

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

**(April 1, 2009 – March 31, 2010)**

**An Annual Status Report**

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**Snider Social Action Institute**

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## EXECUTIVE SUMMARY

1. During the period in question the investigation and prosecution of Nazi war criminals continued in fourteen countries, among them countries such as Germany, Austria and Poland in which the crimes of the Holocaust were committed and others like the United States and Canada, which afforded a postwar haven to Holocaust perpetrators.
  
2. During the period from April 1, 2009 until March 31, 2010, five individuals were convicted for Nazi war crimes, three (in absentia) in Italy and two in Germany. The latter convictions are the first in the Federal Republic since July 2002 and were the result of a significant change in German prosecution policy, which in several of the Länder (provinces) has been much more proactive during the past two years. This very positive development, which during the past year produced two convictions, three indictments and new investigations against more than one hundred suspects, is potentially of enormous significance and should substantially increase the number of Nazi war criminals prosecuted during the final years of this effort.

From January 1, 2001 until March 31, 2010, a total of eighty-seven legal decisions have been won against Nazi war criminals and collaborators, almost half of them (37) in the United States. The others were recorded in Italy (35), Canada (6), Germany (5), Lithuania (2), Poland (1) and France (1).

3. During the period under review, legal proceedings were initiated against at least twenty-one Nazi war criminals, the higher figure of indictments obtained during the 21<sup>st</sup> century. From January 1, 2001, seventy-eight indictments have been submitted against Nazi war criminals, the majority in the United States.
  
4. This year for the first time ever, we have awarded the highest grade to another country, Germany, in addition to the United States. During the past year, Germany achieved remarkable success in the wake of significant changes in its prosecution policy, which we believe are of unique significance for the efforts to hold Nazi war criminals accountable for their crimes. At the same time, we have singled out nine different countries which failed to achieve the results they should have during the period under review. These countries which have received a failing grade (F) have been divided into two different categories: F-1 for those countries which in principle are either unwilling or unable to investigate and/or prosecute Nazi war criminals [Syria (ideological

reasons), Norway and Sweden (statutes of limitations)] and F-2 for those countries which are able, at least in theory, to take legal action against Holocaust perpetrators, but have failed to achieve significant positive results during the period under review (Australia, Canada, Estonia, Hungary, Lithuania, and Ukraine). The reasons for the failing grade awarded to each country are explained in the report.

5. The most disappointing result in a specific case during the period under review has been Hungary's failure hereto to bring to justice Dr. Sandor Kepiro, one of the Hungarian officers who organized the mass murder of hundreds of civilians in Novi Sad, Serbia on January 23, 1942. Kepiro was convicted in Budapest in 1944 for violating the code of honor he had sworn to uphold, but was never punished due to the Nazi occupation and his subsequent escape to Argentina. He was exposed by the Wiesenthal Center living in Budapest in the summer of 2006.

## **INTRODUCTION**

As time passes since the crimes of the Holocaust were committed, it would appear that the chances of successfully bringing Nazi war criminals to justice are rapidly diminishing, but in fact the opposite is true. Despite the passage of more than six decades since the end of World War II, the efforts to hold Holocaust perpetrators accountable are continuing with a significant measure of success and there is considerable potential for additional achievements in the immediate future. This assessment is firmly reflected in the figures presented in this year's report which point to more than one hundred and forty new investigations of Nazi perpetrators initiated during the period under review and more than eight hundred and fifty ongoing investigations as of April 1, 2010. And although there was a slight decrease in the number of convictions during the previous year, the extremely high increase in the number of indictments, as well as increases in the number of new and ongoing investigations, clearly indicate that significant results can still be achieved in the efforts to hold Nazi war criminal accountable.

The Simon Wiesenthal Center views the facilitation of the investigation and prosecution of Nazi war criminals as an important part of its international agenda. Over the past three decades, the Center has carried out extensive research in numerous countries to identify Nazi war criminals, document their crimes, trace their postwar escape and ascertain their current whereabouts in order to assist in bringing them to justice. It has also energetically lobbied various governments which have been reluctant to prosecute Holocaust perpetrators, and has sought to convince them of the importance of bringing such criminals to trial. The Center has also exposed the rehabilitations granted to Nazi war criminals in several East European countries and has played a role in the cancellation of dozens of these pardons.

The Center's experience has clearly shown that the existence of political will to bring Nazi war criminals to justice is an absolute prerequisite for the successful prosecution of Holocaust perpetrators. In that respect, the results achieved in this field are often just as much a function of the existent political climate, as of the strength of the evidence available against the suspects in question.

Starting in 2002, the Simon Wiesenthal Center has published an annual report to document the investigation and prosecution of Nazi war criminals worldwide as a public service designed to focus attention on the issue, chronicle its development, and encourage all the governments

involved to maximize their efforts to bring as many unprosecuted Holocaust perpetrators as possible to justice. The date chosen for the publication of the report is Yom Ha-Shoa (Holocaust Remembrance Day) as designated by the State of Israel, which this past year was observed on April 12, 2010. In that respect, the Center has always believed that the prosecution of the murderers of the Holocaust is one of the most fitting means of commemorating those annihilated by the Nazis. Famed Nazi-hunter Simon Wiesenthal often noted his sense of personal obligation toward the victims of the Holocaust to do his utmost to maximize the number of murderers forced to pay for their crimes. Needless to say, such trials also play an important role in educating the public about the Holocaust, preserving its memory and helping to combat contemporary anti-Semitism, racism, and xenophobia.

\* \* \*

The figures and statistics which appear in this report were primarily provided by the special agencies dealing with this issue in each country, not all of whom were willing to provide the pertinent data. We have tried to the best of our ability to point to various problems and lacunae in the information supplied. The Center welcomes any pertinent information, comments and/or suggestions relating to the contents of the report, which can be mailed or faxed (972-2-563-1276) to our Jerusalem office or sent by email to [swcjerus@netvision.net.il](mailto:swcjerus@netvision.net.il). This report in its entirety will be posted on our website [www.operationlastchance.org](http://www.operationlastchance.org)

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## **THE PERIOD UNDER REVIEW: APRIL 1, 2009 – MARCH 31, 2010**

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 past year was relatively successful in three of the four criteria, the sole exception being the number of convictions, which decreased slightly. There were, however, significant increases especially in the number of indictments, most notably in Italy, as well as a rise in the number of new and ongoing investigations, particularly in Germany, where a more proactive and inclusive prosecution policy has begun to yield highly-significant positive results. The conviction in Aachen of Dutch SS executioner Heinrich Boere and the indictment and trial of armed SS Sobibor death camp guard Ivan Demjanjuk, who was extradited from the United States and put on trial in Munich, are among the practical results of the new policy. On the negative side of the ledger, there were no convictions obtained in the United States for the second consecutive year, but this is no reflection of a failure on the part of the American authorities, who have consistently and consciously pursued Nazi war criminals, but rather a product of historical circumstances. The Americans who for years have achieved the best practical results, have more or less finished their task, hence the lower figures achieved during the period under review.

In other respects, the past year was very similar to its predecessor. As usual, the critical importance of political will in bringing Nazi war criminals to justice is increasingly evident. Once again, the results clearly indicate that the chances of successful prosecutions in countries reluctant to bring Holocaust perpetrators to justice are minimal or nonexistent. This is particularly evident in post-Communist Eastern Europe, where despite the increased worldwide interest and awareness regarding the Holocaust, the dismemberment of the Soviet Union, and the fall of the Communist regimes in Eastern Europe which have helped create numerous new

opportunities for the prosecution of Holocaust perpetrators in the countries in which the crimes of the Shoa were committed, little progress has been made. (These developments have also facilitated prosecution in the overseas countries which granted a haven to these criminals.) Unfortunately, relatively few countries have made an effort to exploit the far greater access – available for the first time – to Eastern European archives and witnesses and the renewed interest in the crimes of the Shoa to launch a serious effort to maximize the prosecution of Holocaust perpetrators. In fact, even those countries which have initiated programs to bring Nazi war criminals to justice have rarely been able to achieve significant successes.

Thus during the period under review, not a single conviction was obtained in Eastern Europe, despite the fact that numerous post-Communist countries such as Lithuania, Latvia and especially Poland, are currently conducting many such investigations. And while the lack of results achieved no doubt reflects the objective difficulties involved in the criminal prosecution of crimes committed several decades previously, there is no doubt that the absence of political will to pursue such cases remains a major obstacle to greater success, particularly in the Baltics and in countries like Romania, Ukraine, and Belarus. This also appears to be true in Hungary in the case of convicted (but unpunished) Holocaust perpetrator Dr. Sandor Kepiro, against whom the prosecutors have hereto failed to take legal action, despite the fact that his guilt has already been proven in a Hungarian court. This failure by the Hungarians to prosecute Kepiro is in contrast to their persistence in seeking the extradition from Australia for Holocaust crimes of Karoly (Charles) Zentai. As a general rule, however, the fall of Communism and the dismemberment of the Soviet Union have rarely resulted in serious efforts to locate and bring to trial unprosecuted local Nazi collaborators. Even in those countries such as Croatia and Poland, which have each successfully prosecuted a single Holocaust perpetrator, the results achieved could have been much better.

Elsewhere in Europe, with the exception of Italy, Germany remains the only country in which the crimes of the Holocaust were committed, which is still actively pursuing Nazi war criminals with the requisite political will, which explains why it has achieved the most convictions on criminal charges of suspects able to be punished during the past eight years. The existence of a special prosecution agency for Nazi war crimes (the “Zentrale Stelle” in Ludwigsburg) is undoubtedly a major reason for whatever modest success Germany has registered. To Germany’s credit, mention should also be made of the impressive efforts made by the special police task force established to locate escaped Nazi war criminal Dr. Aribert Heim.

In other countries, the only positive development of note took place in Austria, which in early 2010 establishing a working group to identify alleged Nazi war criminals (Forschungstelle Nachkriegsjustiz) which was commissioned to carry out a comprehensive investigation of 526 public court files which relate to Nazi war crimes and which might possibly be worthy of a renewed prosecution effort. Such a comprehensive investigation effort is particularly welcome given Austria's consistent failure during the past three decades to bring Holocaust perpetrators to justice. Despite a large number of potential suspects, Austria has not convicted anyone for crimes committed against Jews during the Holocaust for more than three decades.

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

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

Although statutes of limitations on cases of murder exist in many countries, until recently there were only two countries in the world which proscribed the prosecution of crimes related to genocide, war crimes and crimes against humanity. The countries in question were Norway and Sweden, which therefore refused in principle to investigate, let alone prosecute, Nazi war criminals. On March 7, 2008, Norway finally cancelled the statute of limitations on genocide, war crimes and crimes against humanity and during the period under review in February 2010, Sweden did so as well. Unfortunately those changes were not made retroactive and thus

neither country can prosecute Nazi war criminals.

In other countries of refuge, apart from the United States, the results achieved during the period under review were not particularly encouraging. Although Canada (in 1987), Australia (in 1989) and Great Britain (in 1991), all passed special laws to enable prosecution, no convictions were obtained in any of the three countries nor were any indictments filed. (Canada, in 1994 switched to the “American model” of denaturalization and deportation, but to date, not a single person who was stripped of his Canadian citizenship has been successfully deported from the country, a stark contrast to the impressive success achieved by the United States under relatively similar conditions.)

As far as Australia and Great Britain are concerned, both countries have closed down their specialized prosecution agencies and it therefore is extremely unlikely that they will be able to obtain any convictions while they continue to insist on prosecuting these suspects on criminal charges. This is particularly true in Australia, where all witnesses in such cases must appear in person, a factor which would make a successful prosecution next to impossible, given the country’s geographic distance from the scene of the crimes committed. Another problem encountered in Australia during the past year, is that suspected Holocaust perpetrator Charles Zentai, whose extradition for murder during the Holocaust has been requested by Hungary, has been able to postpone his appeal for over four years by raising technical challenges totally unrelated to his alleged crimes. The failure of the Australian legal system to expedite this case is another indication of the lack of sufficient political will in Canberra to prosecute Nazi war criminals.

\* \* \*

Besides the figures on convictions and indictments, it is important to assess the statistics on new investigations filed and ongoing cases, which are indicators of the practical results that can possibly be achieved during the coming years. As of April 1, 2010, the number of ongoing investigations is considerably higher than those being conducted a year previously, and the number of new investigations launched during the period under review, is more than double the figure for the previous year, both of which are cause for guarded optimism.

In July 2002, the Wiesenthal Center and the Targum Shlishi Foundation of Miami, headed by Aryeh Rubin, launched “Operation: Last Chance,” a project designed to assist in the prosecution

of Nazi war criminals by offering financial rewards for information which would facilitate their conviction and punishment. The project was originally initiated in Lithuania, Latvia and Estonia, and a year later was expanded to Poland, Romania and Austria. In 2004, it was launched in Croatia and Hungary and in 2005 in Germany. In 2007 it was started in Argentina, Chile, Brazil and Uruguay. As of April 1, 2010, the Center had received the names of five hundred and sixty suspects, the names of one hundred and one of whom have been submitted to local prosecutors. The names of forty new suspects were received during the period under review.

In summation, despite numerous obstacles and difficulties, significant progress was made during the period under review. If we combine the figures presented in our last eight reports, we can point to eighty-seven convictions and seventy-seven indictments during the past one hundred and eleven months, concrete proof that much can still be achieved in the efforts to bring the perpetrators of the Holocaust to the bar of justice.

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

April 1, 2009 – March 31, 2010

1. Italy – 3
2. Germany - 2

Details of Convictions Obtained During the Period Under Review:

1. **Italy**

On June 26, 2009 the following German defendants, all of whom served in the “Reichsfuhrer-SS” Division of the 16 SS-Panzer Grenadier unit, were sentenced to life imprisonment in absentia by the Military Tribunal at La Spezia for their participation in the murder of Italian civilians in the town of Fivizzano in August and September of 1944.

- A. Josef Baumann (born June 25, 1926)
- B. Hubert Bichler (December 1, 1920)
- C. Arnold Rosler (January 25, 1921)

2. **Germany**

- A. August 11, 2009 – Josef Schenngaber – life imprisonment  
Convicted for his role in the murder of 11 Italian civilians in the village of Falzano Di Cortona on June 1944.
- B. March 23, 2010 – Heinrich Boere – life imprisonment  
Served in the Silbertanne Waffen-SS execution squad in the Netherlands;  
convicted for the murder of three Dutch civilians.

**CONVICTIONS OF NAZI WAR CRIMINALS:**  
**COMPARATIVE STATISTICS 2001-2010**

	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	Total
United States	6	5	7	5	5	6	3	0	0	37
Italy	0	0	0	0	10	15	1	6	3	35
Canada	3	0	0	0	0	0	3	0	0	6
Germany	2	1	0	0	0	0	0	0	2	5
Lithuania	1	0	0	0	1	0	0	0	0	2
Poland	1	0	0	0	0	0	0	0	0	1
France	1	0	0	0	0	0	0	0	0	1
<b>Total</b>	<b>14</b>	<b>6</b>	<b>7</b>	<b>5</b>	<b>16</b>	<b>21</b>	<b>7</b>	<b>6</b>	<b>5</b>	<b>87</b>

## NEW CASES FILED DURING THE PERIOD UNDER REVIEW

Italy - 16  
Germany - 3  
United States - 2

### **1. Italy**

The following Germans and Austrians were indicted for war crimes in Italy during the period under review:

#### **A. By the Military Tribunal in Verona:**

1. Wilhelm Bachler
2. Horst Gunther Gabriel
3. Gunther Heinroth
4. Erich Kieppe
5. Alfred Luhmann
6. Karl Mess
7. Helmut Odenwald
8. Fritz-Ulrich Olberg
9. Ferdinand Ostrehaus
10. Wilhelm Karl Starke
11. Herbert Wilke
12. Hans Georg Winkler

#### **B. By the Military Court of Appeals in Rome:**

13. Hermann Langer
14. Hans Michelsen

#### **C. By the Military Tribunal in Naples:**

15. Georg Ilius
16. Wolfgang Manke

## **2. Germany**

A. May 19, 2009: Josef K.

Charged with the murder of two Russian forced laborers on May 14, 1944 in Meschede  
The case was rejected by Landesgericht Arnsberg on January 13, 2010 and an appeal by  
the Prosecutors Office in Dortmund was also rejected.

B. July 13, 2009: Ivan Demjanjuk

Charged with accessory to murder in 27,900 cases during his service as an armed SS guard  
in the Sobibor death camp

C. October 27, 2009: Adolf Storms

Charged with the murder of 58 Jews on March 29-30, 1945 in Deutsch Schützen and near  
Jabbing, Austria

The accused died on June 28, 2010 in Germany.

## **3. United States**

A. April 1, 2009: Anton Geiser – deportation

Charged with service as armed SS Death Head's guard at the Sachsenhausen and  
Buchenwald concentration camps as well as at the Arolsen subcamp of Buchenwald

B. August 27, 2009: Ivan Kalymon – deportation

Charged with service in the Ukrainian Auxiliary Police in Lviv (Lvov)

**NEW CASES FILED: COMPARATIVE STATISTICS 2001 – 2010**

	<b>1.I.2001 – 31.III.2002</b>	<b>1.IV.2002 – 31.III.2003</b>	<b>1.IV.2003 – 31.III.2004</b>	<b>1.IV.2004 – 31.III.2005</b>	<b>1.IV.2005 – 31.III.2006</b>	<b>1.IV.2006 – 31.III.2007</b>	<b>1.IV.2007 – 31.III.2008</b>	<b>1.IV.2008 – 31.III.2009</b>	<b>1.IV.2009 – 31.III.2010</b>	<b>Total</b>
United States	4	10	5	3	2	6	2	1	2	<b>35</b>
Germany	1	1	2	0	0	0	1	2	3	<b>10</b>
Canada	1	0	3	0	0	0	0	0	0	<b>4</b>
Italy	0	0	0	0	2	0	5	2	16	<b>25</b>
Lithuania	0	0	0	1	0	0	0	0	0	<b>1</b>
Hungary	0	0	0	1	0	0	0	0	0	<b>1</b>
Poland	0	0	0	0	1	0	0	0	0	<b>1</b>
Denmark	0	0	0	1	0	0	0	0	0	<b>1</b>
<b>Total</b>	<b>6</b>	<b>11</b>	<b>10</b>	<b>6</b>	<b>5</b>	<b>6</b>	<b>8</b>	<b>5</b>	<b>21</b>	<b>78</b>

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

Poland	290
Germany <sup>1</sup>	130
Austria	24
United States	5
Italy <sup>2</sup>	4
Belgium	1
Great Britain	1
Lithuania	1
Canada <sup>3</sup>	?
<b>Total</b>	<b>456</b>

1. The figures in Germany are only partial since they are based on the responses of only 13 of the 16 districts.
2. The number of new investigations in Italy is a minimum figure since a new investigation initiated by the military court at Verona has an unspecified number of suspects.
3. The Canadian Crimes Against Humanity and War Crimes Section of the Department of Justice claims that it is forbidden to provide such information.

**NEW INVESTIGATIONS OF NAZI WAR CRIMINALS:**  
**COMPARATIVE STATISTICS 2001 – 2010**

	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	Total
Poland	48	8	172	306	141	2	142	230	290	1,339
Austria	10	3	60	272	1	0	2	16	24	388
United States	46	16	40	34	27	30	22	5	5	225
Lithuania	100	24	18	2	3	1	1	0	1	150
Germany <sup>1</sup>	9	?	9	27	38	22	31	43	130	309
Canada <sup>2</sup>	?	?	?	?	103	?	?	?	?	103 (?)
Italy	0	56	18	6	2	2	3	21	4	112
Latvia	0	4	16	0	0	0	0	0	0	20
Estonia	2	17	1	0	0	0	0	0	0	20
Australia	0	9	0	1	3	1	0	0	0	14
Belgium									1	1
Denmark	0	0	1	9	0	1	0	0	0	11
Great Britain	6	1	0	0	0	0	0	0	1	8
Romania	0	0	0	4	0	0	0	0	0	4
Hungary	0	0	0	1	1	1	0	0	0	3
Serbia	0	0	0	0	0	3	0	0	0	3
Croatia	0	0	0	1	1	0	0	0	0	2
Spain	0	0	0	0	1	0	0	0	0	1
Slovenia	0	0	0	0	1	0	0	0	0	1
Argentina	0	0	0	0	0	0	1	0	0	1
Brazil	0	0	0	0	0	0	1	0	0	1
Chile	0	0	0	0	0	0	1	0	0	1
Switzerland	0	0	0	0	0	0	1	0	0	1
<b>Total</b>	<b>221</b>	<b>138</b>	<b>335</b>	<b>663</b>	<b>322</b>	<b>63</b>	<b>205</b>	<b>315</b>	<b>456</b>	<b>2,718</b>

**ONGOING INVESTIGATIONS OF NAZI WAR CRIMINALS AS OF APRIL 1, 2010**

Poland	316
Canada <sup>1</sup>	180
Germany	177
United States <sup>2</sup>	87
Italy	43
Austria	28
Lithuania	9
Serbia	3
Estonia	2
Great Britain	2
Hungary	2
Belgium	1
Croatia	1
Denmark	1
<b>Total</b>	<b>852</b>

1. The latest figure for Canada is as of March 31, 2007.
2. The figure for the United States includes 10 cases in litigation, 24 formal investigations and 53 preliminary investigations.

**ONGOING INVESTIGATIONS OF NAZI WAR CRIMINALS:**  
**COMPARATIVE STATISTICS 2001 – 2010**

	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 <sup>1</sup>	175	275	285	246	236	221	216	150	87
Lithuania	110	108	25	21	26	24	17	13	9
Canada <sup>2</sup>	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 <sup>3</sup>	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
<b>Total</b>	<b>455</b>	<b>492</b>	<b>940</b>	<b>1,252</b>	<b>1,130</b>	<b>1,019</b>	<b>608</b>	<b>706</b>	<b>852</b>

1. The figure for April 1, 2002 includes only formal investigations, while the figures for subsequent years include formal investigations and preliminary inquiries
2. The latest data supplied by the Canadian authorities is as of .March 31, 2007.
3. Both cases for January 1, 2001 – March 31, 2002 are of persons already deceased. Two of the five cases for April 1, 2002 – March 31, 2003 are of persons deceased.

## **INVESTIGATION AND PROSECUTION REPORT CARD**

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

The grades granted are categorized as follows:

### **Category A: Highly Successful Investigation and Prosecution Program**

Those countries, which have adopted a proactive stance on the issue, have taken all reasonable measures to identify the potential suspected Nazi war criminals in the country in order to maximize investigation and prosecution and have achieved notable results during the period under review.

### **Category B: Ongoing Investigation and Prosecution Program Which Has Achieved Practical Success**

Those countries which have taken the necessary measures to enable the proper investigation and prosecution of Nazi war criminals and have registered at least one conviction and/or filed one indictment during the period under review.

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

Those countries which have failed to obtain any convictions or indictments during the period under review but have either advanced ongoing cases currently in litigation or have opened new investigations, which have serious potential for prosecution.

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

Those countries which have ostensibly made at least a minimal effort to investigate Nazi war criminals but which failed to achieve any practical results during the period under review. In many cases these countries have stopped or reduced their efforts to deal with this issue long before they could have and could achieve important results if they were to change their policy.

**Category E: No known suspects**

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

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

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

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

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

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

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

A: Germany, United States

B: Italy, Serbia

C: Poland

D: Austria, Belgium, Denmark, Great Britain, Netherlands

E: Argentina, Croatia, Finland, Greece, Russia, Slovenia

F-1: Norway, Sweden, Syria

F-2: Australia, Canada, Estonia, Hungary, Lithuania, Ukraine

X: Belarus, Bolivia, Bosnia-Herzegovina, Brazil, Chile, Colombia, Costa Rica, Czech Republic, France, Latvia, Luxemburg, New Zealand, Romania, Slovakia, Spain, Uruguay, Venezuela

## Category A - Highly Successful Proactive Prosecution Program

1. Germany – For the first time ever, a country other than the United States has received an A grade in this report. The grade given this time to Germany reflects two very positive changes which have produced significant practical results during the period under review. The first was a change in the unofficial decades-long prosecution policy which focused almost exclusively on officers and suspects who were Germans or Volksdeutsche. By expanding the scope of potential suspects to include individuals who were neither officers nor of German origin, the possibilities for the successful prosecution of Holocaust perpetrators increased many fold. The second change was a renewed effort on the part of some German prosecutors to maximize the prosecution of Nazi war criminals, while it is still possible to achieve justice by adopting a more proactive approach.

The practical results of these changes achieved during the past year are quite impressive. During the period under review, two Nazi war criminals, Josef Scheungraber and Heinrich Boere were convicted and indictments were filed against three suspects, among them Sobibor death camp armed guard Ivan Demjanjuk, who was extradited from the United States after being stripped (for the second time) of his American citizenship for concealing his wartime collaboration with the Nazis. This case in particular is a clear indication of the much more proactive stance by German prosecutors, who in the past had refused to extradite and/or prosecute similar cases of East European Nazi collaborators who had been ordered deported from the United States, but whom no country was willing to accept. Until relatively recently, the United States (through its “Office of Special Investigations,” since renamed the “Human Rights and Special Prosecution Section”) had invested considerable effort in attempting to convince Germany to assume responsibility for these cases, but to no avail. The decision to prosecute Demjanjuk, despite several evidentiary problems which in the past would have been sufficient to convince Germany refuse to take the case, is clear-cut proof of a much more proactive policy by certain German prosecutors.

It is this change and its practical results which are the basis for the high grade awarded Germany in this report. It must be made clear however, that unlike the situation in all the other countries which deal with this issue, the German judicial system is completely decentralized and it is therefore difficult to assess the country’s performance as a whole. In other words, it cannot be said that the positive changes noted above have been applied

uniformly throughout the country. Indeed, had that been the case, the results achieved would almost certainly have been even better.

The positive practical achievements obtained in Germany were primarily in the states of Nordrhein Westphalia and Bavaria and it is those prosecutors who deserve to be praised for their success during the period under review. The report, however, grades by country and thus even though the positive changes and resultant achievements were not implemented everywhere, the decision was to recognize the positive result, the best achieved in Germany since this report began to appear, and to therefore award the Federal Republic the highest grade possible.

In this context, it is also important to note the extremely high increase in the number of new and ongoing investigations in Germany. On the one hand, the increase reflects the new policy described above, but to a larger extent it is the result of the change in the manner in which we attempted to obtain the relevant data. Until this year, our questionnaire was routinely submitted to the “Zentral Stelle,” the central German agency for the investigation of Nazi crimes. The problem was, however, that that agency was unable to provide accurate statistics for the entire country (due to the decentralization of the judicial system, as a response to Nazi crimes during the Third Reich) and consequently the information we received was very partial. This year, for the first time ever, we sent the questionnaire directly to the ministries of justice of all the provinces, thirteen of sixteen of which responded with the pertinent statistics in all categories and consequently we received significantly-higher figures on new and ongoing investigations. The provinces which responded were (in order of response):

1. Baden – Württemberg
2. Bavaria
3. Lower Saxony
4. Saarland
5. Brandenburg
6. Saxony
7. Saxony – Anhalt
8. Berlin
9. Hamburg
10. Rhineland – Palatinate
11. Mecklenburg – Pommern

12. Schleswig – Holstein
13. North Rhine – Westfalia

Those failing to reply were:

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

The scope of the success achieved by the OSI is clearly reflected in the high number of convictions it has hereto obtained. In fact, during the period from 2001, when the Wiesenthal Center began recording statistics on the investigation and prosecution of Nazi war criminals all over the world, until March 2010, 37 of the 87 convictions registered worldwide were recorded in the United States. While acknowledging the lower level of proof required in civil as opposed to criminal cases, the results achieved by the Americans clearly underscore the professional excellence and dedication of the agency and the critical role played by political will in the prosecution of Holocaust perpetrators. They also clearly demonstrate that, given the right circumstances, successful legal action can be taken against Holocaust perpetrators even decades after they committed their crimes, a fact often purposely ignored by those critical of the contemporary efforts to bring Nazi war criminals to justice.

During the past year, the HRSPS was able to record an extremely important victory when Germany decided to seek the extradition of Sobibor death camp guard Ivan Demjanjuk. This decision, which was the result of an extraordinary effort by the American prosecutors to convince Germany to try Demjanjuk on criminal charges for his crimes at Sobibor, will hopefully bring this case to a successful conclusion, more than three decades after it was initiated in the United States.

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

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. The excellent results achieved during the period under review - three convictions and sixteen indictments – continue this important trend. Thus during the years 2005-2010, a total of thirty-five Nazi war criminals have been convicted by military prosecutors, by far the highest number ever achieved anywhere over a five year period since the publication of this report was initiated in 2002 to cover the period from January 1, 2001 until March 31, 2002.

It should be noted, however, that unfortunately, all of the cases of Nazi war criminals prosecuted in Italy during past five years have been conducted in absentia, with not a single suspect present during the proceedings. Efforts by the Italian judicial authorities to obtain the extradition of the suspects, and/or of those convicted, all of whom with two exceptions were German citizens residing in Germany, have hereto been rejected by the Federal Republic, which refuses in principle to extradite its citizens. In the wake of this refusal, Italy has requested in at least five cases that those convicted and sentenced to life imprisonment serve their sentences in Germany. During to the period under review, one of the officers convicted in Italy, Josef Scheungraber, has been convicted in Germany and sentenced to life imprisonment.

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

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

2. Serbia – During the period under review, the Serbian judicial authorities continued their efforts to facilitate the prosecution of three suspected Holocaust perpetrators: Dr. Sandor Képiró, who is accused of helping to organize the mass murder of at least 1,246 Jewish, Serb and Roma civilians in the city of Novi Sad on January 23, 1942 and is currently living in Budapest; former Ustasha police chief of the city of Požega, Croatia Milivoj Ašner, who is

accused of orchestrating the persecution and deportation to concentration camps, where they were murdered, of hundreds of Serbs, Jews and Gypsies and is presently residing in Klagenfurt, Austria; and former Belgrade Gestapo operative Peter Egner, who is accused of participation in the persecution and murder of thousands of civilians and is facing denaturalization in the United States.

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

1. 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, it has opened far more new investigations than any other equivalent agency and continues to have the largest number by far of ongoing investigations being currently conducted. On the other hand, the practical results achieved during the past decade are negligible – one conviction (of Chelmno death camp operative Henryk Mania) and one indictment (of Nazi agent Piotr Wiczorek) since 2001, an extremely disappointing record.

## Category D – Insufficient and/or Unsuccessful Efforts

1. Austria – Once again, Austria has failed to achieve any practical results against Nazi war criminals, continuing its consistently-terrible record of the past three decades, during which not a single Holocaust perpetrator has been punished by an Austrian court. Under such circumstances, Austria would normally receive a failing grade, as it has for several of the past years. During the period under review, however, the Ministry of Justice established a working group to identify any cases in which legal action might still be possible and has already initiated new investigations against 24 suspects. The establishment of this working group, whose interim report is scheduled for completion by the end of 2010 and whose final report is expected by mid – 2011, is the last hope for achieving justice against any Austrian Holocaust perpetrators. Only time will tell, whether this step was conceived to deflect criticism of Austria’s terrible record or will actually facilitate positive practical results for the first time in decades.
2. Belgium – For the first time since this report was started, the Belgian authorities responded to our questionnaire and reported that they had initiated an investigation against a suspected Nazi war criminal during the period under review.
3. Denmark - During the period under review the Danish judicial authorities made no progress whatsoever in the case of Danish Nazi war criminal Soeren Kam (currently residing in Germany), who had previously been charged in Denmark with the murder of Danish anti-Nazi newspaper editor Carl Henrik Clemmenson on August 30, 1943. Kam escaped to Germany, which has hereto refused to extradite him to Copenhagen or prosecute him in Bavaria.
4. Great Britain – The British authorities carried out investigations against three suspects during the period under review, two of which remain active.
5. Netherlands – During the period under review, no progress was made in the case of Klaas Carl Faber who was sentenced to death by a Dutch court for the murder of inmates of the Westerbork transit camp and Groningen prison, but escaped in December 1952 to Germany where he continues to reside unpunished for his crimes.

### **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. Argentina
2. Croatia
3. Finland
4. Greece
5. Russia
6. Slovenia

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

1. Norway – For years, Norway refused in principle to investigate, let alone prosecute, Nazi war criminals due to the existing statute of limitations, which contrary to the situation elsewhere in the world with the exception of Sweden, applied even to genocide, war crimes and crimes against humanity. On March 7, 2008, however, the Norwegian authorities cancelled the existing statute of limitations on the crimes of genocide, war crimes, crimes against humanity and terrorism. This positive development does not, however, change the situation regarding Holocaust crimes which still cannot be prosecuted, since the amendment to the penal code does not allow for the prosecution of those cases which had already been under statute of limitations when the law was changed. Thus, in principle, Norway cannot bring Nazi war criminals to justice.
2. Sweden – For years, the Swedish government refused in principle to investigate, let alone prosecute, Nazi war criminals due to a statute of limitations on murder, which was instituted in 1926, and which contrary to the situation elsewhere in the world with the exception of Norway, applied to genocide war crimes and crimes against humanity as well. During the period in review, in February 2010, the Swedish parliament cancelled the statute of limitations in cases of genocide, war crimes and crimes against humanity, but that a step was not made retroactive and therefore does not allow for the prosecution of Holocaust

perpetrators. Thus Sweden, like Norway, remains one of the only countries in the civilized world which cannot in principle prosecute Nazi war criminals.

3. Syria – Despite abundant convincing evidence to the contrary, Syria has consistently denied that Alois Brunner, who bears direct responsibility for the deportation to Nazi death camps of 128,500 Jews from Austria, Greece, France, and Slovakia is living in Damascus. In March 2001, Brunner was sentenced in absentia to life imprisonment (for the third time) in France. Germany, Austria, Slovakia, France, Greece and Poland all have issued warrants for his arrest, but the Syrians have been totally uncooperative regarding this case.

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

#### **Category F-2: Failure in Practice**

1. Australia – During the period under review, the Australian judicial authorities dealt with the case of former Hungarian Army officer Karoly (Charles) Zentai, who was discovered residing in Perth by the Simon Wiesenthal Center in the framework of its “Operation: Last Chance” project. Zentai has been charged with the murder of a Jewish teenager in Budapest in November 1944 and the Hungarian authorities sought his extradition from Australia in March 2005.

In July 2005, Australian Justice Minister Chris Ellison signed the extradition request for Zentai submitted by the Hungarian authorities, which ostensibly paved the way for his removal to Budapest to stand trial, pending his appeal. That proceeding was postponed for more than three years, however, due to a legal challenge related to the extradition of suspects living in Western Australia, which was initiated by a fraud suspect wanted in Ireland and which Zentai joined. In the past, the Wiesenthal Center appealed to Australian Minister of Justice Ellison and Attorney-General Ruddock to prevent this abuse of the legal system, but Zentai’s lawyer was able to postpone his appeal time after time.

The extradition of Zentai will almost certainly be the final opportunity for Australia to take successful legal action against a Nazi war criminal resident in the country. Despite amending

existing laws to facilitate the extradition of suspected Nazi war criminals to Lithuania and Latvia, Australia remains the only major Western country of refuge which admitted at least several hundred Nazi war criminals and collaborators, which has hereto failed to take successful legal action against a single one.

In recent years, numerous attempts have been made by the Australia-Israel Jewish Affairs Committee and the Simon Wiesenthal Center to convince the Australian authorities to adopt civil remedies (denaturalization and/or deportation) to deal with the Holocaust perpetrators living in the country, but the government has hereto refused to do so. This policy is in contrast to the 1997 decision by the Australian government to denaturalize and deport criminals who entered the country under false pretenses from the date of the change in the law. The refusal to make this policy retroactive has spared those who entered Australia prior to 1997 from such prosecution, among them practically all of the Nazi war criminals and collaborators in the country.

2. Canada – During the period under review, the Canadian Crimes Against Humanity and War Crimes Section of the Ministry of Justice, headed by Terry Beitner, Esq. failed to obtain any convictions or file any indictments. In addition, we must once again point to the continued failure of the Canadian authorities to deport any of the Nazi war criminals and collaborators who have been denaturalized. Thus during the past sixteen years, since the switch was made from prosecution on criminal charges to the application of civil remedies, the Canadian authorities have initiated twenty-one cases and obtained eight denaturalizations against defendants residing in Canada, but not a single one of them has hereto been deported. (In addition, two defendants voluntarily left the country and six died during the course of the proceedings against them. Three won their cases against the government.) These disappointing results contrast sharply with the successes consistently registered year after year by the American Office of Special Investigations which also applies civil remedies against Nazi war criminals.

Given the fact that the Holocaust perpetrators who emigrated to both countries very much fit the same geographic and biographical profile, the large discrepancy between the impressive results achieved in the United States and the minimal progress made in Canada should be cause for serious concern and analysis in Ottawa.

3. Estonia – During the period under review, Estonia has not made any progress whatsoever in bringing local Holocaust perpetrators to justice. More specifically, legal action has still not been taken against Gestapo operative Michael Gorshkow, who returned to his native Estonia after he was successfully prosecuted in the United States for concealing his wartime collaboration with the Nazis and his active participation in Holocaust crimes in Slutzk, Belarus.
  
4. Hungary – The primary reason for the negative assessment of Hungary’s record during the period under review, in distinction to previous years, is its failure to bring to justice former gendarmerie captain Dr. Sandor Kepiro, who was among the officers responsible for the January 23, 1942 mass murder of civilians (mostly Jews, the others Serbs and Roma) in the city of Novi Sad, then part of Hungarian-occupied Voivodina. Kepiro was convicted in January 1944 (together with 14 other Hungarian gendarmerie and army officers) in connection with this atrocity, but due to the Nazi occupation of Hungary on March 19 of the same year, none of those convicted served their sentences. After World War II, Kepiro escaped to Austria and in 1948 fled to Argentina, where he remained until 1996, when he returned to Budapest. His current whereabouts were discovered by the Wiesenthal Center in July 2006 in the course of the investigation of a fellow gendarme currently living in Scotland, who was suspected of participation in the deportation of Jews from Miskolc to Auschwitz.

On August 1, 2006, the author of this report submitted documentation regarding Kepiro’s role in the murders at Novi Sad and his current residence in Budapest to Hungarian prosecutors and asked that his original sentence of ten years’ imprisonment be immediately implemented. On February 19, 2007, however, the Budapest Municipal Court decided that Kepiro’s original sentence could not be automatically implemented, since it had been cancelled by the Hungarian judicial authorities in 1944 (following the Nazi occupation of Hungary). In early March 2007, however, Hungarian prosecutors opened a criminal investigation to clarify Kepiro’s role in the mass murder of civilians in Novi Sad in January 1942, but no decision has yet been taken to prosecute him despite the abundant evidence of his involvement in organizing the mass murder of numerous civilians, and his own admission that he was present in Novi Sad with the Hungarian forces on that day.

5. Lithuania – Lithuania is another country where statistics can be very misleading. Thus Lithuania has achieved the largest number of convictions of Nazi war criminals in post-Communist Europe (two), but not a single Lithuanian Holocaust perpetrator has ever been punished for these crimes since the country regained its independence in 1991. The most recent case to come to court clearly reflects the lack of political will in Vilnius to

hold local Nazi war criminals accountable for their crimes. On March 27, 2006, Lithuanian Security Police operative Algimantas Dailide was convicted in Vilnius for his role in the persecution of civilian Jews and Poles under the Nazi occupation and sentenced to five years' imprisonment. (What made this decision particularly noteworthy is the fact that it was the only conviction on criminal charges during the past five years in which the defendant was present at the trial and, at least in theory, faced punishment if convicted. All the other defendants who were convicted on criminal charges were tried in absentia.)

Unfortunately, the judges in this case decided that the sentence meted out to Dailide should not be implemented because he was old, no longer a threat to society and had to care for his ill wife. Following protests by the United States, Israel and the Simon Wiesenthal Center, this decision was appealed by the Lithuanian prosecution, as well as by Dailide's lawyers who sought his acquittal. On June 8, 2006, the court decided to appoint a medical board to review Dailide's health in order to respond to the appeals by both sides. Only more than two years later, on July 4, 2008, did a Vilnius court decide that Dailide was medically-unfit to serve his sentence, although it is almost certain that he did appear personally before the doctors who submitted their expert opinion to the court.

The failure of the Lithuanian authorities to implement the verdict against Dailide is symptomatic, in the view of this author, of the deeply-rooted difficulty of Lithuanian society to acknowledge the extensive scope of local complicity in the crimes of the Holocaust. A practical reflection of this attitude is the fact that not a single one of the three Lithuanian Nazi war criminals prosecuted in the country since it regained its independence in 1991, (Aleksandras Lileikis in 2000, Kazys Gimzauskas in 2001, and Dailide in 2006) was ever incarcerated at any point before, during, or after their trial.

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

**INVESTIGATION AND PROSECUTION REPORT CARD:**

**COMPARATIVE STATISTICS 2001-2010**

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

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

## MOST WANTED NAZI WAR CRIMINALS

As of April 1, 2010

### **\*A. Alois Brunner – Syria**

Key operative of Adolf Eichmann

Responsible for deportation of Jews from Austria (47,000), Greece (44,000), France (23,500), and Slovakia (14,000) to Nazi death camps

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

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

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

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

Murdered dozens of camp inmates by lethal injection in Mauthausen

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

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

**1. Dr. Sandor Kepiro - Hungary**

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

Status – discovered in 2006 in framework of “Operation: Last Chance;” was originally convicted but never punished in Hungary in 1944 and apparently in absentia in 1946; Hungary refused to implement his original sentence but has opened a new criminal investigation against him which has not yet been completed more than three years after its initiation.

**2. Milivoj Ašner – Austria**

Police chief of Slavonska Požega, Croatia

Active role in persecution and deportation to death of hundreds of Serbs, Jews, and Roma

Status – exposed in 2004 in framework of “Operation: Last Chance;” indicted by Croatia which in 2005 requested his extradition from Austria, which initially refused the request because he ostensibly held Austrian citizenship; when it emerged that he had lost his Austrian citizenship, his extradition was refused on medical grounds. Media interviews with Ašner raised serious doubts about the decision of the Austrian doctors that he was medically unfit to stand trial and prompted a request by the Wiesenthal Center that he be examined by a foreign expert. In April 2009 a German expert confirmed the original assessment that he was suffering from dementia, but subsequent media interviews by Ašner again cast doubt on the veracity of the evaluation.

**3. Samuel Kunz – Germany**

participated in the mass murder of Jews in the Belzec death camp; also served in the Trawniki-SS training camp.

Status: Discovered in the search for evidence in the case of Sobibor guard Ivan Demjanjuk currently on trial in Germany; currently under investigation by the German authorities.

After the period under review: On July 24, 2010, Kunz was indicted for his role in the murder of 430,000 Jews, among them ten whom he personally killed, during his service as an armed SS guard at the Belzec death camp from January 1942 until July 1943.

On November 18, 2010 Kunz died in Germany awaiting trial.

**4. Adolf Storms – Germany**

SS sergeant accused of participation in the mass murder of 58 Jewish forced laborers in the Austrian village of Deutsch Schützen and near Jabbing on March 29-30, 1945.

Status: Discovered by an Austrian student researching the massacre, he was charged in 2009 by a German court for his alleged participation in the massacre.

After the period under review: On June 28, 2010 Storms died in Germany awaiting trial.

**5. Klaas Carl Faber - Germany**

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

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

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

After the period under review: On November 25, 2010 the Dutch government issued a European arrest warrant for the incarceration of Faber.

**6. Karoly (Charles) Zentai – Australia**

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

Status – discovered in 2004 by “Operation: Last Chance;” Hungary issued an international arrest warrant against him and has asked for his extradition from Australia in 2005; Zentai’s final appeal against his extradition to Hungary is currently being heard in a court in Perth.

After the period under review: On July 2, 2010, a court in Perth upheld Zentai’s appeal against his extradition to Hungary. The Hungarian government has indicated that it will appeal the decision.

**7. Soeren Kam - Germany**

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

Status – In 1999 Denmark requested the extradition of Kam, which Germany refused due to his German citizenship. A subsequent extradition request was refused in early 2007 on the grounds that Clemmensen’s death was not murder but manslaughter which was under a statute of limitation.

**8. Peter Egner – United States**

Served in Nazi-controlled Security Police in Belgrade, Serbia from April 1941 until September 1943, during which time the unit participated in the execution of 17,444 civilians, mostly Serbian Jews along with Communists, suspected communists, Roma, and Sinti (Gypsies).

Status: In July 2008 the United States Office of Special Investigations filed a request for the revocation of Egner’s American citizenship on the grounds that he concealed his service with the Nazis when he applied for immigration to the US and to obtain American citizenship. The case will be heard during the coming months.

After the period under review: On November 26, 2010, Serbia filed a request for Egner’s extradition to stand trial in Belgrade for his crimes during World War II.

**9. Algimantas Dailide – Germany**

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

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

**10. Mikhail Gorshkow – Estonia**

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

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

**Simon Wiesenthal Center**  
**Snider Social Action Institute**

The Simon Wiesenthal Center is an international Jewish human rights organization dedicated to preserving the memory of the Holocaust by fostering tolerance and understanding through community involvement, educational outreach and social action. The Center confronts important contemporary issues including racism, anti-Semitism, terrorism and genocide and is accredited as an NGO both at the United Nations and UNESCO. With a membership of over 400,000 families, the Center is headquartered in Los Angeles and maintains offices in New York, Toronto, Miami, Jerusalem, Paris and Buenos Aires.

Established in 1977, the Center closely interacts on an ongoing basis with a variety of public and private agencies, meeting with elected officials, the U.S and foreign governments, diplomats and heads of state. Other issues that the Center deals with include: the prosecution of Nazi war criminals; Holocaust and tolerance education; Middle East Affairs; and extremist groups, neo-Nazism, and hate on the Internet.

The Center is headed by Rabbi Marvin Hier, its Dean and Founder. Rabbi Abraham Cooper is its Associate Dean and Rabbi Meyer May its Executive Director.

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## **Simon Wiesenthal Center - Israel Office**

Since its establishment in Jerusalem in 1986, the Simon Wiesenthal Center's Israel Office has made the efforts to help bring Nazi war criminals to justice the primary focus of its activities. Founded by Holocaust historian Dr. Efraim Zuroff, who also coordinates the Center's Nazi war crimes research worldwide, the office has played an important role in tracking down and exposing escaped Nazi war criminals and in helping to facilitate their prosecution. During the past twenty four years, the office has carried out innovative research which has helped identify close to three thousand suspected Nazi war criminals, most of whom escaped to Western democracies after World War II. It also played an important role in helping to convince countries of refuge such as Canada (in 1987), Australia (in 1989), and Great Britain (in 1991) to pass special legislation to enable the prosecution of Nazi war criminals residing in those countries.

Following the dismemberment of the Soviet Union and the fall of Communism, the Israel Office has been particularly active in Eastern Europe, and especially in the Baltics and the Balkans, in helping to identify Holocaust perpetrators and convince often-reluctant governments to bring local Nazi war criminals to justice. It has also exposed the illegal rehabilitations granted in independent Lithuania and Latvia to dozens of individuals convicted by Soviet courts who had actively participated in the mass murder of Jews during the Holocaust.

During the past decade these efforts have intensified and have been expanded to include the fight for historical truth in many of the countries in which the Holocaust took place, as well as the struggle against contemporary anti-Semitism. These three objectives are the goals which in 2002 prompted the Israel Office to launch, together with the Targum Shlishi Foundation of Miami, Florida, founded and headed by Aryeh Rubin, of "Operation: Last Chance," which offers financial rewards for information which will facilitate the conviction and punishment of Nazi war criminals. Utilizing special ads created for the project, "Operation: Last Chance" has not only helped identify numerous Holocaust perpetrators, but has also focused public attention on the important role played by the locals in the mass murder of Jews in virtually every country in Eastern Europe.

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