

THE MORAL CASE FOR TRIALS REMAINS STRONG - Sydney Morning Herald, The (Australia) - May 20, 1993 - page 15
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THIS week's acquittal of Ivan Polyukhovich in Adelaide might suggest that there is very little judicial and legal mileage in Australia's belated program of prosecuting Nazi war criminals and their many accomplices, especially in Eastern Europe.

On the other hand, the Polyukhovich acquittal merely confirms one of the more obvious facts about prosecuting alleged war criminals from the World War II half a century later: assembling reliable evidence becomes more difficult the further you go, in space and time, from the scene of the crimes.

But in other countries there is still scope for war crimes trials, and the moral case for them remains strong.

No matter how difficult it may be to act on them, the recent demands for the prosecution of war criminals in the wars over the former Yugoslavia probably owe much of their moral force to the campaigns to "never forget" the Holocaust and to prosecute its surviving perpetrators.

At last month's opening of the new Holocaust Memorial Museum in Washington D.C., it was the Auschwitz survivor and Nobel Prize winner Elie Wiesel who interrupted his remarks to tell President Bill Clinton something had to be done about the bloodshed in the former Yugoslavia.

"Nazi-hunting" is still a serious international enterprise, led by the famous Simon Wiesenthal and the centres which bear his name. And some major Nazi war criminals remain at large, such as Alois Brunner, chief deputy to Adolf Eichmann in the Nazis' "Final Solution".

Investigations by countries such as Canada and the United Kingdom, which also belatedly embraced the war crimes cause, are continuing.

In European countries where the crimes took place - especially Germany - there is certainly no statute of limitations on war crimes.

The well-publicised cases of John Demjanjuk in Israel (now under review) or Klaus Barbie in France may have weakened the political appeal of new prosecutions. But it would be rash to call them the last major cases in Europe or Israel.

The Office of Special Investigations (OSI) - the relevant arm of the US Government - is busier than ever, thanks to the opening of key archives in the former Soviet Union.

If it were still active, our Special Investigations Unit, disbanded in 1992, might well get new evidence from the same sources, especially "mobile killing squad" cases.

Australia may not prosecute any new cases, but it may still have to deal with the case of Konrads Kalejs.

Allegedly a member of a mobile killing squad in Latvia, Kalejs migrated here and then to the US. As a result of an OSI prosecution, Kalejs is likely to be deported back to Australia very soon.