

Worldwide Investigation and Prosecution of Nazi War Criminals

(April 1, 2018– December 31, 2019)

An Annual Status Report

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Simon Wiesenthal Center – Israel Office

Snider Social Action Institute

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INTRODUCTION

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 21, 2020. In that respect, the Center has always believed that the prosecution of the perpetrators of the Holocaust is one of the most fitting means of commemorating those annihilated by the Nazis. Famed Nazi-hunter Simon Wiesenthal often emphasized his sense of personal obligation toward the victims of the Holocaust to do his utmost to maximize the number of Nazi war criminals 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 all 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 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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EXECUTIVE SUMMARY

1. As more and more time passes since the end of World War II, it would only be natural to expect that the prosecution of Nazi war criminals would come to an end. That logical conclusion, however, has still not been the case everywhere, as two surprising developments have rejuvenated some of the efforts to hold Holocaust perpetrators accountable for their crimes.

The first change relates to the extension of life expectancy in the Western world. The advances of modern medicine have enabled men and women not only to live longer, but also to remain reasonably healthy (and therefore capable of facing prosecution) for many more years, than was the case previously. This is especially true in countries like Germany and Austria, which have the largest numbers of individuals who committed crimes in the service of the Third Reich during World War II, and are among the countries which provide a relatively high-level of health services for their citizens.

The second development has been a very dramatic change in German prosecution policy vis-à-vis Nazi war criminals, which was instituted in 2009, initially in the case of Sobibor SS guard Ukrainian Ivan Demjanjuk. For several previous decades, in order to convict a Holocaust perpetrator, prosecutors had to prove that a suspect had committed a specific crime against a specific victim and had been motivated by racial hatred. The new prosecution policy adopted in Germany significantly lowered the bar in terms of the required evidence. Thus today any person who served in a death camp (by definition a concentration camp with apparatus for industrialized mass murder – gas chambers or gas vans) or in the Einsatzgruppen (mobile killing units) can be convicted of accessory to murder based on service alone, the punishment for which is 5-15 years in prison.

2. This change of policy was directly responsible for the primary positive results achieved during the period under review, the filing of indictments against six suspects in Germany, bringing the number of cases submitted for prosecution during the period covered by our annual reports to 111. The leaders in this category are the United States (35), Italy (33) and Germany (28), with no other country in double figures.

Also in Germany, two criminal trials commenced during the period under review, against Johannes Rehbogen (in Munster) and Bruno Dey (in Hamburg), both of whom served as guards in the Stutthof concentration camp in Nazi-occupied Poland. The

former proceeding was halted due to the poor health of the defendant, while the latter, which began in October 2019, concluded with the conviction of Dey in July 2020.

In Canada, the denaturalization of Helmut Oberlander, who served in Einsatzgruppe D in southern Ukraine, was upheld in 2018 and confirmed in 2019. With these decisions, the number of convictions since 2001 rose to 106, the majority of which were recorded in Italy (46) and the United States (34).

In the United States, a deportation proceeding against Neuengamme guard Friedrich Karl Berger commenced in May 2019, and was successfully completed on February 28, 2020, when the court ordered Berger's removal from the United States.

3. As far as new and ongoing investigations are concerned, the figures are somewhat misleading. The number of new investigations more than doubled, but the largest number of investigations by far were initiated and are being continued in Poland, where almost none of the investigations have ever led to indictments or convictions. In Germany, the number of both new and ongoing investigations dropped, but those inquiries are the most promising in terms of leading to cases brought to trial.

4. For the first time ever since this report has been published, the Russian Federation has initiated two investigations of Nazi war crimes committed on its territory.

5. While significant progress was achieved primarily in Germany, other countries for the most part have failed to attain any results whatsoever during the period under review. Those countries, which have received a failing grade (F), have been divided into two different categories: F-1 for those countries which in principle are unable to prosecute Nazi war criminals - 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 and had practical opportunities to do so, but have failed to achieve any positive results during the period under review. The reasons for the failing grade awarded to each country are explained in the report.

6. Since the identity of the suspects in all the cases currently being prepared in Germany for possible prosecution has not been made public, we are unable to provide an accurate list of the Nazi war criminals slated for trial in 2020.

7. Due to a variety of technical problems and the onset of the COVID-19 pandemic, this report covers the period from April 1, 2018 until December 31, 2019, a period of 21 months. Henceforth our reports will appear annually and cover the calendar year.

THE PERIOD UNDER REVIEW: APRIL 1, 2018 – DECEMBER 31, 2019

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.

The most important positive developments during the period under review were the direct result of the abovementioned new prosecution policy implemented by the German judicial authorities in the wake of the conviction in Munich of Sobibor SS guard Ivan Demjanjuk as an accessory to murder in May 2011. Following that decision, the German Zentrale Stelle initially decided to investigate all the hitherto unprosecuted persons who had served in any of the six Nazi concentration camps officially categorized as death camps (Auschwitz-Birkenau, Treblinka, Belzec, Chelmno, Sobibor and Majdanek) or in the Einstazgruppe (mobile killing units) A, B, C, and D, which operated in the territories of the Soviet Union.

The impact of the change in German prosecution policy became even more significant with the expansion by the Zentrale Stelle of the search for Holocaust perpetrators to several additional concentration camps which were not officially classified as death camps, such as Stutthof, Mauthausen, Ravensbrueck and Buchenwald. These investigations yielded indictments which were among those submitted during the period under review.

On a practical level, the positive results achieved during the past year were the commencement of two trials in Germany and one in the United States, one denaturalization upheld and confirmed in Canada, and six indictments filed in Germany. These statistics compare very favorably with those of the previous period reviewed (April 1, 2017-March 31, 2018) during which there was only one conviction recorded, and a single new indictment filed.

As far as investigations are concerned, the number of new investigations rose dramatically because of the efforts of the Polish Institute of National Memory, but very rarely have such investigations led to indictments or trials. The number of ongoing investigations has dropped by almost half, but the most important ones, those with the greatest potential for convictions, in Germany, are still being pursued.

As far as the rest of the world, 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. And while the lack of results achieved 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 Ukraine, Croatia, Belarus, and Romania.

In fact, during the past twenty years, only five Eastern European post-Communist countries took any legal measures whatsoever against local Nazi war criminals, and most of them were ultimately unsuccessful, in many cases due to a lack of political will.

Elsewhere in Europe, with the exception of Germany, Italy 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 against German and Austrian perpetrators during the past decade.

By contrast, Austria, which in early 2011 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 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 was 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 punished a single Nazi war criminal for crimes committed against Jews during the Holocaust in more than 45 years.

Although statutes of limitations on cases of murder exist in many countries, until recently there were only two countries in the Western world which proscribed the prosecution of the crimes of 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.

As far as the countries of refuge are concerned, the only countries still actively seeking to hold Nazi war criminals accountable are the United States and Canada. Canada (in 1987), Australia (in 1989) and Great Britain (in 1991) all passed special laws to enable criminal prosecution of Nazi war criminals in local courts, (the only country that allowed the entry of Nazi criminals but refused to take legal action against them was New Zealand) but the results achieved in recent years have been minimal. Canada, which in 1994 switched to the "American model" of denaturalization and deportation, initially took successful legal action (denaturalization) against 8 persons (and 2 others voluntarily left the country), but to date not a single person who was stripped of his Canadian citizenship has been successfully deported from the country. During the period under review, Helmut Oberlander, who served in Einsatzgruppe D was stripped of his citizenship for the fourth time, but has not yet been deported.

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 was the 2012 decision of the High Court to refuse to allow the extradition to Hungary of Karoly (Charles) Zentai to face an allegation of murder during the Holocaust. Unless any other cases will be successfully prosecuted in Australia, the refusal to extradite Zentai will have marked the end of the Australian effort to bring Holocaust perpetrators to justice, which can be categorized as a total failure in practical terms, since the Australian judiciary failed to take successful legal action against a single Nazi war criminal living in the country.

In July 2002, the Wiesenthal Center and the Targum Shlishi Foundation of Miami, established by Aryeh Rubin, launched "Operation: Last Chance," a project designed to assist in facilitating the prosecution of Nazi war criminals by offering financial rewards for information which would help bring about 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, and in 2014 it was initiated in Norway.

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 14, 2011. This new project sought to focus on those who served in death camps and in the Einsatzgruppen and who, in the wake of the Demjanjuk precedent, could now be successfully prosecuted in Germany, even if there is no evidence that they committed a specific crime against a specific victim. As a result of this new legal situation, the hitherto biggest obstacle to the prosecution of Nazi war criminals in Germany has been eliminated, making it much easier to successfully bring these Holocaust perpetrators to justice in Germany, than it had been in recent decades.

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 late 2011, 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 Milivoj 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.

During the period under review, several dozen additional names were received by the Center, but none materialized into official government investigations.

In summation, despite numerous obstacles and difficulties, some progress was made during the period under review 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 problematic, as can clearly be seen by the analysis of the records of the individual countries.

CONVICTIONS OF NAZI WAR CRIMINALS OBTAINED
DURING THE PERIOD UNDER REVIEW

April 1, 2018 – December 31, 2019

Canada – 1

On September 27, 2018, the Federal Court of Canada rejected the attempt of Helmut Oberlander to overturn the decision of the Governor in Council to revoke his citizenship for the fourth time. In doing so, Justice Phelan also barred access to an appeal by refusing to certify a question of general importance. Helmut Oberlander filed a notice of appeal outside of the procedural rules in a further attempt to access the Federal Court of Appeal. This notice was filed on November 19, 2018 to which Canada objected and asked that it be struck from the record. On April 24, 2019, the Federal Court of Appeal ordered that the notice of appeal be removed from the court record and that the file be closed.

On December 5, 2019, the Supreme Court of Canada refused to hear Helmut Oberlander's appeal of the revocation of his citizenship by the Governor in Council. The revocation of citizenship is now final.

CONVICTIONS OF NAZI WAR CRIMINALS:
COMPARATIVE STATISTICS 2001-2019

	1.I.2001 – 31.III.2002	1.IV.2002 – 31.III.2003	1.IV. 2003 – 31.III.2004	1.IV. 2003 – 31.III.2004	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
United States	6	5	7	5	5	6	3	0	0	2
Italy	0	0	0	0	10	15	1	6	3	0
Canada	3	0	0	0	0	0	3	0	0	0
Germany	2	1	0	0	0	0	0	0	2	0
Lithuania	1	0	0	0	1	0	0	0	0	0
Poland	1	0	0	0	0	0	0	0	0	0
France	1	0	0	0	0	0	0	0	0	0
Total	14	6	7	5	16	21	7	6	5	2

	1.IV.2011 – 31.III.2012	1.IV.2012 – 31.III.2013	1.IV.2013 – 31.III.2014	1.IV.2014 – 31.III.2015	1.IV.2015 – 31.III.2016	1.IV.2016 – 31.III.2017	1.IV.2017 – 31.III.2018	1.IV.2018 – 31.XII.2019	Total
United States	0	0	0	0	0	0	0	0	39
Italy	9	1	1	0	0	0	0	0	46
Canada	0	1	0	0	0	0	1	1	9
Germany	1	0	0	0	1	1	0	0	8
Lithuania	0	0	0	0	0	0	0	0	2
Poland	0	0	0	0	0	0	0	0	1
France	0	0	0	0	0	0	0	0	1
Total	10	2	1	0	1	1	1	1	106

NEW CASES FILED DURING THE PERIOD UNDER REVIEW

April 1, 2018 - December 31, 2019

Germany – 6

During the period under review six men were charged in Germany, four in North Rhine-Westphalia, one in Baden-Württemberg, and one in Hamburg.

None of the names of the suspects were initially released, but when the trials in Munster and Hamburg of the guards in Stutthof began, toward the end of the period under review, the names became known: Johann Rehbogen was put on trial in Munster and Bruno Dey in Hamburg.

NEW CASES FILED: COMPARATIVE STATISTICS 2001 – 2019

	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
United States	4	10	5	3	2	6	2	1
Italy	0	0	0	0	2	0	5	2
Germany	1	1	2	0	0	0	1	2
Canada	1	0	3	0	0	0	0	0
Hungary	0	0	0	1	0	0	0	0
Denmark	0	0	0	1	0	0	0	0
Lithuania	0	0	0	1	0	0	0	0
Poland	0	0	0	0	1	0	0	0
Spain	0	0	0	0	0	0	0	0
Total	6	11	10	6	5	6	8	5

	1.IV.2009 – 31.III.2010	1.IV.2010 – 31.III.2011	1.IV.2011 – 31.III.2012	1.IV.2012 – 31.III.2013	1.IV.2013 – 31.III.2014	1.IV.2014 – 31.III.2015	1.IV.2015 – 31.III.2016	1.IV.2016 – 31.III.2017	1.IV.2017 – 31.III.2018	1.IV.2018 – 31.XII.2019	Total
United States	2	0	0	0	0	0	0	0	0	0	35
Italy	16	2	5	1	0	0	0	0	0	0	33
Germany	3	1	0	1	2	3	2	0	3	6	28
Canada	0	0	0	0	0	0	0	0	0	0	4
Hungary	0	1	0	0	0	0	0	0	0	0	2
Denmark	0	0	0	0	0	0	0	0	0	0	1
Lithuania	0	0	0	0	0	0	0	0	0	0	1
Poland	0	0	0	0	0	0	0	1	0	0	2
Spain	4	0	1	0	0	0	0	0	0	0	5
Total	25	4	6	2	2	3	2	1	3	0	111

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

April 1, 2018-December 31, 2019

Poland	482
Germany	32
Canada	2
Russia	2
Austria	1
Italy	1
United States	1
Total	521

NEW INVESTIGATIONS OF NAZI WAR CRIMINALS:
COMPARATIVE STATISTICS 2001 – 2019

	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
Poland	48	8	172	306	141	2	142	230	290	409
Germany	9	?	9	27	38	22	31	43	130	161
Austria	10	3	60	272	1	0	2	16	24	6
United States	46	16	40	34	27	30	22	5	5	5
Italy	0	56	18	6	2	2	3	21	4	2
Argentina	0	0	0	0	0	0	1	0	0	0
Australia	0	9	0	1	3	1	0	0	0	0
Belgium									1	0
Brazil	0	0	0	0	0	0	1	0	0	0
Canada	?	?	?	?	103	?	?	?	?	?
Chile	0	0	0	0	0	0	1	0	0	0
Croatia	0	0	0	1	1	0	0	0	0	0
Denmark	0	0	1	9	0	1	0	0	0	0
Estonia	2	17	1	0	0	0	0	0	0	0
France	0	0	0	0	0	0	0	0	0	0
Great Britain	6	1	0	0	0	0	0	0	1	0
Hungary	0	0	0	1	1	1	0	0	0	0
Latvia	0	4	16	0	0	0	0	0	0	0
Lithuania	100	24	18	2	3	1	1	0	1	0
Romania	0	0	0	4	0	0	0	0	0	0
Serbia	0	0	0	0	0	3	0	0	0	0
Slovakia	0	0	0	0	0	0	0	0	0	0
Slovenia	0	0	0	0	1	0	0	0	0	0
Spain	0	0	0	0	1	0	0	0	0	0
Switzerland	0	0	0	0	0	0	1	0	0	0
Total	221	138	335	663	322	63	205	315	456	583

	1.IV.2011– 31.III.201 2	1.IV.2012– 31.III.201 3	1.IV.2013– 31.III.201 4	1.IV.2014 – 31.III.2015	1.IV.2015 – 31.III.2016	1.IV.2016 – 31.III.201 7	1.IV.2017 – 31.III.201 8	1.IV.2018– 31.XII.20 10	Total
Poland	0	0	X	X	0	1	173	482	2,404
Germany	45	30	115	68	42	53	67	32	922
Austria	9	13	7	1	0	2	0	1	427
United States	6	10	2	0	?	?	?	1	249+
Italy	1	6	6	0	26	0	0	1	154
Argentina	1	0	0	0	0	0	0	0	2
Australia	0	0	0	0	0	0	0	0	14
Belgium	0	0	0	0	0	0	0	0	1
Brazil	0	0	0	0	0	0	0	0	1
Canada	?	?	0	0	?	?	?	2	105+
Chile	0	0	0	0	0	0	0	0	1
Croatia	0	0	1	0	0	0	0	0	3
Denmark	0	0	0	0	2	0	0	0	13
Estonia	0	0	0	0	0	0	0	0	20
France	0	0	0	0	0	0	1	0	1
Great Britain	0	0	0	0	0	0	0	0	8
Hungary	1	1	0	0	0	0	0	0	5
Latvia	0	0	0	0	0	0	0	0	20
Lithuania	0	0	0	0	0	0	0	0	150
Romania	0	0	0	0	0	0	0	0	4
Serbia	0	0	0	0	0	0	0	0	3
Russia	0	0	0	0	0	0	0	2	2
Slovakia	1	1	0	0	0	0	0	0	2
Slovenia	0	0	0	0	0	0	0	0	1
Spain	0	0	0	0	0	0	0	0	1
Switzerland	0	0	0	0	0	0	0	0	1
Total	64	61	131	69	70	56	241	521	4,514

ONGOING INVESTIGATIONS OF NAZI WAR CRIMINALS AS OF DECEMBER 31, 2019

Poland	115
Germany	21
Russia	2
Estonia	1
France	1
Italy	1
USA*	multiple
Total	141

*The American Justice Department's Human Rights and Special Prosecutions Section, which is responsible for the prosecution of Holocaust perpetrators (among other violators of human rights), sent the following response to our query regarding the number of ongoing investigations underway in the United States:

"WWII-related investigative efforts continue, but at this extremely late date (75 years since the end of the Second World War, with the vast majority of the perpetrators now deceased and only a small minority of those who participated in the crimes having immigrated to the United States in any event), they necessarily constitute a small percentage of the U.S. Government's investigative work in the area of human rights violator accountability. (The Justice Department's Human Rights and Special Prosecutions Section (HRSP) does not release additional investigative information.) In addition, during the review period HRSP provided investigative assistance to law enforcement authorities in Europe regarding persons suspected of involvement in Nazi crimes."

ONGOING INVESTIGATIONS OF NAZI WAR CRIMINALS:

COMPARATIVE STATISTICS 2001 – 2019

	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
United States ¹	175	275	285	246	236	221	216	150	87
Lithuania	110	108	25	21	26	24	17	13	9
Canada	78	67	194	190	255	255	?	180	180
Poland	48	13	350	450	365	333	305	270	316
Germany	27	13	35	46	28	20	30	27	177
Great Britain	6	2	1	1	1	0	0	0	2
Croatia	3	2	1	2	2	2	1	1	1
Austria	3	4	27	199	131	83	4	5	28
Latvia ²	2	5	5	58	53	55	3	1	0
Netherlands	1	0	0	6	6	0	0	1	0
Estonia	1	2	3	3	1	1	1	1	2
Costa Rica	1	0	0	0	0	0	0	0	0
Denmark	0	1	2	11	1	2	1	0	1
Italy	0	0	12	13	5	17	22	52	43
Romania	0	0	0	4	4	0	0	0	0
Australia	0	0	0	1	2	0	0	0	0
Hungary	0	0	0	1	2	2	1	2	2
Slovenia	0	0	0	0	1	0	0	0	0
Spain	0	0	0	0	1	0	1	0	0
Serbia	0	0	0	0	0	3	3	3	3
France	0	0	0	0	0	1	0	0	0
Argentina	0	0	0	0	0	0	1	0	0
Brazil	0	0	0	0	0	0	1	0	0
Chile	0	0	0	0	0	0	1	0	0
Belgium	0	0	0	0	0	0	0	0	1
Slovakia	0	0	0	0	0	0	0	0	0
Total	455	492	940	1,252	1,120	1,019	608	706	852

	April 1, 2011	April 1, 2012	April 1, 2013	April 1, 2014	April 1, 2015	April 1, 2016	April 1, 2017	April 1, 2018	December 31, 2019
United States ¹	76	74	?	?	?	?	?	?	multiple
Lithuania	?	6	6	6	6	6	0	0	
Canada	157	19	?	?	?	?	?	?	
Poland	471	458	500	0	X	324	153	145	115
Germany	582	528	471	680	725	1,163	1,538	59	21
Great Britain	0	0	0	1	X	X	X	0	0
Croatia	0	0	0	1	1	0	0	0	0
Austria	5	22	5	10	5	2	2	X	0
Latvia ²	?	0	0	0	X	X	X	X	0
Netherlands	0	0	0	0	X	X	0	X	0
Estonia	0	0	0	0	X	0	0	0	1
Costa Rica	0	0	0	0	X	X	X	0	0
Denmark	0	0	0	0	0	2	0	0	0
Italy	23	0	19	18	18	8	6	0	1
Romania	0	27	0	3	0	0	0	0	0
Australia	0	0	0	0	0	X	0	0	0
Hungary	2	2	2	0	0	0	X	0	0
Slovenia	0	0	0	0	0	0	0	0	0
Spain	0	0	0	3	0	0	0	X	0
Serbia	2	0	0	0	0	0	X	0	0
Russia	0	0	0	0	0	0	0	0	2
France	0	1	0	0	0	0	0	1	1
Argentina	0	1	1	0	0	X	X	X	0
Brazil	0	0	0	0	X	0	X	X	0
Chile	0	0	0	0	X	0	X	X	0
Belgium	0	0	0	0	X	X	0	X	0
Slovakia	0	0	1	0	X	0	0	0	0
Total	1,318	1,138	1,005	722	755	1,505	1,699	205	141

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/or have registered at least one conviction and/or filed one indictment during the period under review and/or actively assisted investigations in other countries.

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, United States

B: Canada, Finland, Italy, Poland

C: Russia

D: France

E: Australia, Bosnia-Herzegovina (2018), Colombia (2019), Croatia, Czech Republic, Denmark, Estonia, Great Britain (2018), Hungary, Romania, Serbia, Slovakia (2018), Slovenia (2018), Spain (2018)

F-1: Norway, Sweden

F-2: Austria, Lithuania, Slovenia (2019), Ukraine

X: Argentina, Belarus, Belgium, Bolivia, Bosnia-Herzegovina (2019), Brazil, Chile, Colombia (2018), Costa Rica, Czech Republic (2019), Great Britain (2019), Greece, Latvia, Luxemburg, Netherlands, New Zealand, Paraguay, Slovakia (2019), Spain (2019), Uruguay

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 states which have been quite active in investigating cases of Nazi war criminals, whereas others have investigated as few as a single case or none at all. And while the significant differences between the states are obviously affected by the number of suspects living 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.

It is fair to say that the period under review was one of the busiest in recent years for German efforts to bring Nazi war criminals to justice. The primary catalysts for the increased activity were the rapidly expiring time in which such cases can be prosecuted due to the advanced age of the defendants and health concerns, as well as the landmark 2011 conviction of armed SS Sobibor death camp guard Ivan Demjanjuk for accessory to murder. That decision was the first case in many years in which a Holocaust perpetrator was convicted, even though no evidence of a specific crime against a specific victim was presented to the court.

This decision had extremely significant implications, since it meant that any person who served in a Nazi death camp or in any of four of the Einsatzgruppen which operated in the areas of the Soviet Union (mobile killing squads A, B, C, and D) could be convicted in Germany, even if prosecutors had no evidence that the suspect had 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. During the period under review, the Zentrale Stelle (Central Office for the Clarification of Nazi War Crimes), headed by its director Jens Rommel, continued to pursue the cases of death camp guards with significant practical results.

During the period under review, no convictions were obtained, but six indictments were filed by German prosecutors, and two trials against individuals who served as guards in the Stutthof concentration camp commenced. These proceedings reflect the expansion by the Zentrale Stelle of the number of the camps in which service alone is a basis for prosecution for accessory to murder. According to media reports in 2020, prosecutors were conducting

investigations against 14 individuals, the majority of whom served in the Mauthausen, Buchenwald and Sachsenhausen concentration camps.

During the years 2018-2019, the Wiesenthal Center continued its efforts to locate individuals who had served in the Einsatzgruppen, had never been prosecuted, and were still alive and living in Germany. Those efforts had originally been initiated with the submission in September 2014 by our Israel Office of a list of 80 persons (76 men and 4 women) born in 1920 or later, who had served in the Einsatzgruppen in the areas of the Soviet Union. Three individuals on this list ultimately were located alive by the German authorities who investigated their cases, but without any concrete results.

During the period under review, the Wiesenthal Center renewed its efforts to find members of the killing squads which operated on the Eastern front. Thus on August 5, 2018 our initial list of 26 male suspects was submitted to the Zentrale Stelle. This was followed by a list of 143 members of Einsatzgruppe units A, B, C, and D (137 men and 6 women), all of whom were born in 1920 or later. With the help of **Bild** chief investigative reporter Hans-Wilhelm Saure, we were able to inform the Zentrale Stelle that Heinz Udert of Einsatzgruppe B was alive and living in Doettesfeld, Rhineland-Palatinate. Unfortunately, he died on January 1, 2020 before he could be charged for his service in a unit which murdered tens of thousands of innocent victims.

What is clear is that it would be particularly helpful if such investigations and court proceedings could be given special priority, so that the number of suspects who could elude prosecution on the grounds of death or poor health would be reduced to a minimum.

2. United States – The legal situation in the United States vis-à-vis the prosecution of Nazi war criminals and collaborators is different than that of most other Western countries, which prosecute such suspects on criminal charges. In the United States, however, World War II Nazi criminals cannot be criminally prosecuted for their wartime crimes, because of the combination of two factors: (1) those crimes were committed outside the United States, and (2) there was no criminal law on the books in the US *at the time the crimes were committed* that conferred "extraterritorial jurisdiction" over those crimes on US courts (In fact, the worst of the crimes – genocide – wasn't even made a crime under US law until 1988, which was 43

years after WWII, on the heels of the achievement of belated success in the decades-long battle to get the Senate to ratify the Genocide Convention. And the US Constitution's Ex Post Facto Clause has precluded Congress from enacting a criminal law "retroactively" covering Nazi crimes committed abroad.)

The deportation cases (nowadays called "removal" cases) that are brought against WWII Nazi perpetrators are brought under the 1978 Holtzman Amendment, which requires proof of participation in persecution. Persecution is a "Crime Against Humanity" under both the Nuremberg Charter and the Statute of International Criminal Court (ICC). In many cases, the authorities also prove immigration fraud, but unless involvement in *persecution* is proven, the odds of deporting such individuals are slim (because there are various avenues for relief available in fraud cases, whereas there are no such exceptions that apply in Holtzman Amendment Nazi cases).

While this decision made the successful prosecution of these persons more likely to some degree, the legal challenges faced by American prosecutors are still formidable, since the burden of proof in these cases is substantially identical to those faced in criminal prosecutions. Thus the results achieved by the Office of Special Investigations (established in 1979) and several years ago renamed the Human Rights and Special Prosecution Section (HRSP) are particularly noteworthy, having to date won cases against 111 Holocaust perpetrators.

During the period under review, two important steps were achieved. In August 2018, as a result of joint efforts by the Human Rights and Special Prosecutions Section of the Justice Department, US Immigration and Customs Enforcement (ICE), and the State Department, Trawniki guard Jakiw Palij, who was ordered deported to Ukraine, Poland or Germany in 2004, but remained in the United States because all three of those countries refused to admit him, was finally deported to Germany, after that country agreed to admit him. It should be noted that nine individual Nazi criminals who were ordered deported from the United States died in America because no country consented to let them enter. Six of the nine died in the five years before Palij's deportation to Germany.

In addition, the American authorities investigated potential cases in the United States (they are prohibited from revealing the number of suspects), many of which were

preliminary inquiries. They also provided investigative assistance to law enforcement authorities in Europe regarding multiple persons suspected of possible involvement in Nazi crimes.

Category B: Ongoing Prosecution Programs Which Have Achieved Practical Success

1) Canada – During the period under review, the Canadian Crimes Against Humanity and War Crimes Section registered an important victory. For more than two decades, the Canadian authorities have tried to denaturalize and deport Helmut Oberlander, who served with Sonderkommando 10a of Einsatzgruppe D. On June 20, 2017, the Governor in Council revoked Oberlander's citizenship for the fourth time, and in 2019, the Federal Court of Appeal unanimously dismissed his motion to re-open the case. On December 5, 2019, the Supreme Court of Canada refused to hear Oberlander's appeal, clearing the way for his deportation. It is hoped that he can now finally be deported from Canada.

Canada, it should be noted, is one of only two countries, the other one being the United States, which prosecutes Holocaust perpetrators on civil, rather than criminal charges. Although Canada passed a law in 1987 enabling the criminal prosecution of Nazi war criminals, the government switched to civil proceedings in 1994 after a Canadian court in Toronto acquitted Imre Finta, a captain of the Hungarian gendarmerie in Szeged, who played an active role in the deportation of 8,617 Jews to Auschwitz, on the basis of his claim that he had no choice but to carry out the orders of his superiors (the "superior orders defense").

After adopting the legal remedies of denaturalization and deportation, the Canadians cancelled the citizenship of ten Eastern European immigrants who served with forces of the Third Reich. Two left Canada voluntarily, but the eight others decided to contest their deportation; to date, not a single one has been deported, and seven of the eight have since died in Canada. (In addition, six defendants died during the course of the proceedings against them, and three were acquitted.) 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.

2) Finland – During the period under review, the Finnish authorities completed a comprehensive investigation of the possible participation of Finnish SS-volunteers on

the Eastern front in Nazi war crimes in Ukraine. The investigation was prompted by an appeal on January 4, 2018 by the author of this report to Finnish President Sauli Niinistö, based on new research by historian Dr. Andre Swanström, Chairman of the Finnish Society of Church History, which clearly indicated that at least some of the Finns serving in Ukraine had been actively involved in Holocaust crimes.

The Finnish authorities responded promptly in a positive manner. On January 24, Hiski Hankkala, the Chief of the Cabinet of President Niinistö informed the author of this report that "the Finnish Government will, in response to the recent concerns, fund a further independent survey of the operations of the Finnish Volunteers Battalion of the Waffen-SS and particularly examine its operations in Ukraine... I too firmly believe that historians and independent research have an important role to play in uncovering all aspects of our history. At the same time, it goes without saying that should any criminal activities be uncovered they will be followed by due process."

According to the summary report prepared upon completion of the project by Finnish historian Dr. Lars Westerlund, The Finnish SS-Volunteers and Atrocities 1941-1943, (Helsinki, 2019), on May 23, 2018, the National Archives of Finland headed by Dr. Jussi Nuorteva was instructed

by the Prime Minister's Office to deliver an independent archive-based survey of the Finnish SS-volunteers' participation in atrocities relating to Jews, prisoners of war, and civilians between 1941 and 1943. Professor Lars Westerlund was engaged to produce the report, and he and National Archives researcher Ville-Pekka Kääriäinen began work one week later... The report itself was completed by the scheduled deadline of the end of November 2018, but ...additional time was required to bring the project to a satisfactory conclusion, ...and for the printing and publishing of the final text. Consequently, ...the report [was] made public at the beginning of February 2019.

The Finnish volunteers served in the international Waffen SS-Division Wiking, which drew in volunteers from several other countries, including Sweden, Denmark, Norway, the Netherlands, Belgium, and Estonia. The commanding officers of the division and its subordinate units were mainly German Waffen-SS officers. [The] report ...examined in detail the incidents and atrocities bearing on Jews, civilians, and Soviet POWs in those locations where Finnish SS-volunteers are known to have been during the extreme violence that took place. The work has taken account of material on the SS-Division that has been preserved in the archives of other countries.

These documents have been used in earlier international studies, but hitherto they have not been widely exploited in Finland...

The key corpus of original source material for the report is found in the 76 diaries that were kept by Finnish volunteers serving in SS-Division Wiking. Previous research has had access to 54 diaries. In addition, the research has examined Finnish files, both official and in private hands, correspondence, photographs, articles and clippings from newspapers and periodicals, personal memoirs, and research literature. The material received during the research has been digitalized. It will be added to the collections of the National Archives and will be available to researchers after the publication of the report.

In the course of producing the report, account has been taken of all the entries in the diaries of Finnish SS-volunteers that pertain to killings and violent actions in specific locations, to positive or disparaging remarks and attitudes towards Jews, local civilians, POWs, or Soviet partisans, and to comments on National Socialist ideologies and racial doctrines.

The report acknowledged that the Finnish SS-volunteers had participated in acts of violence against Jews and other civilians, but the available evidence was insufficient to be able to prepare prosecutions against specific individuals. The same applies to the more numerous instances in which Finnish SS volunteers killed surrendered Soviet prisoners of war. Thus although no legal measures were taken against any of 1,408 Finnish SS volunteers, the project shed important light on a hitherto unknown subject of critical importance and revealed crimes committed which until now had been completely hidden.

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. Thus during the years 2005-2014, a total of forty-six 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 recent 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, all of whom with two exceptions were German

citizens residing in Germany, have hitherto 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 several cases that those convicted and sentenced to life imprisonment serve their sentences in Germany. On August 11, 2009, Josef Scheungraber, one of the officers successfully prosecuted in Italy, was convicted in Germany and sentenced to life imprisonment, but this has been the only case resolved in this manner so far.

During the period under review, a new investigation was initiated by the military court in Verona for murders committed with violence against an unspecified number of Italian citizens.

In addition, the military Court of Appeal in Rome has continued its efforts to enforce the sentence rendered against Wilhelm Karl Stark who was sentenced to life imprisonment by the military court of Verona on July 6, 2011 on charges of murders committed on March 18 and 20, 1944 in Monchio, Susano, Costrignano (Modena), Civago, Cervarolo (Reggio Emilia) and on April 10, 1944 in the area of Monte Morello (Firenze).

Similar efforts in the cases of Josef Baumann, Karl Gropler, Alfred Luhmann, Heinrich Nordhorn, and Johann Riss – five additional Germans convicted of murder in Italy – were terminated during the period under review due to the death of the offenders.

4) 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 had opened far more new investigations than any other equivalent agency, and as of April 1, 2018 it had 145 ongoing investigations being conducted, by far the largest number in the world. On the other hand, the practical results achieved during the past 18 years were relatively disappointing – only one conviction (of Chelmno death camp operative Henryk Mania) and two indictments (of Nazi agent Piotr Wiczorek and Ukrainian Nazi collaborator Michael Karkoc) had been obtained.

This state of affairs continued during 2018 and 2019.

During the period under review, the Polish Institute of National Memory opened a total of 482 new investigations regarding Nazi crimes in Auschwitz, Stutthof, Majdanek, Mittelbau-Dora,

Treblinka, Ravensbruck, Gross-Rosen, Plaszów, Buchenwald, the Piaśnica wilderness in Pomerania, as well as murders carried out by the Polish Selbstschutz (Blue Police), and deportations of civilians for forced labor in Germany or deportations to other regions of occupied Poland.

At the end of 2019, the Polish authorities were still dealing with 115 criminal proceedings regarding Nazi crimes. No indictments were filed, nor were any criminals prosecuted during the period under review.

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

Russia – For the first time since this annual report was published, the Russian Federation reported that its Main Investigations Directorate had initiated two new investigations regarding Nazi crimes. The first one, which was opened in May 2019, concerns crimes committed by a special unit ("Teilteam") composed of Soviet civilians and prisoners of war, Latvians, and other unidentified persons, under the command of German and Austrian SS officers. The site of the crimes was the Zhestyanaya Gorka village in the Novgorod Oblast in the vicinity of Leningrad, and the accusation is genocide.

The second investigation, which has opened in October 2019, deals with the mass murder of the residents of an orphanage in Yeysk (Krasnodar Krai) on October 9 and 10, 1942 by, among others, SS Sonderkommando 10a of Einsatzgruppe D. The suspects took 214 children from the orphanage, loaded them onto mobile gas vans, in which they were asphyxiated by inhaling the exhaust fumes. The victims were then dumped in an anti-tank ditch. One of the members of this unit is Helmut Oberlander, currently a resident of Canada, who has recently been stripped of his Canadian citizenship.

Category D: Insufficient and/or Unsuccessful Efforts

France – A preliminary investigation against persons unknown on the count of crimes against humanity was opened in October 2017, following a complaint filed by a French citizen belonging to the Travelling community who had been interned at the Camp des Alliers, near the city of Angoulême (occupied zone), during the Second World War. An investigation was conducted, in particular to check whether the camp officials were still alive, but didn't identify any living person who might have participated in these crimes. This investigation should eventually be closed.

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. Australia
2. Bosnia-Herzegovina (2018)
3. Colombia (2019)
4. Croatia
5. Czech Republic (2018)
6. Denmark
7. Estonia
8. Great Britain (2018)
9. Hungary
10. Romania
11. Serbia
12. Slovakia (2018)
13. Slovenia (2018)
14. Spain (2018)

Category X: Did Not Reply

1. Argentina
2. Belarus
3. Belgium
4. Bolivia
5. Bosnia-Herzegovina (2019)
6. Brazil
7. Chile
8. Colombia (2018)
9. Costa Rica
10. Czech Republic (2019)
11. Great Britain (2019)
12. Greece
13. Latvia
14. Luxemburg
15. Netherlands
16. New Zealand
17. Paraguay
18. Slovakia (2019)
19. Spain (2019)
20. Uruguay

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 Western world with the exception of Sweden, applied not only to murder, but also to genocide, war crimes and crimes against humanity. On March 7, 2008, however, the Norwegian parliament 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, 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 still cannot bring Nazi war criminals to justice.

New revelations in recent years regarding war crimes committed by Norwegians, both in Norway as well as in Ukraine, have again pointed to the importance of finding a legal remedy to enable the prosecution of such individuals.

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 Western 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 in principle cannot prosecute Nazi war criminals.

Category F-2: Failure in Practice

1. Austria – Austria's failure to bring Nazi war criminals to justice is particularly upsetting, given the large number of Austrians who participated in Holocaust crimes. Not a single Nazi war criminal has been convicted and punished in Austria in more than four decades, and whatever steps were taken to improve the handling of such cases have not yet yielded any positive results.

Thus, for example, in 2011, the Austrian Ministry of Justice established a working group to identify Nazi war criminals who were still alive, and to review 526 public court files related to Nazi war crimes. Its report was scheduled for publication in 2012, but was only completed and submitted three years ago to the Justice Ministry, which has still not published it.

The ministry has, however, already adopted one of the report's recommendations, which was the cancellation of the immunity hitherto granted to individuals who committed war crimes and genocide before they reached the age of twenty-one. No positive results have yet been achieved.

2. Lithuania – The Lithuanian government continues to do everything possible to avoid prosecution and punishment of local Holocaust perpetrators. Thus, in 2012, the authorities received a list of 2,055 individuals who had actively participated in the murder of Jews, which was prepared by its own Genocide and Research Center, at the government's request. To this date, none of the names on the list have been investigated by prosecutors, insuring that no legal action will be taken against local Nazi war criminals.
3. Slovenia – In 2019, the Slovenian Supreme Court annulled the 1946 conviction (death sentence) of Leon Rupnik, the leader of the collaborationist provisional government of the Nazi-occupied province of Ljubljana and ordered a re-trial. Rupnik had been convicted in 1946 of crimes against the nation and the state by a Yugoslav military court. The Supreme State Prosecutor strongly opposed the request and proposed that the Supreme Court reject the request as totally unfounded. The Supreme Court, however, annulled the verdict on the basis that the original ruling of the military court had not been sufficiently argued, even under the standards applicable at that time.

4. 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 hitherto 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 2001-2019

	2000/1 - 2001	2001/2 2002	2002/3 2003	2003/4 2004	2004/5 2005	2005/6 2006	2006/7 2007	2007/8 2008	2008/9 2009	2009/10 2010	2010/11 2011	2011/12 2012
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

	2000/1 - 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
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				-
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

	2012/13	2013	2013/14	2014	2014/15	2015	2015/16	2016	2016/17	2017	2017/18	2018	2018	2019	2019
													Apr- Dec.2018	Jan-Dec. 2019	
Argentina	E	E	E	E	E	E	X	X	X	X	X	X	X	X	X
Australia	F-2	E	E	E	E	E	E	E	E	E	E	E	E	E	E
Austria	F-2	F-2	F-2	D	D	D	D	D	D	D	F-2	F-2	F-2	F-2	F-2
Belarus	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Belgium	X	E	E	X	X	X	X	X	E	E	X	X	X	X	X
Bolivia	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Bosnia-Herzegovina	E	E	E	E	E	E	E	E	E	E	E	E	E	E	X
Brazil	X	E	E	X	X	X	E	E	X	X	X	X	X	X	X
Canada	B	D	D	D	D	D	D	D	C	C	B	B	B	B	B
Chile	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Colombia	X	X	X	E	E	E	E	E	E	E	E	E	X	E	E
Costa Rica	X	E	E	X	X	X	X	X	X	X	E	E	X	X	X
Croatia	E	C	C	D	D	D	D	D	E	E	E	E	E	E	E
Czech Republic	E	E	E	E	E	E	E	E	E	E	E	E	E	E	X
Denmark	E	E	E	E	E	E	C	C	D	D	E	E	E	E	E
Estonia	F-2	F-2	F-2	E	E	E	E	E	E	E	E	E	E	E	E
Finland	E	E	E	E	E	E	E	E	E	E	X	X	B	B	B
France	X	X	X	E	E	E	E	E	E	E	C	C	D	D	D
Germany	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Great Britain	X	D	D	X	X	X	X	X	E	E	E	E	E	E	X
Greece	E	E	E	E	E	E	E	E	X	X	E	E	X	X	X
Hungary	C	D	D	C	C	C	D	D	X	X	E	E	E	E	E
Italy	B	A	A	B	B	B	B	B	B	B	B	B	B	B	B
Latvia	F-2	F-2	F-2	X	X	X	X	X	X	X	X	X	X	X	X
Lithuania	F-2	F-2	F-2	F-2	F-2	F-2	F-2	F-2	F-2	F-2	F-2	F-2	F-2	F-2	F-2
Luxemburg	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Netherlands	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
New Zealand	E	E	E	X	X	X	X	X	E	E	E	E	X	X	X

	2013	2014	2015	2016	2017	2018	2019	2019
	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	Apr-Dec.2018	Jan-Dec. 2019
Norway	F-1	F-1	F-1	F-1	F-1	F-1	F-1	F-1
Paraguay	X	X	X	X	X	X	X	X
Poland	C	X	X	D	B	B	B	B
Romania	E	D	E	E	E	E	E	E
Russia	X	X	X	C	E	E	E	C
Scotland	-	-	-	-	-	-	-	-
Serbia	X	E	X	E	X	E	E	E
Slovakia	C	C	X	E	E	E	E	X
Slovenia	X	E	E	E	E	E	E	E
Spain	B	F-2	E	E	E	X	E	X
Sweden	F-1	F-1	F-1	F-1	F-1	F-1	F-1	F-1
Switzerland	-	-	-		-			
Ukraine	F-2	F-2	F-2	F-2	F-2	F-2	F-2	F-2
United States	A	B	A	A	A	A	A	A
Uruguay	X	X	X	X	X	X	X	X

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, Chicago, 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 of 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; combating Holocaust denial and distortion; 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 34 years, the office has carried out extensive research which has helped identify more than 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 Canada (in 1987), Australia (in 1989), and Great Britain (in 1991), all of which had admitted numerous Nazi collaborators after World War II, 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 Lithuania and Latvia to dozens of individuals convicted by Soviet courts, who had actively participated in the mass murder of Jews during the Holocaust.

In 2002 the Israel Office launched "Operation: Last Chance," together with the Targum Shlishi Foundation of Miami, Florida, established and headed by Aryeh Rubin, a project 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, the Israel Office and Targum Shlishi launched "Operation: Last Chance II" at the Bundestag in Berlin. The project focuses 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 decision.

Several years ago, the Israel Office assumed responsibility for the Wiesenthal Center's activities in Eastern Europe and has focused on combatting the growing phenomenon of Holocaust

distortion in the post-Communist countries in the region. Thus, for example, the Israel Office has monitored and protested against neo-Nazi and extreme right marches in Lithuania, Latvia and Estonia and drawn attention in numerous op-eds published widely to the efforts by governments to minimize the role played in the Holocaust by local Nazi collaborators and promote the canard of equivalency between Nazi and Communist crimes.

In addition, the author of this report has, together with popular Lithuanian author Ruta Vanagaite, written a book entitled *Musiskiai (Our People)* which deals with Lithuanian complicity in Holocaust crimes and which exposed the distorted narrative of the Holocaust adopted and disseminated by the Lithuanian government. The book has been published in Lithuanian (2016), Polish (2017), Hebrew (2018), Russian (2018), Swedish (2019), and English (under the title **Our People: Discovering Lithuania's Hidden Holocaust** [Rowman & Littlefield, 2020]).

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