

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

**(January 1 – December 31, 2021)**

**An Annual Status Report**

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**Snider Social Action Institute**

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The figures and statistics which appear in this report were provided by the governments which responded to our questionnaire, some of whom have special agencies dealing with this issue. The only exception was Germany, where the answers were provided by the individual Länder (provinces). In two cases (Canada and the United States), the governments refused to provide data on the number of new and ongoing investigations. Not all of these countries 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](mailto:swcjerus@netvision.net.il). This report in its entirety will be posted on our website [www.swcjerusalem.org](http://www.swcjerusalem.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 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 to live longer, a fact which increases the possibility for prosecution. 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 S.S. 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), or in a concentration camp with a high mortality rate 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 positive results achieved in Germany during the past decade, and the ongoing efforts by the German judiciary to bring additional perpetrators to justice. During 2021 German courts indicted two suspects, the secretary of the commandant of the Stutthof concentration camp, and a Volksdeutsche born in Lithuania, who served as an armed guard in the Sachsenhausen concentration camp.

In the United States, the most important result achieved was the deportation of Neuengamme concentration camp guard Friedrich Karl Berger, which was successfully completed on February 20, 2021, 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. Thus, for example, the largest number of investigations were opened in Poland, but almost none of the investigations there have ever led to indictments or convictions. In Germany, the number of new investigations dropped, the number of ongoing investigations rose by fifty percent. Those investigations have proven to be the most promising in terms of leading to cases brought to trial.

There are many new investigations being opened in Russia and Belarus, but the information provided by their embassies in Israel regarding the details are very incomplete. It appears that the number of cases in both countries is higher than any other country except Poland.

4. While significant results were primarily achieved 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. The reasons for the failing grade awarded to each country are explained in the report.

5. 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 2022.



## **THE PERIOD UNDER REVIEW: JANUARY 1 – DECEMBER 31, 2021**

In attempting to record and analyze the worldwide efforts to investigate and prosecute Nazi war criminals during a specific time period, four criteria 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 S.S. guard Ivan Demjanjuk as an accessory to murder in May 2011. Following that decision, the German Zentrale Stelle (Central Office of the State Justice Administrations for the Investigation of National Socialist Crimes) 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, Sachsenhausen, Mauthausen, Ravensbrueck and Buchenwald. These investigations yielded two new indictments which were submitted during the period under review.

On a practical level, three significant things were achieved in 2021. On January 26, two indictments were filed against concentration camp operatives, one was against Irmgard Furchner, the secretary of Stutthof concentration camp commandant Paul-Werner Hoppe, from June 1943 until April 1945.

On the same day, an indictment was filed against Josef Schuetz, who served as an armed S.S. guard in the Sachsenhausen concentration camp for two time periods. He served in the main

camp from January 20, 1942 until August 31, 1944, and in a subcamp from December 6, 1944 until February 18, 1943.

In addition, on February 20, 2021, the United States deported Friedrich Karl Berger to Germany for participating in the commission of Nazi-sponsored acts of persecution against prisoners of the Meppen subcamp of the Neuengamme concentration camp in Germany.

As far as investigations are concerned, the number of new investigations again remained relatively high 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, but the most important ones, those in Germany with the greatest potential for convictions, 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. Despite the increased worldwide interest and awareness regarding the Holocaust, the fall of the Soviet Union and the transition to democracy of the former 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 such as Ukraine, Croatia, Belarus, and Romania.

In fact, during the past 21 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 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 was only published in 2022. 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 Holocaust perpetrators.

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 prosecution for immigration and naturalization violations, initially took

successful legal action (denaturalization) against 10 persons (2 of whom voluntarily left the country), but to date not a single person of the eight others have been successfully deported from the country. In 2020, Helmut Oberlander, the last of the eight still alive who served in Einsatzgruppe D was stripped of his citizenship for the fourth time, but he died in Canada in 2021 before he could be 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 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 questioning regarding 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**

January 1 – December 31, 2021

**United States – 1**

On February 28, 2020 a Memphis, Tennessee immigration judge ruled that Friedrich Karl Berger could be deported from the United States, since his willing service as an armed guard of prisoners at the Meppen subcamp of the Neuengamme Nazi concentration camp constituted assistance to Nazi-sponsored persecution. Berger's appeal to the Board of Immigration Appeals was dismissed in November 2020, and he was deported to Germany in February 2021.

**CONVICTIONS OF NAZI WAR CRIMINALS:**  
**COMPARATIVE STATISTICS 2001-2021**

	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
<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>

	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	1.I.2020 – 31.XII.2020	1.I.2021 – 31.XII.2021	Total
United States	0	0	0	0	0	0	0	0	1	1	41
Italy	9	1	1	0	0	0	0	0	0	0	46
Canada	0	1	0	0	0	0	1	1	0	0	9
Germany	1	0	0	0	1	1	0	0	1	0	9
Lithuania	0	0	0	0	0	0	0	0	0	0	2
Poland	0	0	0	0	0	0	0	0	0	0	1
France	0	0	0	0	0	0	0	0	0	0	1
<b>Total</b>	<b>10</b>	<b>2</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>2</b>	<b>1</b>	<b>109</b>

**INDICTMENTS FILED DURING THE PERIOD UNDER REVIEW**

January 1 - December 31, 2021

Germany – 2

On January 26, 2021, two indictments were filed in Germany, one against Josef Schuetz in Brandenburg, Germany for his service as an SS guard at the Sachsenhausen concentration camp, and the other in Itzehoe against Irmgard Furchner for her service as the secretary of the commandant of the Stutthof concentration camp in Poland.



**INDICTMENTS FILED: COMPARATIVE STATISTICS 2001 – 2021**

	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
United States	4	10	5	3	2	6	2	1	2
Italy	0	0	0	0	2	0	5	2	16
Germany	1	1	2	0	0	0	1	2	3
Canada	1	0	3	0	0	0	0	0	0
Hungary	0	0	0	1	0	0	0	0	0
Denmark	0	0	0	1	0	0	0	0	0
Lithuania	0	0	0	1	0	0	0	0	0
Poland	0	0	0	0	1	0	0	0	0
Spain	0	0	0	0	0	0	0	0	4
<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>25</b>

	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	1.I.2020 – 31.XII.2020	1.I.2021 – 31.XII.2021	Total
United States	0	0	0	0	0	0	0	0	0	1	0	63
Italy	2	5	1	0	0	0	0	0	0	0	0	33
Germany	1	0	1	2	3	2	0	3	6	1	2	31
Canada	0	0	0	0	0	0	0	0	0	0	0	4
Hungary	1	0	0	0	0	0	0	0	0	0	0	2
Denmark	0	0	0	0	0	0	0	0	0	0	0	1
Lithuania	0	0	0	0	0	0	0	0	0	0	0	1
Poland	0	0	0	0	0	0	1	0	0	1	0	2
Spain	0	1	0	0	0	0	0	0	0	0	0	5
<b>Total</b>	<b>4</b>	<b>6</b>	<b>2</b>	<b>2</b>	<b>3</b>	<b>2</b>	<b>1</b>	<b>3</b>	<b>0</b>	<b>1</b>	<b>2</b>	<b>112</b>

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

January 1 - December 31, 2021

Poland	268
Russia*	21
Italy	16
Germany	9
Denmark	1
Austria	1
Belarus**	multiple
USA	multiple
Total	316+

\*According to the statistics provided by the Russian Embassy in response to our questionnaire, investigations about 21 criminal cases of Nazi crimes were initiated in 2021. The crimes in question were committed in Crimea, Volgograd, Kaluga, Kursk, Leningrad, Novgorod, Orel, Pskov, Rostov and Smolensk regions. According to the Russian authorities, more than 127 investigations were carried out during 2021.

\*\*This year more detailed information pertaining to investigations undertaken by the authorities of Nazi crimes was received than ever before from the Belarus authorities. Unfortunately, precise details were not provided regarding the site of the crimes and the number of suspects. Thus, for example, the Belarus embassy in Israel mentioned a case opened on April 7, 2021, but did not indicate the site of the crime or supply any details regarding the identity or nationality of the perpetrators. The report submitted claims that over 13,500 persons were interrogated and more than 2,300 "examinations" were conducted.

In addition, the report refers to excavations of more than 2,000 victims that were carried out in connection with these crimes, as well as planned excavations in 27 new sites related to the crimes, in addition to 10 previously unknown burial sites which have been identified. In addition, the probable places of residence of more than 400 living SS men who participated in crimes against civilians, including Belarussian Jews, have been verified, but no precise details regarding their identities and specific crimes were sent.

**NEW INVESTIGATIONS OF NAZI WAR CRIMINALS:**

**COMPARATIVE STATISTICS 2001 – 2021**

	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	1.IV.2012 – 31.III.2013	1.IV.2013 – 31.III.2014
Poland	48	8	172	306	141	2	142	230	290	409	0	0	X
Germany	9	?	9	27	38	22	31	43	130	161	45	30	115
Austria	10	3	60	272	1	0	2	16	24	6	9	13	7
United States	46	16	40	34	27	30	22	5	5	5	6	10	2
Italy	0	56	18	6	2	2	3	21	4	2	1	6	6
Argentina	0	0	0	0	0	0	1	0	0	0	1	0	0
Australia	0	9	0	1	3	1	0	0	0	0	0	0	0
Belgium									1	0	0	0	0
Brazil	0	0	0	0	0	0	1	0	0	0	0	0	0
Canada	?	?	?	?	103	?	?	?	?	?	?	?	0
Chile	0	0	0	0	0	0	1	0	0	0	0	0	0
Croatia	0	0	0	1	1	0	0	0	0	0	0	0	1
Denmark	0	0	1	9	0	1	0	0	0	0	0	0	0
Estonia	2	17	1	0	0	0	0	0	0	0	0	0	0
France	0	0	0	0	0	0	0	0	0	0	0	0	0
Great Britain	6	1	0	0	0	0	0	0	1	0	0	0	0
Hungary	0	0	0	1	1	1	0	0	0	0	1	1	0
Latvia	0	4	16	0	0	0	0	0	0	0	0	0	0
Lithuania	100	24	18	2	3	1	1	0	1	0	0	0	0
Romania	0	0	0	4	0	0	0	0	0	0	0	0	0
Serbia	0	0	0	0	0	3	0	0	0	0	0	0	0
Russia	0	0	0	0	0	0	0	0	0	0	0	0	0
Slovakia	0	0	0	0	0	0	0	0	0	0	1	1	0
Slovenia	0	0	0	0	1	0	0	0	0	0	0	0	0
Spain	0	0	0	0	1	0	0	0	0	0	0	0	0
Switzerland	0	0	0	0	0	0	1	0	0	0	0	0	0
<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>583</b>	<b>64</b>	<b>61</b>	<b>131</b>

	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	1.I.2020– 31.XII.2020	1.I.2021– 31.XII.2021	Total
Poland	X	0	1	173	482	358	<b>268</b>	<b>3,030</b>
Germany	68	42	53	67	32	16	<b>9</b>	<b>947</b>
Austria	1	0	2	0	1	1	<b>1</b>	<b>429</b>
United States	0	?	?	?	1	2	?	<b>251+</b>
Italy	0	26	0	0	1	0	<b>16</b>	<b>170</b>
Argentina	0	0	0	0	0	0	<b>0</b>	<b>2</b>
Australia	0	0	0	0	0	0	<b>0</b>	<b>14</b>
Belgium	0	0	0	0	0	0	<b>0</b>	<b>1</b>
Brazil	0	0	0	0	0	0	<b>0</b>	<b>1</b>
Canada	0	?	?	?	2	0	?	<b>105+</b>
Chile	0	0	0	0	0	0	<b>0</b>	<b>1</b>
Croatia	0	0	0	0	0	0	<b>0</b>	<b>3</b>
Denmark	0	2	0	0	0	0	<b>1</b>	<b>14</b>
Estonia	0	0	0	0	0	0	<b>0</b>	<b>20</b>
France	0	0	0	1	0	0	<b>0</b>	<b>1</b>
Great Britain	0	0	0	0	0	0	<b>0</b>	<b>8</b>
Hungary	0	0	0	0	0	0	<b>0</b>	<b>5</b>
Latvia	0	0	0	0	0	0	<b>0</b>	<b>20</b>
Lithuania	0	0	0	0	0	0	<b>0</b>	<b>150</b>
Romania	0	0	0	0	0	0	<b>0</b>	<b>4</b>
Serbia	0	0	0	0	0	0	<b>0</b>	<b>3</b>
Russia	0	0	0	0	2	12	<b>21</b>	<b>35</b>
Slovakia	0	0	0	0	0	0	<b>0</b>	<b>2</b>
Slovenia	0	0	0	0	0	0	<b>0</b>	<b>1</b>
Spain	0	0	0	0	0	0	<b>0</b>	<b>1</b>
Switzerland	0	0	0	0	0	0	<b>0</b>	<b>1</b>
<b>Total</b>	<b>69</b>	<b>70</b>	<b>56</b>	<b>241</b>	<b>521</b>	<b>389</b>	<b>316</b>	<b>5,219</b>

**ONGOING INVESTIGATIONS OF NAZI WAR CRIMINALS AS OF DECEMBER 31, 2021**

Poland	102
Germany	31
Italy	16
Denmark	1
Austria	1
Estonia	1 (no suspects)
USA*	multiple
<b>Total</b>	<b>152+</b>

\*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 in 2020 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 – 2021**

	April 1, 2002	April 1, 2003	April 1, 2004	April 1, 2005	April 1, 2006	April 1, 2007	April 1, 2008	April 1, 2009	April 1, 2010	April 1, 2011
United States <sup>1</sup>	175	275	285	246	236	221	216	150	87	76
Lithuania	110	108	25	21	26	24	17	13	9	?
Canada	78	67	194	190	255	255	?	180	180	157
Poland	48	13	350	450	365	333	305	270	316	471
Germany	27	13	35	46	28	20	30	27	177	582
Great Britain	6	2	1	1	1	0	0	0	2	0
Croatia	3	2	1	2	2	2	1	1	1	0
Austria	3	4	27	199	131	83	4	5	28	5
Latvia <sup>2</sup>	2	5	5	58	53	55	3	1	0	?
Netherlands	1	0	0	6	6	0	0	1	0	0
Estonia	1	2	3	3	1	1	1	1	2	0
Costa Rica	1	0	0	0	0	0	0	0	0	0
Denmark	0	1	2	11	1	2	1	0	1	0
Italy	0	0	12	13	5	17	22	52	43	23
Romania	0	0	0	4	4	0	0	0	0	0
Australia	0	0	0	1	2	0	0	0	0	0
Hungary	0	0	0	1	2	2	1	2	2	2
Slovenia	0	0	0	0	1	0	0	0	0	0
Spain	0	0	0	0	1	0	1	0	0	0
Serbia	0	0	0	0	0	3	3	3	3	2
France	0	0	0	0	0	1	0	0	0	0
Argentina	0	0	0	0	0	0	1	0	0	0
Brazil	0	0	0	0	0	0	1	0	0	0
Chile	0	0	0	0	0	0	1	0	0	0
Belgium	0	0	0	0	0	0	0	0	1	0
Slovakia	0	0	0	0	0	0	0	0	0	0
<b>Total</b>	<b>455</b>	<b>492</b>	<b>940</b>	<b>1252</b>	<b>1120</b>	<b>1019</b>	<b>608</b>	<b>706</b>	<b>852</b>	<b>1318</b>

	April 1, 2012	April 1, 2013	April 1, 2014	April 1, 2015	April 1, 2016	April 1, 2017	April 1, 2018	December 31, 2019	December 31, 2020	December 31, 2020
United States <sup>1</sup>	74	?	?	?	?	?	?	multiple	multiple	multiple
Lithuania	6	6	6	6	6	0	0		0	<b>0</b>
Canada	19	?	?	?	?	?	?		0	<b>0</b>
Poland	458	500	0	X	324	153	145	115	153	<b>102</b>
Germany	528	471	680	725	1,163	1,538	59	21	20	<b>31</b>
Great Britain	0	0	1	X	X	X	0	0	0	<b>X</b>
Croatia	0	0	1	1	0	0	0	0	0	<b>0</b>
Austria	22	5	10	5	2	2	X	0	0	<b>1</b>
Latvia <sup>2</sup>	0	0	0	X	X	X	X	0	0	<b>X</b>
Netherlands	0	0	0	X	X	0	X	0	0	<b>X</b>
Estonia	0	0	0	X	0	0	0	1	0	<b>1</b>
Costa Rica	0	0	0	X	X	X	0	0	0	<b>X</b>
Denmark	0	0	0	0	2	0	0	0	0	<b>1</b>
Italy	0	19	18	18	8	6	0	1	0	<b>16</b>
Romania	27	0	3	0	0	0	0	0	0	<b>0</b>
Australia	0	0	0	0	X	0	0	0	0	<b>0</b>
Hungary	2	2	0	0	0	X	0	0	0	<b>0</b>
Slovenia	0	0	0	0	0	0	0	0	1	<b>0</b>
Spain	0	0	3	0	0	0	X	0	0	<b>X</b>
Serbia	0	0	0	0	0	X	0	0	0	<b>0</b>
Russia	0	0	0	0	0	0	0	2	14	<b>0</b>
France	1	0	0	0	0	0	1	1	0	<b>X</b>
Argentina	1	1	0	0	X	X	X	0	0	<b>X</b>
Brazil	0	0	0	X	0	X	X	0	0	<b>X</b>
Chile	0	0	0	X	0	X	X	0	0	<b>X</b>
Belgium	0	0	0	X	X	0	X	0	0	<b>X</b>
Slovakia	0	1	0	X	0	0	0	0	0	<b>0</b>
<b>Total</b>	<b>1,138</b>	<b>1,005</b>	<b>722</b>	<b>755</b>	<b>1,505</b>	<b>1,699</b>	<b>205</b>	<b>141</b>	<b>188</b>	<b>152</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 measures to identify the potential suspected Nazi war criminals 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 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: Belarus, Poland, Russia

C: Italy, Denmark

D: Canada

E: Australia, Belgium, Bosnia-Herzegovina, Croatia, Czech Republic, Estonia, Hungary, Romania, Serbia, Slovakia, Ukraine

F-1: Norway, Sweden

F-2: Austria, Lithuania, Slovenia, Ukraine

X: Argentina, Brazil, Chile, Colombia, Costa Rica, Finland, France, Great Britain, Greece, Latvia, Lithuania, Luxemburg, Netherlands, New Zealand, Slovenia, Spain, 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.

During the period under review, several German prosecutors continued their 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. and from October 2020 by Thomas Will, continued to pursue the cases of death camp guards with significant practical results.

During the period under review, two Holocaust perpetrators were indicted in Germany, and eight preliminary investigations were initiated by the Central Office for the Clarification of Nazi Crimes. One of the persons indicted was Josef Schuetz, a Volksdeutsche born in Lithuania, who served as an S.S. security guard in the Sachsenhausen concentration camp from January 20, 1942 until August 31, 1944 and from December 6, 1944 until February 18,

1945. He was charged with accessory to the murder of 3,518 inmates, who were murdered or died of the horrible conditions in the camp during the periods he served there. His trial began on October 7, 2021 before the Neuruppin District Court in Brandenburg an der Havel and concluded on June 28, 2022. Schuetz was convicted and sentenced to five years in prison. He has appealed the verdict.

The second indictment was filed against Irmgard Furchner, who served as the secretary of Paul-Werner Hoppe, the commandant of the Stutthof concentration camp from June 1943 until April 1945. She was charged with accessory to the murder of 11,000 victims. Her trial, which is being conducted at the Itzehoe District Court, began on October 19, 2021, following her arrest and brief incarceration for initially refusing to appear at the scheduled date (September 30, 2021) of the beginning of the trial.

Starting in 2014, the Wiesenthal Center tried to assist the efforts of German prosecutors by searching for individuals still alive who had served in Einsatzgruppen A, B, C and D, which had conducted mass murder operations in the areas of the Soviet Union following the Nazi invasion on June 22, 1941. Those efforts were 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 were ultimately located alive by the German authorities who investigated their cases, but without any concrete results.

The Wiesenthal Center subsequently sent two additional lists to the German authorities. One named 26 male suspects and a second list was 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 Einstazgruppe 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.

More than a decade after the dramatic change in German prosecution policy vis-à-vis Holocaust perpetrators, it is clear that the system in place suffers from several structural flaws. The first is that the investigations and trials are not given special priority and are not especially expedited, to ensure that justice can be achieved in as many cases as possible.

The second problem relates to the identity of the prosecutors in these trials. While most of the cases are initially examined by the highly-experienced and knowledgeable experts of the Zentrale Stelle, once a case has been approved for trial, it is entrusted to a local prosecutor near the residence of the accused.

There is absolutely no guarantee, however, that that prosecutor has any expertise or particular interest in trying such a defendant. A good example of the lack of experience in such cases occurred during the trial of Stutthof guard Bruno Dey. An American named Peter Loch, who claimed to have been a Jew born in Stutthof, was allowed to testify at the trial, but he turned out to be a charlatan, who was neither born in Stutthof nor incarcerated there, nor was he a Jew. One of the statements that helped reveal his true identity as an impostor was his claim to have been tattooed in Stutthof, but that was not the case in that camp. A more knowledgeable prosecutor would almost certainly have known that Loch was lying.

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.

On February 20, 2021, the U.S. Government deported Friedrich Karl Berger to his native Germany. Berger had served as a guard of prisoners at a sub-camp in Meppen, Germany, of the Neuengamme concentration camp. His deportation took place following the dismissal of his appeal to the Sixth U.S. Circuit Court of Appeals of a removal decision issued by a U.S. immigration judge in Memphis, Tennessee following a trial prosecuted by USDOJ's Human Rights and Special Prosecutions Section (HRSP) with assistance from attorneys in the Memphis office of U.S. Immigration and Customs Enforcement (ICE) Office of the Principal Legal Advisor. The U.S. courts found that the government proved that Berger, a German citizen and a resident of Oak Ridge, Tennessee, had participated in the commission of Nazi-sponsored acts of persecution against camp prisoners. (Under the 1945 Charter of the International Military Tribunal at Nuremberg, Nazi-sponsored persecution is a Crime Against Humanity.) According to news media reports, following Berger's arrival in Germany, he refused to relate any details regarding his wartime service and activities to the German authorities. Under those circumstances, the Germans decided they could not prosecute him.

**Category B: Ongoing Prosecution Programs Which Have Achieved Practical Success**

1) Belarus – On April 7, 2021 a criminal case was initiated by the Prosecutor-General regarding atrocities which constitute genocide, committed by Nazi criminals and their accomplices during World War II and its aftermath in Belarus.

During the period under review, over 13,500 persons were interrogated, and more than 2,300 examinations were carried out. The remains of more than 2,000 persons were exhumed in excavations carried out at 12 previously unknown murder sites, and there are plans to investigate 27 new sites during 2022.

2) 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 opened far more new investigations than any other equivalent agency, and as of January 1, 2021 it had 102 ongoing investigations being conducted, by far the largest number in the world. On the other hand, the practical results achieved during the past 20 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 filed.

To a large extent, this state of affairs continued to be the case in 2021. During the period under review, the Polish Institute of National memory opened a total of 268 new investigations regarding crimes against Poles, but the only case against a specific individual was closed, due to the death on March 8, 2021 of Hildegard Neumann, who served as a supervisor in the Mittweida labor camp, a subcamp of the Flossenberg concentration camp, and was accused in 2020 of mistreating at least 177 female Polish prisoners.

At the end of the period under review, the Polish authorities were still dealing with 102 criminal proceedings regarding Nazi crimes.

3) Russia – The Russian Federation increased its efforts to pursue cases of Nazi atrocities during 2021. At least 21 criminal cases regarding the massacre by the Nazis of civilians was initiated in the regions of Crimea, Volgograd, Kaluga, Kursk, Leningrad, Novgorod, Orel, Pskov, Rostov and Smolensk, as well as in the Krasnodar and Stavropol territories.

In addition, investigations were carried out at newly discovered burial sites of civilians and prisoners of war in Crimea, Leningrad, Novgorod, Pskov, and Rostov regions.

In total, more than 127 crime scenes at sites of the mass burial of Nazi victims were investigated during 2021.

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

1) **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 46 Nazi war criminals were 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 Sheungraber, 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, the Military Court in Rome initiated the following 16 investigations against individuals serving in the S.S. and other units of the forces of the Third Reich:

I – Names not known, presumably soldiers of the 3<sup>rd</sup> SS Totenkopf Panzerdivision, for the crime of "violence with the murder" of Lieutenant Colonel of the Italian Guardia di Finanza (police force for the investigation of financial crimes), Ferruccio Urbano, and nine other officers of the armed forces, on 18<sup>th</sup> April 1945, at Radeberg (Dresden), 'Kenia' concentration camp.



II – Names not known, SS soldiers, for the crime of "complicity in violence with murder" of Infantry Colonel, Carlo Zedda, committed before June 1944, at 'Tschentocha U 367' prisoner-of-war camp (Poland).

III – Names not known of SS soldiers, and Lieutenant Colonel Holzinger, commander for the Russian and Italian camps of 'Tschentocha U 367', for the crime of "torture and abuse" of Italian soldiers prisoners of war, including Colonel De Michelis and Lieutenant Colonel Pietro Lombardo, presumably in November-December 1943, at Gross-Hesepe 308 (Meppen), Germany.

IV – Names not known, German guards, for the crime of "complicity in violence with murder" against Mario and Gico Di Trento from the province of Verona and Padua, in October 1943, at 'Kottern' concentration camp.

V – Names not known, SS soldiers for the crime of "torture and abuse of Italian soldiers prisoners of war", before May 1944, probably in Burgstufurt (Berlin).

VI – Names not known, SS soldiers including a squad leader named Franz, for the crime of "torture and abuse" of Italian soldiers prisoners of war, before October 1944, at concentration camp Nr.3 in Versen (Meppen), Germany.

VII – Names not known, SS soldiers for the crime of "complicity in violence with murder" of Costantino Pascolini, of the 15<sup>th</sup> Genius Regiment, on 22<sup>nd</sup> April 1945, on the island of Texel (Netherlands).

VIII – Marshal Paul Petzold and Captain Leisering, for the crime of "torture and abuse" of Italian soldiers prisoners of war, between September 1943 and February 1944, at concentration camp Nr.3 in Versen (Meppen), Germany.

IX – Names not known, German soldiers, for the crime of "torture and abuse and theft of objects" of Italian soldiers prisoners of war, between May 1944 and March 1945, 1943 and February 1944, at 'Fullen' concentration camp (Germany).

X – Unidentified German sentry, for the crime of "violence with murder" of Lieutenant Umbert Quagliolo, on 15<sup>th</sup> December 1944, in Sandbostel (Germany).

XI – Names not known, German soldiers, and Captain Pingel, Marshal Forstner, Second Lieutenant Berchthold, Sergeant Bay, Sergeant Bonig, Corporal Pape, Corporal Terringer, Captain De Rubanowski, for the crime of "torture, abuse and theft of objects" of Italian soldiers prisoners of war, between 15<sup>th</sup> August 1944 and 30<sup>th</sup> March 1945, in Sandbostel (Germany).

XII – Names not known, German soldiers, for the crime of "torture, abuse and theft of objects", of Italian soldiers prisoners of war, between February and May 1945, in Altengrabow (Germany).

XIII – Names not known, German soldiers, for the crime of "torture and abuse" of Italian soldiers prisoners of war, between 1<sup>st</sup> and 14<sup>th</sup> January 1945, south Lichberfeld (Berlin).

XIV – Names not known, German soldiers, for the crime of "torture and abuse", of Italian soldiers prisoners of war, including Orazio Pignato, between 25<sup>th</sup> and 26<sup>th</sup> February 1944, at XXB and Marienburg 4 camps, Danzig (Polonia).

XV – Names not known, German soldiers, for the crime of "violence and insults, against Italian soldiers prisoners of war, from 1<sup>st</sup> October 1943 to 27<sup>th</sup> January 1944, and from 28<sup>th</sup> January 1944 to July 1944, at 307 Deblin (Poland), 367 Centoskowa (Poland) and 13 C Nuremberg (Germany) camps.

XVI – Names not known, SS soldiers, for the crime of "torture, abuse and theft of objects", of Italian soldiers prisoners of war, between September 1943 and August 1944, at 367 Tschenstocha camp (Poland).

The procedure at the Military Court in Verona, regarding the Nazi war criminals Ernst Bosecker, Robert Prossliner, Josef Bigl, Lothar Platter, Karl Their, Volkmar Seifert, Alexander Müller, was terminated in 21<sup>st</sup> October 2021, due to the offenders' death.

2) **Denmark** –The Danish authorities have reported one new investigation regarding Nazi crimes, which was launched in Denmark during 2021. According to media reports, the crimes under investigation took place in Graz, Austria on April 2, 1945. On that day, Danish Waffen-SS actively participated in the murder of more than 200 persons, among them a large number of Jewish prisoners, Austrian resistance fighters, English agents and possibly two American pilots.

There was no indication whether the investigation would result in an indictment against Danes currently alive.

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

Canada – During the period under review in our previous report, we were very happy to report that the Canadian Crimes Against Humanity and War Crimes Section had 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, but unfortunately that was not the case. Oberlander's lawyers continuously sought to delay the proceedings and Oberlander died in his home on September 20, 2021.

Canada, it should be noted, is one of only two countries, the other 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. Oberlander was the last of the eight to die in Canada, marking the complete failure of the Canadian authorities to implement the full punishments available against these Nazi collaborators who immigrated to Canada under false pretenses. (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.

**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. Belgium
3. Bosnia-Herzegovin
4. Croatia
5. Czech Republic
6. Estonia
7. Hungary
8. Romania
9. Serbia
10. Slovakia
11. Ukraine

**Category X: Did Not Reply**

1. Argentina
2. Brazil
3. Chile
4. Colombia
5. Costa Rica
6. Finland
7. France
8. Great Britain
9. Greece
10. Latvia
11. Lithuania
12. Luxemburg
13. Netherlands
14. New Zealand
15. Slovenia
16. Spain
17. 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 publicized in May 2022.

The only positive step adopted during the past decade was the decision to cancel the immunity hitherto granted to individuals ages 18-21 who committed war crimes and genocide, but no convictions 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. More recent attempts in 2021 to overturn the Supreme Court's decision have hitherto failed.

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 2001-2021**

	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	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	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	2019	2019	2020	2021
													Apr- Dec.2018	Jan-Dec. 2019	Jan-Dec. 2020	Jan-Dec. 2021
Argentina	E	E	E	E	X	X	X	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	X	E
Austria	F-2	F-2	D	D	D	D	F-2	F-2	F-2	F-2	F-2	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	E	B
Belgium	X	E	X	X	X	E	X	X	X	X	X	X	X	X	X	E
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	X	X	E
Brazil	X	E	X	E	X	E	X	X	X	X	X	X	X	X	X	X
Canada	B	D	D	D	D	C	B	B	B	B	B	B	B	B	D	D
Chile	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Colombia	X	X	E	E	E	E	E	E	E	E	E	E	X	E	X	X
Costa Rica	X	E	X	X	X	X	E	X	X	X	E	X	X	X	X	X
Croatia	E	C	D	D	D	E	E	E	E	E	E	E	E	E	X	E
Czech Republic	E	E	E	E	E	E	E	E	E	E	E	E	E	X	E	E
Denmark	E	E	E	E	C	D	E	E	E	E	E	E	E	E	X	C
Estonia	F-2	F-2	E	E	E	E	E	E	E	E	E	E	E	E	E	E
Finland	E	E	E	E	E	E	X	B	B	B	E	X	B	B	E	X
France	X	X	E	E	E	E	C	D	D	D	X	X	D	D	X	X
Germany	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Great Britain	X	D	X	X	X	E	E	E	E	E	E	E	E	X	X	X
Greece	E	E	E	E	E	X	E	X	X	X	E	X	X	X	X	X
Hungary	C	D	C	D	D	X	E	E	E	E	E	E	E	E	E	E
Italy	B	A	B	B	B	B	B	B	B	B	B	B	B	B	C	C
Latvia	F-2	F-2	X	X	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	F-2
Luxemburg	X	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	X
New Zealand	E	E	X	X	X	E	E	X	X	X	X	X	X	X	X	X

	2013	2014	2015	2016	2017	2018	2019	2019	2020	2021
	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	Apr-Dec.2018	Jan-Dec. 2019	Jan-Dec. 2020	Jan-Dec. 2021
Norway	F-1	F-1	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	X	-
Poland	C	X	X	D	B	B	B	B	B	B
Romania	E	D	E	E	E	E	E	E	E	E
Russia	X	X	X	C	E	E	E	C	B	B
Scotland	-	-	-	-	-	-	-	-	-	-
Serbia	X	E	X	E	X	E	E	E	E	E
Slovakia	C	C	X	E	E	E	E	X	E	E
Slovenia	X	E	E	E	E	E	E	F-2	F-2	X
Spain	B	F-2	E	E	E	X	E	X	E	X
Sweden	F-1	F-1	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	F-2	F-2
United States	A	B	A	A	A	A	A	A	A	A
Uruguay	X	X	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 36 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), Japanese (2022) and English (under the title **Our People: Discovering Lithuania's Hidden Holocaust** [Rowman & Littlefield, 2020]), and is scheduled to appear in Dutch and Ukrainian.

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