

While the issue of whether pursuing compensation reduces the focus on war-crimes prosecutions is being debated, there is also the question of how long to continue prosecuting alleged war criminals, an issue that re-emerged this week in Australia.

The revelation this week by The Age of Melbourne and The Sydney Morning Herald that Australia, like Britain and the United States, actively recruited German scientists, many of whom were active Nazis, further highlighted that country's policy on prosecutions.

Australia is the Western country with the weakest record in dealing with former Nazis living within its borders, according to Dr. Efraim Zuroff, head of the Israel office of the Simon Wiesenthal Center.

"Australia remains the only country in the world to which large numbers of Nazi war criminals escaped after World War II which has failed to convict, denaturalize, deport, extradite or expel a single such criminal," charges Zuroff.

Another embarrassment occurred last month, when Lithuania launched an official investigation against Adelaide resident Antanas Gudelis, a lieutenant in the Third Auxiliary Police Battalion, which played an active role in the persecution of Jews in Kovno and elsewhere in Lithuania.

Gudelis was investigated by the Australian authorities about 10 years ago, but they failed to bring him to trial. Additional evidence subsequently discovered in Lithuania by the Wiesenthal Center, which Zuroff submitted to the Australian police, did not prompt action, although it was this same evidence that led the Lithuanians to launch their official investigation.

"The Australian authorities long ago lost whatever political will existed in Canberra to prosecute Nazi war criminals. Instead of dealing with the problem honestly and effectively, they are simply waiting for the criminals to die, which will shut up their critics," said Zuroff.

It's not that Australia has done nothing. In 1987, a department called the Special Investigation Unit was set up to investigate former Nazis living in the country. In five years, it secured three indictments. None resulted in a conviction - one case was dropped because of the suspect's poor health - and the SIU was disbanded on June 30, 1992, leaving Australia open to charges that it wasn't serious about bringing Nazis to justice.

AUSTRALIAN Ambassador to Israel Ian Wilcock disagrees.

"The war crimes unit was set up, so it can't be said that no effort was made to deal with these issues. It was a very serious and resource-intensive effort that didn't bring results that many people would have liked to have seen. But I think you have to see it against the context of the serious effort to deal with the issue."

Nina Bassat, president of the Executive Council of Australian Jewry, an umbrella body, says the general feeling was that the SIU was very dedicated to its task.

"It was really intent on getting to the bottom of the issue and prosecuting," Bassat says by phone from Melbourne. "I've met these people, and I think their commitment to this was unquestionable.

"But it was hampered by financial constraints, and by the difficulty of getting sufficient witnesses in Australia. I have nothing but praise for the Special Investigation Unit itself, but because of these constraints, and because the money ran out to pursue these investigations, the unit was closed down, to the disappointment of the whole Jewish community." Nevertheless, Bassat says, "Having said that, no convictions were reached: Everything was aborted, either because of health or insufficient evidence."

Even among Holocaust survivors, there is debate on whether efforts at prosecution are now worthwhile.

Saba Feniger, honorary curator at the **Sydney Jewish Museum** who survived the Lodz ghetto and the Auschwitz and Stutthof concentration camps, says she understands those who want the government to pursue prosecutions.

"Some people say, 'Yes, go ahead and do it, let them at least feel the five minutes of fear. At least justice is being done' - people want to see that justice is being done."

But Feniger, 75, sees another side.

"At the age of 80-odd, what can they do to them now? Put them in a prison for a year? They'll be dead next year. I feel it's much too late for anything, because by the time we spend millions on prosecuting them - it takes ages - they die in the meantime, and it's all a wasteful exercise."

WILCOCK says the problem is that "it's very difficult to find evidence that will stick in court so many years after the event. It would be difficult in any circumstances to do that. But if sufficient new evidence is produced, then the Australian Federal Police and the Attorney General's Department would look at whether prosecution was justified.

"The possibility of prosecuting such people didn't close off altogether with the closing down of that unit, it was just that that unit was obviously specialized in those issues and devoted to them alone, whereas clearly other prosecutions would be part of a general workload for the Australian Federal Police."

The Federal Police assumed responsibility for war-crimes cases after the SIU was closed. Critics charge that it lacks both the resources and expertise for such work, and is preoccupied with more pressing matters such as drug smuggling and illegal immigration.

Moreover, says Zuroff, the timing of the unit's closure could not have been more inopportune.

"The SIU was closed down right when archives in the former Soviet Union were finally being opened up, and much critical documentation regarding the crimes committed by the criminals living in Australia became available for the first time," Zuroff says.

"From that point of view, the decision was an unmitigated disaster, which only benefited the criminals."

Zuroff, and Prof. Colin Rubenstein of the Australia-Israel Jewish Affairs Committee, have led the efforts to revive prosecution and reestablish the SIU.

In their opinion, the most practical solution at this point is for Australia to follow the example of Canada, which changed its tactics from criminal prosecution to denaturalization and deportation. This has been a long-standing practice of the US, which has implemented it with great success - 63 Nazi criminals have been denaturalized and 52 forced to leave the country so far.

But Australian law forbids that: If you obtain citizenship - even based on fraudulent declarations on your immigration application - and you've maintained citizenship for 10 years and weren't discovered, you cannot have it revoked.

Bassat says she has discussed the whole issue with the prime minister and the minister for immigration.

"I told them both that Australia is sending a very compelling message to the rest of the world about its political will to prosecute these Nazi war criminals. They said 'Yes, you're right, but we won't legislate it retroactively.'

"Something should be done, but we can't see our way clear as to how to do it."

BASSAT says she is torn over the whole issue, having come to Australia as a child Holocaust survivor herself.

"This is my refuge, this is the place that accepted me as a wartime refugee, and I thought, 'This is the most hospitable country in the world.' Which it is, and we must make that clear: It's a wonderful country to live in.

"But it extends the same degree of hospitality toward refugees and toward criminals, and this makes me feel extraordinarily ambivalent, having been both the beneficiary of this hospitality and having seen it directed at people who don't deserve it.

"And [these are people] whom other countries don't see as deserving; even when there have been grounds in other countries to find them unacceptable, and they have been shipped out of Canada and United States and back to Australia, nonetheless, the Australian government doesn't seem to have the ability or the political will to deport them or to prosecute them."

This week's revelation, however, could lead to a renewed effort to find and prosecute Nazis living in Australia. For now, though, the government is taking a cautious approach.

"The government is aware of the claims made in recent newspaper reports," says Wilcock, reading from a prepared government statement. "These reports all relate to things alleged to have happened a long time ago. Appropriate government agencies are examining their records for any information relevant to the allegations."

Zuroff, however, calls for concrete action before it is too late to do anything.

"The people who stand to benefit from Australia's inaction are those who least deserve anyone's sympathy - these 'old men' felt no compunction when they killed old Jews.

"As far as Australia is concerned, if you got away with it for 40 or 50 years you're off the hook. That is hardly an honorable way to deal with such criminals."

Bassat, however, doesn't see any connection between the recruiting of Nazi scientists after the war, and the failure to achieve any success in prosecuting Nazi residents 50 years later.

"My reading is that it's not a mind-set or a deliberate policy," she says. "Unfortunately, it's more a tendency to be politically expedient in both cases."

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