

## Canada given failing grade on war criminals

By PAUL LUNGEN, Staff Reporter

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An Israel-based Nazi hunter has given Canada a failing grade for its lack of effort to bring Nazi war criminals to justice in 2009.

### Efraim Zuroff

Canada was lumped together with Estonia, Hungary, Lithuania, Ukraine and Australia, countries that received a mark of F-2 in the Simon Wiesenthal Center's Worldwide Investigation and Prosecution of Nazi War Criminals. That's down from a "D" in 2008, when the Wiesenthal Center criticized Canada for its "minimal effort... which failed to achieve any practical results."

The F-2 was awarded to those countries "whose efforts or lack thereof have resulted in complete failure... primarily due to the absence of political will to proceed."

"Pathetic is the only word for it," said Efraim Zuroff, who compiled the ninth annual version of the report. "Canada is obviously one of the world's great democracies with a great record in human rights, but on these issues it's almost completely failed in practical terms."

Since 1994, when Canada gave up on criminal prosecutions and turned to the denaturalization remedy, eight Canadian residents have lost their citizenship, "but not one single one has been deported. All are still in Canada or died in Canada," Zuroff said.

"I think there's no political will in Ottawa to bring this to a conclusion."

In a written response to CJN queries, Carole Saindon, a spokesperson for the Department of Justice, stated, "The government is committed to Canada's war crimes program that upholds the government's policy that Canada is not a safe haven for anyone involved or complicit in crimes against humanity, war crimes or genocide. The policy applies to all crimes, regardless of when or where they were committed. We only commence proceedings when there is sufficient evidence. The government will not hesitate to take appropriate action where justified by the facts and the available evidence."

Zuroff compared Canada's record to that of the United States, which earned an "A" in his report, along with Germany. Both Canada and the United States use a similar profile for alleged perpetrators, and both countries employ the same denaturalization remedy, he said. Yet in the United States, 107 Nazi war criminals have "been defeated in court, 75 or 76 stripped of their citizenship and 35 deported or extradited," he said.

The American efforts are ongoing, he said, pointing to the case of John Demjanjuk, who was removed to Germany, where he is on trial for alleged crimes committed at the Sobibor and Majdanek death camp. Research in the United States in the lead-up to his deportation uncovered evidence against another alleged killer from the Belzec death camp, who, like Demjanjuk, served in the SS training camp at Trawniki. He is under investigation by German authorities.

In Canada, meanwhile, the case of Helmut Oberlander remains unresolved 10 years after a court found he lied about his involvement in a Nazi murder unit. Clearly, Canada's "system doesn't work," Zuroff said. Numerous appeals followed. "You can't go on ad infinitum and make a mockery of the system." The United States streamlined its system from seven potential appeals to three, ensuring suspects received due process. "The United States does not want Nazi war criminals. They prove it year after year. But I can't say the same about Canada."

In its reply to The CJN, the Justice Department stated, "It must be understood that the likelihood of commencing new cases from the World War II era diminishes with the passage of time, due to the age and availability of witnesses and the challenge of discovering new evidence relevant to these cases.

"There are a series of World War II files that are under review. Our last published annual report indicated that we had 20 active files. The current number of active files is less than 20.

"We have completed approximately 1,500 files since the beginning of the program and have taken action in 21 cases. We continue to work on the remaining World War II files, employing our standard investigative procedures that include ongoing archival research and co-operation with other countries involved in this work."

Zuroff's report noted "a major change in Germany's prosecution policy," which resulted in two new trials, an indictment and numerous new investigations.

Underscoring Zuroff's argument was a report from Germany last week that prosecutors in Hanover reopened an investigation into the case of a 95-year-old former SS captain accused of being involved in two 1943 massacres of Jews in the Polish city of Lublin.

However, a lack of political will remains a major obstacle to achieving justice in post-Communist eastern Europe, Zuroff said, and arguments that suspects are too old to prosecute are fallacious, as since 2001, at least 77 convictions have been obtained internationally and 51 new indictments filed.

"The success achieved by dedicated prosecution agencies, and particularly in the United States and Germany, should be a catalyst for governments all over the world to make a serious effort to maximize justice while it can still be obtained," he said.

The report includes a 10 most-wanted list, which continues to be headed by Alois Brunner, a key operative of Adolf Eichmann who was responsible for the deportations of tens of thousands of Jews from Austria, Greece, France and Slovakia to death camps. A resident of Syria for decades, Brunner was last seen in 2001 and if alive would be 98.

Others on the list includes Aribert Heim, a doctor in the Sachsenhausen, Buchenwald and Mauthausen concentration camps who murdered dozens of inmates by lethal injection; Sandor Kepiro, a Hungarian gendarmerie officer who participated in the murder of at least 1,200 civilians in Novi Sad, Serbia; and Milivoj Asner, the police chief of Slavonska Pozega, Croatia, who resides in Austria and who allegedly deported hundreds of Serbs, Jews and Gypsies to their death.