

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

**(April 1, 2011 – March 31, 2012)**

**An Annual Status Report**

**Dr. Efraim Zuroff**



מרכז שמעון ויזנטל  
מכון סניידר למעורבות ציבורית  
**Simon Wiesenthal Center**  
**Snider Social Action Institute**

**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 at least ten 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 fivefold increase in the number of Nazi war criminals convicted and the large number of ongoing investigations being conducted clearly reflect the viability of the continuing efforts to hold Holocaust perpetrators accountable all over the world.
  
2. During the period from April 1, 2011 until March 31, 2012, ten individuals were convicted on criminal charges for Nazi war crimes, five times more than the figure for the previous year. Of particular significance was the conviction in Germany of Sobibor guard Ivan Demjanjuk in May 2011, which set an important legal precedent, which could potentially substantially increase the number of prosecutions of Holocaust perpetrators in Germany. These convictions bring the number of legal decisions won against Nazi war criminals from January 1, 2001 until March 31, 2012 to ninety-nine, with the majority achieved in Italy (45) and the United States (39).
  
3. During the period under review, legal proceedings were initiated against six suspected Nazi war criminals, five in Italy and one in Spain, bringing the number of indictments filed since January 1, 2001 against suspects accused of war crimes during World War II to eighty-nine. The largest number of cases (35), were filed in the United States.
  
4. While significant practical legal results were achieved in Italy and Germany, other countries have 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 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, Estonia, Hungary (judiciary), Latvia, Lithuania, and Ukraine). The reasons for the failing grade awarded to each country are explained in the report.

5. The most disappointing result in a specific case during the period under review was Hungary's acquittal of Dr. Sandor Kepiro, who was among the Hungarian officers who organized the mass murder of over three thousand civilians in Novi Sad, Serbia and its environs on January 21-23, 1942. Kepiro was the first local Nazi war criminal prosecuted in post-Communist Eastern Europe in more than five years, and the first-ever in Hungary since the transition to democracy. He was acquitted by Judge Bela Varga on July 18, 2011 in a highly-questionable verdict which ignored Kepiro's previous conviction by a Hungarian court and disqualified all the evidence collected for that trial. The prosecution appealed the verdict, but Kepiro died on September 3, 2011 before the case came to court again.

## **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 that is not the case. 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 ten convictions of Nazi perpetrators initiated during the period under review and at least one thousand one hundred and thirty-eight ongoing investigations as of April 1, 2012.

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 more than 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 publicizing the primary findings of the report is Yom Ha-Shoa (Holocaust Remembrance Day) as designated by the State of Israel, which this past year was observed on April 19, 2012. 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 Holocaust denial and distortion, 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 which 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](mailto:swcjerus@netvision.net.il). This report in its entirety will be posted on our website [www.operationlastchance.org](http://www.operationlastchance.org)

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

**THE PERIOD UNDER REVIEW: APRIL 1, 2011 – MARCH 31, 2012**

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” (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 fivefold increase in the number of convictions obtained and the figure for indictments filed was slightly higher, there was a very sharp decline in the number of new investigations and a relatively small decrease in ongoing investigations.

During the period under review, two very important trials on criminal charges, which were conducted with the defendants alive and present in court, were concluded with mixed results. (All of the nine convictions obtained in Italy were in absentia cases, in which Germany, the country in which the defendants resided, refused to extradite them to face prosecution in Italian military courts.) The first trial was that of SS Sobibor death camp guard Ivan Demjanjuk which ended on May 12, 2011 in Munich with his conviction for accessory to murder, for which he was sentenced to five years in prison. The successful prosecution of Demjanjuk has extremely significant legal ramifications, because it is the first time that a Nazi war criminal was prosecuted and convicted in Germany without any evidence presented to the court of a specific crime with a specific victim. Based on this legal precedent, German prosecutors can bring to trial those individuals who served in death camps, as well as members of the Einsatzgruppen, without evidence that the suspect committed any specific crimes, a fact which potentially could significantly increase the number of such criminals brought to justice in the Federal Republic.

The second trial was that Dr. Sandor Kepiro, a Hungarian gendarmerie officer who was among the organizers of the mass murder of approximately 3,300 Serbs, Jews and Roma in the city of Novi Sad and its environs (part of Yugoslavia under Hungarian occupation) on January 21-23, 1942. The trial was the first-ever of a local Nazi collaborator held in Hungary since the transition to democracy and the first such proceeding in Eastern Europe in more than five years, hence its historical significance. Unfortunately, however, Kepiro was acquitted on July 18, 2011 on the basis of the decision by Judge Varga to disqualify all the evidence from the January 1944 conviction of Kepiro and his fellow officers for carrying out an unauthorized operation in Novi Sad, as well as his dismissal of postwar testimony against him. The prosecution appealed the verdict, but Kepiro died on September 3, 2011 before the case was heard.

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, all of 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 East European Nazi collaborators.) Unfortunately, relatively few countries have made an effort to exploit the far greater access 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 post-Communist 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 countries in the region, are currently conducting many such investigations. And while the lack of results achieved no doubt to some extent 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. The only Eastern European country whose record in recent years in this

regard is mixed is Hungary, where Holocaust perpetrator Dr. Sandor Kepiro was finally put on trial during the period under review. The trial, however, ended in his acquittal, a result which can be attributed at least to some extent to the political atmosphere in Hungary and the lack of will to convict local Holocaust perpetrators. Thus although the judge claimed that the verdict was not proof of Kepiro's innocence, his decision to disqualify all the evidence from a previous trial in which Kepiro had been convicted on related charges, without even mentioning that the cancellation of the original verdict took place while Hungary was occupied by the Nazis, is a reflection of the problems facing prosecution efforts in post-Communist Eastern Europe. Clearly, the fall of Communism and the dismemberment of the Soviet Union have rarely resulted in successful 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 ten years. The existence of a special prosecution agency for Nazi war crimes (the "Zentrale Stelle" in Ludwigsburg) is undoubtedly a major reason for whatever modest success Germany has registered. The prosecution and conviction of Ivan Demjanjuk are an important example of the critical role played by political will in the efforts to hold Holocaust perpetrators accountable. Germany could easily have ignored the case of Demjanjuk, who was neither German nor Volksdeutsche, nor had he committed his crimes in Germany, but the prosecutors in Munich nonetheless made the effort to bring him to trial and achieved a landmark decision (see above).

By contrast, Austria, which in early 2011 established a working group (Forschungstelle Nachkriegjustiz), 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 positive results. Thus the interim report, which was scheduled to be completed by mid-2011 has still not appeared, let alone the final report scheduled for 2012. 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 Serbian, 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.

Ašner was finally reexamined in 2009 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. Ašner died during the period under review on June 14, 2011 in Klagenfurt, unprosecuted and unpunished.

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 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 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 is therefore 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 a final decision in his case for over six 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.

A solitary exception to this dismal picture was Spain, where the "Nizkor" group of lawyers was able to convince a Spanish court to indict Waffen-SS Death's Head camp guard Theodor Szebinskyj, a Ukrainian who served in Gross-Rosen, Sachsenhausen and Waraw concentration camps.

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, 2012, the number of ongoing investigations remains relatively high, which is a cause for guarded optimism, despite the large decrease in the number of new investigations launched during the period under review.

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.

In the wake of the Demjanjuk conviction by a German court in May 2011 and its potential implications for the increased prosecution of Nazi war criminal in Germany, the Wiesenthal Center and Targum Shlishi launched "Operation: Last Chance II" in Berlin on December 16, 2011. This new project seeks to focus on those who served in death camps and in the

Einsatzgruppen and who, in the wake of the Demjanjuk precedent, can now be prosecuted in Germany, even if there is no evidence that they committed a specific crime with a specific victim. As a result of this new legal situation, two of the three biggest obstacles to the prosecution of Nazi war criminals have been eliminated [the need for evidence of a specific crime and the lack of political will to bring Nazi war criminals to justice] making it theoretically much easier to bring these Holocaust perpetrators to justice in Germany than it has ever previously been.

The reward being offered for information on such cases was increased from \$25,000 (US) to 25,000 euros and the conditions for its receipt were made more favorable to the informants. Until now, the rewards in “Operation: Last Chance” were granted only if the suspects brought to our attention were convicted and punished. (Partial rewards of \$5,000 were awarded in the cases of Milvoj Ašner (2004) and Lazslo Csatory (2012) due to exceptional circumstances.) In O:LC II cases, however, an initial reward of 5,000 euros will be awarded if a suspect is indicted, another 5,000 euros will be given if a conviction is obtained, and the informant will receive an additional 100 euros for every day the criminal is incarcerated for the first 150 days of his or her imprisonment.

Prior to the launch of “Operation: Last Chance II,” the Wiesenthal Center had received the names of 605 suspects, 102 of which were submitted to prosecutors, either in the country in which the crime was committed or in the suspect’s country of origin or of current residence. Of these, 22 were received from April 1, 2011 until mid-December 2012 and the names of an additional 14 suspects were received in the wake of the launch of “Operation: Last Chance II” prior to April 1, 2012. Of these names, three were submitted to local prosecutors for further investigation and possible prosecution.

In summation, despite numerous obstacles and difficulties, significant progress was made during the period under review, and can still be achieved in the efforts to bring the perpetrators of the Holocaust to the bar of justice. As time goes by, however, the political dimension of these efforts becomes increasingly important as can clearly be seen in the analysis of the achievements made during the period in review in the individual countries.

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

April 1, 2011 – March 31, 2012

Italy – 9

Germany - 1

Details of Convictions Obtained During the Period Under Review:

1. Italy

A. On May 25, 2011, the military court of Rome sentenced the following German defendants to life imprisonment for the murder of 184 civilians in Padule di Fucecchio on August 23, 1944:

1. Fritz Jauss
2. Ernst August Arthur Pistor
3. Johann Robert Riss

B. On July 6, 2011, the Military Court of Verona sentenced the following German defendants who served in “Hermann Goering” armored division of the Wehrmacht to life imprisonment for the murder of civilians in Italy:

1. Erich Koeppe
2. Alfred Luhmann
3. Helmut Odenwald
4. Ferdinand Osterhaus
5. Wilhelm Karl Stark
6. Hans Georg Karl Winkler

2. Germany

On May 12, 2011, the second Munich district court convicted Ivan Demjanjuk of accessory to murder for his role as an armed SS guard at the Sobibor death camp in Poland and sentenced him to five years imprisonment.

**CONVICTIONS OF NAZI WAR CRIMINALS:**  
**COMPARATIVE STATISTICS 2001-2012**

	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	1.IV.2011 – 31.III.2012	Total
United States	6	5	7	5	5	6	3	0	0	2	0	<b>39</b>
Italy	0	0	0	0	10	15	1	6	3	0	9	<b>44</b>
Canada	3	0	0	0	0	0	3	0	0	0	0	<b>6</b>
Germany	2	1	0	0	0	0	0	0	2	0	1	<b>6</b>
Lithuania	1	0	0	0	1	0	0	0	0	0	0	<b>2</b>
Poland	1	0	0	0	0	0	0	0	0	0	0	<b>1</b>
France	1	0	0	0	0	0	0	0	0	0	0	<b>1</b>
<b>Total</b>	<b>14</b>	<b>6</b>	<b>7</b>	<b>5</b>	<b>16</b>	<b>21</b>	<b>7</b>	<b>6</b>	<b>5</b>	<b>2</b>	<b>10</b>	<b>99</b>

## NEW CASES FILED DURING THE PERIOD UNDER REVIEW

Italy - 5

Spain - 1

### **1. Italy**

At unknown dates, the following German defendants were indicted by Italian military courts:

#### **A. Rome Military Court**

For the murder of 117 Italian prisoners of war on the Greek island of Cephalonia between September 22 and 24, 1943:

Alfred Stoerk

#### **B. Verona Military Court**

1. For the murder of civilians in Italy the following members of Wehrmacht Sturmabteilung OBSudwest:
  - a. Ernst Plege
  - b. Karl Schaefer
  - c. Karl Weis
  
2. For the murder of civilians in Borgo Ticino (Novara, Italy) as a member of the 80<sup>th</sup> Sturmabteilung of the German Navy:

Ernst Wadenpfehl

### **2. Spain**

On an unknown date, a Spanish court indicted Theodor Szebinskyj – a Waffen SS Death's Head guard in the Gross-Rosen, Sachsenhausen and Warsaw concentration camps

**NEW CASES FILED: COMPARATIVE STATISTICS 2001 – 2012**

	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	1.IV.2011 – 31.III.2012.	Total
United States	4	10	5	3	2	6	2	1	2	0	0	<b>35</b>
Italy	0	0	0	0	2	0	5	2	16	*2	5	<b>32</b>
Germany	1	1	2	0	0	0	1	2	3	1	0	<b>11</b>
Canada	1	0	3	0	0	0	0	0	0	0	0	<b>4</b>
Hungary	0	0	0	1	0	0	0	0	0	1	0	<b>2</b>
Denmark	0	0	0	1	0	0	0	0	0	0	0	<b>1</b>
Lithuania	0	0	0	1	0	0	0	0	0	0	0	<b>1</b>
Poland	0	0	0	0	1	0	0	0	0	0	0	<b>1</b>
Spain	0	0	0	0	0	0	0	0	0	1	1	<b>2</b>
<b>Total</b>	<b>6</b>	<b>11</b>	<b>10</b>	<b>6</b>	<b>5</b>	<b>6</b>	<b>8</b>	<b>5</b>	<b>21</b>	<b>5</b>	<b>6</b>	<b>89</b>

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

German	45
Austria	9
United States	6
Argentina	1
Hungary	1
Italy	1 <sup>1</sup>
Canada	? <sup>2</sup>
<b>Total</b>	<b>63</b>

1. The number of new investigations in Italy is a minimum figure since the new investigations initiated by the military court in 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 – 2012**

	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	1.IV.2011 – 31.III.2012	Total
Poland	48	8	172	306	141	2	142	230	290	409	0	1,748
Germany	9	?	9	27	38	22	31	43	130	161	45	515
Austria	10	3	60	272	1	0	2	16	24	6	9	403
United States	46	16	40	34	27	30	22	5	5	5	6	236
Italy	0	56	18	6	2	2	3	21	4	2*	1	115
Argentina	0	0	0	0	0	0	1	0	0	0	1	2
Australia	0	9	0	1	3	1	0	0	0	0	0	14
Belgium									1	0	0	1
Brazil	0	0	0	0	0	0	1	0	0	0	0	1
Canada	?	?	?	?	103	?	?	?	?	?	?	103
Chile	0	0	0	0	0	0	1	0	0	0	0	1
Croatia	0	0	0	1	1	0	0	0	0	0	0	2
Denmark	0	0	1	9	0	1	0	0	0	0	0	11
Estonia	2	17	1	0	0	0	0	0	0	0	0	20
Great Britain	6	1	0	0	0	0	0	0	1	0	0	8
Hungary	0	0	0	1	1	1	0	0	0	0	1	4
Latvia	0	4	16	0	0	0	0	0	0	0	0	20
Lithuania	100	24	18	2	3	1	1	0	1	0	0	150
Romania	0	0	0	4	0	0	0	0	0	0	0	4
Serbia	0	0	0	0	0	3	0	0	0	0	0	3
Slovenia	0	0	0	0	1	0	0	0	0	0	0	1
Spain	0	0	0	0	1	0	0	0	0	0	0	1
Switzerland	0	0	0	0	0	0	1	0	0	0	0	1
<b>Total</b>	<b>221</b>	<b>138</b>	<b>335</b>	<b>663</b>	<b>322</b>	<b>63</b>	<b>205</b>	<b>315</b>	<b>456</b>	<b>584</b>	<b>63</b>	<b>3,302</b>

**ONGOING INVESTIGATIONS OF NAZI WAR CRIMINALS AS OF APRIL 1, 2012**

Germany	528
Poland	458
USA	74
Italy	27
Austria	22
Canada	19
Lithuania	6 <sup>1</sup>
Hungary	2
Argentina	1
France	1
<b>Total</b>	<b>1,138</b>

1. All six cases in Lithuania are currently suspended.

**ONGOING INVESTIGATIONS OF NAZI WAR CRIMINALS:**

**COMPARATIVE STATISTICS 2001 – 2012**

	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	April 1, 2012
United States <sup>1</sup>	175	275	285	246	236	221	216	150	87	76	74
Lithuania	110	108	25	21	26	24	17	13	9	?	6
Canada	78	67	194	190	255	255	?	180	180	157	19
Poland	48	13	350	450	365	333	305	270	316	471	458
Germany	27	13	35	46	28	20	30	27	177	582	528
Great Britain	6	2	1	1	1	0	0	0	2	0	0
Croatia	3	2	1	2	2	2	1	1	1	0	0
Austria	3	4	27	199	131	83	4	5	28	5	22
Latvia <sup>2</sup>	2	5	5	58	53	55	3	1	0	?	0
Netherlands	1	0	0	6	6	0	0	1	0	0	0
Estonia	1	2	3	3	1	1	1	1	2	0	0
Costa Rica	1	0	0	0	0	0	0	0	0	0	0
Denmark	0	1	2	11	1	2	1	0	1	0	0
Italy	0	0	12	13	5	17	22	52	43	23	0
Romania	0	0	0	4	4	0	0	0	0	0	27
Australia	0	0	0	1	2	0	0	0	0	0	0
Hungary	0	0	0	1	2	2	1	2	2	2	2
Slovenia	0	0	0	0	1	0	0	0	0	0	0
Spain	0	0	0	0	1	0	1	0	0	0	0
Serbia	0	0	0	0	0	3	3	3	3	2	0
France	0	0	0	0	0	1	0	0	0	0	1
Argentina	0	0	0	0	0	0	1	0	0	0	1
Brazil	0	0	0	0	0	0	1	0	0	0	0
Chile	0	0	0	0	0	0	1	0	0	0	0
Belgium	0	0	0	0	0	0	0	0	1	0	0
<b>Total</b>	<b>455</b>	<b>492</b>	<b>940</b>	<b>1,252</b>	<b>1,130</b>	<b>1,019</b>	<b>608</b>	<b>706</b>	<b>852</b>	<b>1328</b>	<b>1,138</b>

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

## **INVESTIGATION AND PROSECUTION REPORT CARD**

As part of this year's annual status report, we have given grades ranging from A (highest) to F which reflect the Wiesenthal Center's evaluation of the efforts and results achieved by various countries during the period under review.

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/or 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: Germany, Italy, United States

B: Hungary (prosecution), Serbia, Spain\*

C: Poland

D: Argentina, France, Netherlands\*

E: Brazil, Croatia, Denmark, Finland, Romania, Slovakia

F-1: Norway\*, Sweden\*, Syria\*

F-2: Australia, Austria, Canada, Estonia, Hungary (judiciary), Latvia\*, Lithuania, Ukraine\*

X: Belarus, Belgium, Bolivia, Bosnia-Herzegovina, Chile, Colombia, Costa-Rica, Czech Republic, Great Britain, Greece, Luxemburg, New Zealand, Paraguay, Russia, Slovenia, Uruguay

\* denotes data from independent sources not government agencies

## Category A - Highly Successful Proactive Prosecution Program

1. Germany – The decentralization of the German legal system makes it very difficult to give a grade which accurately reflects the legal situation throughout the Federal Republic. Thus there are provinces which have been extremely active in investigating cases of Nazi war criminals (Baden-Wurttemberg, Bavaria, Hesse, and North Rhine-Westphalia), whereas others have investigated as few as a single case (Berlin, Bremen, Hamburg, Lower Saxony, Rhineland-Palatinate, Saxony, Schleswig-Holstein and Thuringia) or none at all (Mecklenburg-Vorpommern, Saarland, and Saxony Anhalt). And while the significant differences between the provinces are obviously affected by the number of suspects in, and the cases assigned to, each area, the figures are also related to the performance of local prosecutors and their determination, or lack thereof, to bring Nazi war criminals to justice.

During the period under review, German prosecutors achieved an extremely important conviction, which has significant implications for the prosecution of Holocaust perpetrators in the Federal Republic. The case in question was that of Sobibor SS guard Ivan Demjanjuk, who was convicted on May 12, 2011 in Landgericht Munchen II of accessory to murder in sixteen instances – with a total of 28,060 victims. The importance of the decision, as previously noted, was that it was the first case of an Holocaust perpetrator who was convicted, even though no evidence of a specific crime with a specific victim was presented to the court.

This legal precedent could have far-reaching implications, since it means that any person who served in a Nazi death camp or in the Einsatzgruppen (mobile killing squads) can be prosecuted in Germany, even if prosecutors have no proof the he or she committed a specific crime. Until now, such cases generally never reached the courts, even though the suspects were active participants in mass murder over extended periods of time.

The fact that Demjanjuk was tried in Germany is to the credit of the Zentrale Stelle and the prosecutors in Munich. He was not a German or a Volksdeutsche and his connection to the country was tenuous (his port of embarkation for the United States was in Germany), but due to the history of the case, its prosecution was of unique significance and Germany accepted the challenge which, in theory, it could have ignored.

The successful prosecution of Demjanjuk and the continuing efforts of prosecutors in several provinces to bring Nazis to justice are the basis for the positive evaluation of Germany record during the period under review. There is no question that more could have been done and the lack of success in the cases of foreign SS killers who escaped to Germany, such as Klaas Faber (from Holland) and Soeren Kam (from Denmark), undoubtedly constitutes a failure by the prosecutors involved, but the significance of the Demjamjuk conviction and the existence of political will to bring Holocaust perpetrators to justice outweigh these flaws.

2. 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 - nine convictions and five indictments - continue this important trend. Thus during the years 2005-2012, a total of forty-four Nazi war criminals have been convicted by military prosecutors, by far the highest number achieved anywhere, since the publication of this report was initiated in 2002 to cover the period from January 1, 2001 until March 31, 2002.

It should be noted, however, that unfortunately, all of the cases of Nazi war criminals prosecuted in Italy during past seven 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 and Austria, which refuse in principle to extradite their 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. Two years ago, 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.

Despite these problems, the extremely successful results achieved by Italian prosecutors during the period under review merit special acknowledgement, hence it's A grade for the first time ever.

3. United States – Since its establishment in 1979, the Office of Special Investigations (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, 2012, 39 of the 99 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 as 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. Having said that, the office has played a very important role in helping convince several countries to take legal action against Nazi war criminals and assisted significantly in providing the necessary evidence to prepare successful legal measures. The most important case in this respect was that of Ivan Demjanjuk, who was convicted in Germany during the period under review (see above), and in which the American played a critical role in helping convince the Germans to undertake the prosecution and obtain the uniquely important conviction. The US office also assisted in the indictment filed during the period under review by the Spanish authorities.

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

1. Hungary (prosecution) – Almost five 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 put on trial on May 3, 2011 for his role in the mass murders carried out by the Hungarian forces of approximately 3,300, Serbs, Jews and Roma in the Hungarian-occupied city of Novi Sad, Serbia and its environs on January 21-23, 1942. Kepiro, a gendarmerie officer who was responsible for the roundups of some of the victims, was also specifically charged with direct responsibility for the murder of 36 persons in Novi Sad.

The trial was the first-ever conducted in Hungary against a local Nazi collaborator since the transition to democracy and was the first to take place in post-Communist Eastern Europe against a Holocaust perpetrator in more than five years.

During the period under review, Hungary's request for the extradition of Karoly Zentai from Australia (see previous reports) was still pending and was only decided in August 2012.

2. Serbia – During the period under review, the Serbian judicial authorities continued their efforts to facilitate the prosecution of two suspected Holocaust perpetrators, both of whom were living in other countries. The individuals in question were Dr. Sandor Kepiro, (see above under Hungary), and former Ustasha police chief of the city of Požega, Croatia Milivoj Ašner (see below under Austria), who is accused of orchestrating the persecution and deportation to concentration camps, where they were murdered, of hundreds of Serbs, Jews and Roma. The latter died unprosecuted in Klagenfurt Austria in June 2011 and the former died after his acquittal, but while facing an appeal by the Hungarian prosecution, in September 2011.
3. Spain - One of the most surprising positive developments in recent years was the initiative of 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, to solve the problem 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. The group ultimately focused on the cases of four individuals who had served in the Flossenbug (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.

During the period under review another Nazi war criminal, Waffen-SS Death's Head guard Theodor Szebinskyj, who served in the Gross-Rosen, Sachsenhausen and Warsaw concentration camps was indicted by the Spanish authorities, bringing the number of those indicted in Spain to five, none of whom, however, have yet been extradited and prosecuted.

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, who were initially able to gain refuge there during the Franco era, but who 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**

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 relatively disappointing - one conviction (of Chelmno death camp operative Henryk Mania) and one indictment (of Nazi agent Piotr Wieczorek) since 2001.

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

1. Argentina – during the period under review, the National Gendarmerie opened an investigation regarding the possible whereabouts in Argentina of Dr. Aribert Heim, based on new information which reached the Wiesenthal Center. The search focused on the area of Bariloche, but did not yield a positive result. The case, which has been open since early 2005 is based on an international arrest warrant issued by Interpol at the request of the judicial

authorities of Germany and Austria. Heim, who served as a doctor at the Mauthausen concentration camp, is wanted for war crimes, injury followed by death, homicide, torture and barbaric acts.

2. France – During the period under review, the French authorities had an open investigation against Ivan Demjanjuk which was more inclusive than the charges brought against him in Germany. The French indictment related to his service as a death camp guard at Sobibor, for which he was charged in Germany, but also to his participation in crimes at the Majdanek death camp, as well as the Flossenburg and Regensbrug concentration camps. The charges are related to the fate of 1,000 Jews deported from France in March 1943 in four separate convoys.
  
3. Netherlands – During the period under review, efforts continued on the case of Dutch SS executioner Klass Faber, who was convicted after the war in the Netherlands for the murder of more than twenty civilians, but escaped from prison to Germany in December 1952. Over the years, attempts by the Dutch authorities to have Faber extradited back to Holland, or retried in Germany or incarcerated there on the basis of his original conviction, were rejected by the German judiciary. In November 2010, however, Dutch prosecutors issued a European arrest warrant against Faber, and during the period under review, the prosecutor in Ingolstadt where Faber had resided for decades, sought to have him imprisoned in Bavaria. This effort appeared to be on the verge of success, when Faber died at the age of 90 on May 24, 2012 in Ingolstadt.

### **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. Brazil
2. Croatia
3. Denmark
4. Finland
5. Romania
6. Slovakia

### **Category F-1: Failure in Principle**

1. Norway – For years, Norway refused in principle to investigate, let alone prosecute, Nazi war criminals due to an existing statute of limitations, which contrary to the situation elsewhere in the world with the exception of Sweden, applied not only to murder, but 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. Unfortunately, this development did not 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, applied also 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 cannot in principle 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. Australia – During the period under review, the case of Karoly (Charles) Zentai, whose extradition was requested by Hungary in early 2005, had 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.

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. 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. Two years ago, 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 establishment of 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 by the end of 2011 has not yet appeared, let alone the final version, which was slated for completion in mid-2012, 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.

3. 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 eighteen 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 ten denaturalizations against defendants residing in Canada, who in theory should have then been deported. To date, however, not a single one of the eight persons who appealed against the decision has been deported, and seven of the eight have since died in Canada. (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 authorities who also apply civil remedies against Nazi war criminals.

Given the fact that the Holocaust perpetrators who immigrated 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. Estonia – In October 2011, the Estonian authorities closed their investigation against Mikhail Gorshkow, who was denaturalized in the United States in 2002 for concealing his World War

II service with the Gestapo in Belarus, on the grounds of mistaken identity. The Estonian decision not to prosecute Gorshkow, whose identity had been conclusively verified by the American authorities during the legal proceedings against him in the United States, was the final example of the total failure of the Estonian judicial authorities to bring local Holocaust perpetrators to justice. Estonia is the only Baltic county which has failed since the renewal of independence to take any legal action against a single local Nazi collaborator.

5. Hungary (judiciary) – On July 18, 2011, Judge Bela Varga acquitted Hungarian gendarmerie officer Dr. (of law) Sandor Kepiro of the charges against him in connection with the murder by Hungarian forces on January 21-23, 1942 of approximately 3,300 civilian Serbs, Jews and Roma in the city of Novi Sad and its environs in the Hungarian-occupied Yugoslav province of Voivodina.

The decision to acquit Kepiro was unexpected since he and his fellow officers who had organized and carried out the murders in 1942 had been convicted by a Hungarian court in January 1944, prior to the Nazi invasion of Hungary, for their role in the atrocities. (They were prosecuted for carrying out an unauthorized operation against civilians, not for mass murder, which made it possible to put Kepiro on trial in 2011 for war crimes.) There are indications that Kepiro was also convicted in absentia in 1948, and sentenced to 14 years in prison, but this has not been fully verified.)

The major problem with the acquittal of Kepiro was the fact that Judge Varga chose to arbitrarily ignore the historical circumstances of the case when such steps favored Kepiro, but invoked them when it helped his defense. Thus, for example, Varga disqualified all the evidence presented at Kepiro's 1944 trial, on the grounds that its verdict had officially been cancelled several months later by a Hungarian court, without mentioning that in the time interval between the conviction and its cancellation four months later, the Nazis had occupied Hungary, a factor which undoubtedly significantly affected the decision. In evaluating incriminating evidence against Kepiro, on the other hand, Judge Varga disqualified testimony that Kepiro had sent 30 people rounded up in Novi Sad to the Danube River to be shot, on the grounds that the testimony was recorded following the advent of Communist rule, during which witnesses were routinely tortured, even though he did present any evidence to confirm that claim.

The prosecution appealed the verdict, but Kepiro died on September 3, 2011 before the case came to court again.

6. Latvia – During the period under review there has been no practical progress in the prosecution of Latvian Nazi war criminals.
7. 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.

8. 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 2001-2012**

	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
	2000/1 -	2001/2	2002/3	2003/4	2004/5	2005/6	2006/7	2007/8	2008/9	2009/10	2010/11	2011/12
Argentina	C	X	D	D	X	X	X	D	X	E	X	D
Australia	D	D	D	D	C	C	F-2	F-2	F-2	F-2	C	F-2
Austria	D	D	D	C	D	F	F-2	C	F-2	D	F-2	F-2
Belarus		X	X	X	X	X	X	X	X	X	X	X
Belgium		X	X	X	X	X	X	X	X	D	X	X
Bolivia		X	X	X	X	X	X	X	X	X	X	X
Bosnia-Herzegovina		X	X	X	D	D	E	X	X	X	E	X
Brazil		X	X	X	X	X	X	D	X	X	X	E
Canada	B	B	C	B	C	C	F-2	B	D	F-2	F-2	F-2
Chile		X	X	X	X	D	X	D	X	X	X	X
Colombia		F	F	F	D	D	X	X	X	X	X	X
Costa Rica	C	D	C	X	X	D	X	X	X	X	E	X
Croatia	C	D	D	D	D	B	F-2	F-2	E	E	E	E
Czech Republic		D	X	X	X	X	X	X	X	X	X	X
Denmark		D	D	D	B	D	C	D	D	D	D	E
Estonia	D	D	D	D	D	F	F-2	F-2	F-2	F-2	F-2	F-2
Finland		D	D	D	D	D	E	E	E	E	E	E
France	B	C	D	D	X	D	D	X	X	X	X	D
Germany	B	B	B	B	C	C	F-2	B	B	A	B	A
Great Britain	C	D	D	D	D	D	F-2	X	X	D	X	X
Greece		X	X	X	X	X	X	E	E	E	E	X
Hungary		X	D	D	B	C	C	F-2	F-2	F-2	B	B/F-2
Italy	B	C	C	C	C	B	B	B	B	B	B	A

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

## MOST WANTED NAZI WAR CRIMINALS

As of April 1, 2012

### **\*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.

After the period under review: On September 21, 2012, a regional court in Baden-Baden, Heim's last known residence in Germany, suspended the criminal investigation against him on the grounds that it was convinced that he had died of cancer in Cairo in 1992.

1. **Ladislau Csizsik - Csatary – Hungary**

Served as a senior Hungarian police officer in Kosice (Hungarian-occupied Slovakia) and was in charge of the ghetto of “privileged” Jews; helped organize the deportation to Auschwitz of approximately 15,700 Jews from Kosice and vicinity in spring 1944.

Status: Escaped to Canada after World War II, he was stripped of his Canadian citizenship in 1997, and chose to voluntarily leave the country. His whereabouts were unknown until fall 2011, when he was discovered by the Wiesenthal Center in the framework of “Operation: Last Chance.”

After the period under review:

On July 17, 2012, Csatary was charged with torture of the Jews in the Kosice Ghetto, was placed under house arrest for 30 days, and his passport was confiscated. The house arrest has been extended, and continues as of the writing of this report.

2. **Klaas Carl Faber - Germany**

Volunteered for Dutch SS and served in SD as member of the Sonderkommando Feldmeijer execution squad which executed members of Dutch resistance, opponents of the Nazis 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 had been 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 immediate arrest of Faber, and the German prosecutor in Ingolstadt, where he resides, supports his incarceration. A final decision in the case is expected within the next few weeks.

After the period under review: On May 24, 2012 Faber died in a hospital in Ingolstadt, Bavaria, as the local prosecutor prepared to ask for his incarceration in Germany to serve his original sentence.

**3. 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.

**4. Vladimir Katriuk - Canada**

Served as a platoon commander of the first company of Ukrainian Schutzmannschaft Battalion 118 which carried out the murder of Jews and innocent civilians in various places in Belarus.

Status: Escaped to Canada after World War II but was stripped of his Canadian citizenship in January 1999, after his service as a Nazi collaborator was revealed. In May 2007, the Canadian authorities decided to overturn his denaturalization, a decision confirmed by the Federal Court of Appeal in November 2010. New research by Swedish historian Per Anders Rudling revealed Katriuk's active role in the mass murder of the residents of the village of Khatyn, Belarus and provides a firm basis to strip him of his Canadian citizenship.

**5. 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 March 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 was heard before the full bench of the Federal court in late March 2012, with a decision expected within the coming months.

After the period under review: On August 15, 2012, the Australian High Court ruled that Zentai could not be extradited to Hungary because the extradition request was based on an accusation of "war crimes," a legal category which did not exist at that time in Hungarian law.

**6. 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. A 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 limitations. Efforts continue to bring Kam to justice either in Germany or in Denmark.

**7. 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 violent acts of persecution. No such country has been found and he remains in the United States.

**8. Algimantas Dailide – Germany**

Served in the Vilnius District of the Saugumas (Lithuanian Security Police); arrested Jews and Poles who were subsequently 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 2006, he was convicted by a Lithuanian court for arresting 12 Jews trying to escape from the Vilnius Ghetto (and 2 Poles), who were 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.

**9. 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. Since his arrival in Estonia several years ago, he has been under investigation, but in October 2011 the Estonian authorities closed the investigation against Gorshkow, claiming the case was one of “mistaken identity,” a decision which was severely criticized by the United States, Russia, and the Simon Wiesenthal Center.

**10. Helmut Oberlander – Canada**

Served in Einsatzkommando 10a (part of Einstazgruppe D) which operated in southern Ukraine and Crimea and is estimated to have murdered more than 23,000 people, mostly Jews.

Status: Escaped to Canada after World War II, but was stripped of his Canadian citizenship in August 2001, after his wartime service with the Nazis was revealed. In May 2004 his citizenship was restored but it was revoked a second time in May 2007, a decision which was overturned by a Federal Court of Appeal in November 2009. The case is currently pending again.

After the period under review: In late December 2012, the Canadian authorities again stripped Oberlander of his Canadian citizenship.

**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, 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 six 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, "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 local collaborators in the mass murder of Jews in virtually every country in Eastern Europe.

In December 2011, in the wake of the conviction in Munich of Sobibor death camp guard Ivan Demjanjuk (see above in section on Germany), the Israel Office and Targum Shlishi launched "Operation: Last Chance II" at the Bundestag in Berlin. The new project will focus on death camp operatives and members of the Einsatzgruppen (mobile killing squads), whose prosecution in Germany has become much easier in the aftermath of the Demjanjuk precedent.

The Israel Office has also played a major role during the past several years in the fight against Holocaust distortion, a phenomenon which has become particularly dangerous in post-Communist Eastern Europe, where there is governmental support for efforts to hide or minimize the very important role played in Holocaust crimes by local Nazi collaborators and the canard of equivalency between Nazi and Communist crimes is being vigorously promoted.

## **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:**

Museum of Tolerance – New York

Director: Rabbi Steve Burg

226 East 42nd St.

New York, NY 10017

UNITED STATES

Tel: 212/697-1293

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

Canadian Office (Friends of Simon Wiesenthal Center for Holocaust Studies) - Toronto

President and Chief Executive Officer – Avi Benlolo

5075 Yonge St., Suite 902

Toronto, Ontario M2N 6C6

CANADA

Tel: 416/864-9735

Fax: 416/864-1083

Email: [tsteyn@fswc.ca](mailto:tsteyn@fswc.ca)

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

European Office – Paris

Director – Dr. Shimon Samuels

66 Rue Laugier

75017 Paris

FRANCE

Tel: 33/1/4723-7637

Fax: 33/1/4720-8401

Email: [csweurope@gmail.com](mailto:csweurope@gmail.com)

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

Latin American Office – Buenos Aires

Director - Sergio Widder

Cabello 3872 - PB "C"

(C1425APR) - Buenos Aires

ARGENTINA

Tel 54/11 4802-1744

Fax 54/11 4802-1774

Email: [info@cswlatinoamerica.org](mailto:info@cswlatinoamerica.org)

Midwest Office – Chicago

Director – Allison Pure-Slovin

180 North LaSalle St.

Chicago, Il, 60601

Tel: 312-981-0105

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

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