the end of 2010) has not yet appeared, let alone the final version, which was slated for completion in mid-2011, and there is no indication when they will be published, let alone their recommendations implemented. Needless to say, the time that has elapsed will only make it even harder to mount successful prosecutions.

2. Canada – During the period under review, the Canadian Crimes Against Humanity and War Crimes Section of the Ministry of Justice, headed by Terry Beitner, Esq. failed to obtain any convictions or file any indictments. In addition, we must once again point to the continued failure of the Canadian authorities to deport any of the Nazi war criminals and collaborators who have been denaturalized. Thus during the past seventeen 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, but not a single one of them has hereto been deported. (In addition, two defendants voluntarily left the country and six died during the course of the proceedings against them. Three won their cases against the government.) These disappointing results contrast sharply with the successes consistently registered year after year by the American Human Rights and Special Prosecution Section (formerly the 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. 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 Gorshkow, 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).

4. Latvia – During the period under review there has been no practical progress in the prosecution of Latvian Nazi war criminals.
3. 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 regained its independence in 1991.

During the period under review, there has been no practical progress in the prosecution of Lithuanian Nazi war criminals.

6. 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 2001-2011

	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
	2000/1 -	2001/2	2002/3	2003/4	2004/5	2005/6	2006/7	2007/8	2008/9	2009/10	2010/11
Argentina	C	X	D	D	X	X	X	D	X	E	X
Australia	D	D	D	D	C	C	F-2	F-2	F-2	F-2	C
Austria	D	D	D	C	D	F	F-2	C	F-2	D	F-2
Belarus		X	X	X	X	X	X	X	X	X	X
Belgium		X	X	X	X	X	X	X	X	D	X
Bolivia		X	X	X	X	X	X	X	X	X	X
Bosnia-Herzegovina		X	X	X	D	D	E	X	X	X	E
Brazil		X	X	X	X	X	X	D	X	X	X
Canada	B	B	C	B	C	C	F-2	B	D	F-2	F-2
Chile		X	X	X	X	D	X	D	X	X	X
Colombia		F	F	F	D	D	X	X	X	X	X
Costa Rica	C	D	C	X	X	D	X	X	X	X	E
Croatia	C	D	D	D	D	B	F-2	F-2	E	E	E
Czech Republic		D	X	X	X	X	X	X	X	X	X
Denmark		D	D	D	B	D	C	D	D	D	D
Estonia	D	D	D	D	D	F	F-2	F-2	F-2	F-2	F-2
Finland		D	D	D	D	D	E	E	E	E	E
France	B	C	D	D	X	D	D	X	X	X	X
Germany	B	B	B	B	C	C	F-2	B	B	A	B
Great Britain	C	D	D	D	D	D	F-2	X	X	D	X
Greece		X	X	X	X	X	X	E	E	E	E
Hungary		X	D	D	B	C	C	F-2	F-2	F-2	B
Italy	B	C	C	C	C	B	B	B	B	B	B

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

MOST WANTED NAZI WAR CRIMINALS

As of April 1, 2011

***A. 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

Alois Brunner is the most important unpunished Nazi war criminal who may still be alive, but the likelihood that he is already deceased increases with each passing year. Born in 1912 and last seen in 2001, the chances of his being alive are relatively slim, but until conclusive evidence of his demise is obtained, he should still be mentioned on any Most Wanted List of Holocaust perpetrators.

***B. Dr. Aribert Heim - ?**

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

Murdered dozens of camp inmates by lethal injection in Mauthausen

Status – disappeared in 1962 prior to planned prosecution; wanted in Germany and Austria

New evidence revealed in February 2009 suggests that he may have died in Cairo in 1992, but questions regarding these findings and the fact that there is no corpse to examine, raise doubts as to the veracity of this information. During the past year, Heim was not found, nor was his death confirmed.

1. Dr. Sandor Kepiro - Hungary

Hungarian gendarmerie officer; participated in organizing the mass murder of at least 1,250 civilians in Novi Sad, Serbia on January 23, 1942

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 refused to implement his original sentence but opened a new criminal investigation against him which yielded an indictment against him for war crimes on February 3, 2011 and charged him with responsibility for the murder of 36 persons.

After the period under review: Kepiro’s trial began in Budapest on May 5, 2011. On July 18, he was acquitted by Judge Bela Varga, who said that Kepiro was not innocent, but that the prosecution had failed to prove his guilt. Both sides appealed the verdict, but Kepiro died on September 3, 2011.

2. 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 in 2005 requested his extradition from Austria which initially refused the request because he ostensibly held Austrian citizenship. When it emerged that he had lost his Austrian citizenship, his extradition was refused on medical grounds. Media interviews with Ašner raised serious doubts about the decision of the Austrian doctors that he was medically unfit to stand trial and prompted a request by the Wiesenthal Center that he be examined by a foreign expert. In April 2009 a German expert confirmed the original assessment that he was suffering from dementia, but subsequent media interviews by Ašner again cast doubt on the veracity of the evaluation.

After the period under review: Ašner died in Klagenfurt, Austria on June 14, 2011.

3. Klaas Carl Faber - Germany

Volunteered for Dutch SS and served in SD as member of Sonderkommando Feldmeijer execution squad which murdered members of Dutch resistance, Nazi opponents and those hiding Jews; also alleged to have served in a firing squad at the Westerbork transit camp from which Dutch Jews were deported to death camps

Status: Sentenced to death in 1947 by a Dutch court for the murder of at least 11 people, his sentence was later commuted to life imprisonment, but he escaped from jail in 1952 to Germany, where he was granted Germany citizenship which protected him from extradition back to the Netherlands.

All efforts to have him prosecuted in Germany, have hereto been unsuccessful, although the German authorities have indicated a willingness to reexamine the case.

On November 25, 2010, the Dutch government issued a European arrest warrant for the incarceration of Faber, and the Bavarian judicial authorities are scheduled to make a decision in this case within the next few months.

4. Gerhard Sommer-Germany

Former SS-Untersturmfuehrer in the 16th Panzergrenadier Division Reichsfuehrer-SS; participated in the massacre of 560 civilians in the Italian village of Sant' Anna di Stazzema

Status: On June 25, 2005, Sommer was convicted in absentia by a military court in La Spezia, Italy for committing "murder with special cruelty" in Sant' Anna di Stazzema. Since 2002, he has been under investigation in Germany, but no criminal charges have yet been brought against him.

5. Adam Nagorny-Germany

Served as an SS guard at the Trawniki (Poland) SS training camp; served as an armed SS guard at the Treblinka I concentration camp whose prisoners were used to build the nearby Treblinka death camp; alleged to have shot inmates of the camp

Status: An official investigation was initiated by prosecutors in Munich in early 2011, in the wake of the discovery of witness statements that Nagorny had participated in executions of prisoners in Treblinka I.

6. Karoly (Charles) Zentai – Australia

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

Status: Discovered in 2004 in the framework of "Operation: Last Chance;" Hungary issued an international arrest warrant against him and asked for his extradition from Australia in 2005. Zentai appealed against his extradition and on July 2, 2010, a court in Perth ruled in his favor. Australian Minister for Home Affairs, Brendan O'Conner, acting on behalf of the Hungarian government, appealed the decision and the case will be decided within the coming months.

7. Soeren Kam - Germany

Volunteered for SS-Viking Division, where he served as an officer; participated in the murder of Danish anti-Nazi newspaper editor Carl Henrik Clemmensen

Status: In 1999 Denmark requested the extradition of Kam, which Germany refused due to his German citizenship. Subsequent extradition request was refused in early 2007 on the grounds that Clemmensen's death was not murder but manslaughter, which was under a statute of limitation. Efforts continue to bring Kam to justice either in Germany or in Denmark.

8. Ivan (John) Kalymon– United States

Served in Nazi-controlled Ukrainian Auxiliary Police in Lvov (then German-occupied Poland, today Ukraine) during the years 1941-1944, during which time he participated in the murder, roundups and deportation of Jews living in the Lvov Ghetto

Status: On January 31, 2011, Kalymon was ordered deported from the United States to Germany, Ukraine, Poland, or any country willing to admit him, for concealing his wartime service with forces in collaboration with Nazi Germany and his participation in violent acts of persecution.

9. Algimantas Dailide – Germany

Served in the Vilnius District of the Saugumas (Lithuanian Security Police); arrested Jews and Poles executed by the Nazis and local Lithuanian collaborators

Status: His American citizenship was revoked in 1997 and he was deported from the United States in 2004 for concealing his wartime activities with the Saugumas. In March 2006, he was convicted by a Lithuanian court for arresting 12 Jews trying to escape from the Vilnius Ghetto (and 2 Poles), who were subsequently executed by the Nazis, and was sentenced to five years imprisonment. The judges, however, refused to implement his sentence because he was old and was caring for his ill wife and “did not pose a danger to society.” In July 2008, in response to an appeal against the refusal to implement his sentence, Dailide was ruled medically unfit to be punished without being personally examined by the doctors who provided the expertise.

10. Mikhail Gorshkow – Estonia

Served as interpreter for the Gestapo in Belarus and is alleged to have participated in the mass murder of Jews in Slutsk

Status: Fled from the United States to Estonia before he was denaturalized for concealing his wartime service with the Nazis. Has been under investigation in Estonia since his arrival several years ago, but no legal action has ever been taken against him.

After the period under review: The Estonian authorities closed the investigation against Gorshkow in October 2011, claiming the case was one of “mistaken identity,” a decision which was severely criticized by the United States, Russia, and the Simon Wiesenthal Center.

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.

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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 four years, the office has carried out innovative research which has helped identify close to three thousand 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.

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