

# Those poor, frail, old, Nazi murderers



Johann Rehbogen, a 94-year-old former SS guard holds his walking stick at the beginning of a trial in Muenster, Germany, November 6, 2018. (Guido Kirchner/dpa via AP)

In May 1990, Josef Schwammberger, was extradited from Argentina to Germany to stand trial in Stuttgart for the crimes he committed while serving as the commander of three Nazi forced labor camps in Poland-Mielec, Przemysl and Rozwadow. He was sentenced to life imprisonment after being convicted of seven counts of murder, one of which was the killing of a rabbi in Rozwadow on Yom Kippur, and 32 counts of accessory to murder. His trial was the first of a Holocaust perpetrator in unified Germany, and was the subject of a book, entitled *The Last Nazi* by Aaron Freiwald, and the title of the New York Times account of the verdict also referred to the case as that of *The 'Last' Nazi Criminal.*”

I often have been reminded of these titles during the past quarter of a century, during which I have been actively involved in the efforts to facilitate the prosecution of additional Holocaust perpetrators. And indeed, they ring incredibly hollow, given the fact that from 2001, when the Wiesenthal Center began keeping detailed statistics on the number of successful legal proceedings against Nazi war criminals until today, 105 cases have been won all over the world. Not all these cases relate to the Final Solution, but the criminals prosecuted all were in the service of the Third Reich and committed their crimes against innocent civilians.

Throughout this period, however, the efforts to hold Nazis accountable have been accompanied by a certain skepticism due to the time which has elapsed since the crimes were committed, the age and possibly frail health of the suspects, and the necessity or validity of prosecuting those who were not major criminals. In fact, practically every time a Nazi is prosecuted anywhere in the world, I find myself answering the same questions from journalists over and over. Simply put, the same answers which applied in the 20th century, continue to apply in the 21st, regardless of the fact that already 80 years have passed since the beginning of World War II and 74 since it ended. The passage of time in no way diminishes the guilt of the killers, and old age should not protect individuals who committed such heinous crimes. Just because a person reaches the age of ninety or even older does not turn a murderer, or mass murderer, into a Righteous Among the Nations.

These trials are very important because they fulfill our obligation to the victims, to try and bring to justice those who murdered innocent men, women, and children, simply because they were categorized unjustly as “enemies of the Reich,” a vital point always emphasized by famous Nazi-hunter Simon Wiesenthal.” They also send a powerful message, that if one commits such terrible crimes, even decades later there will still be efforts to hold that person accountable, a particularly important message in a world in which large-scale atrocities still occur periodically. These prosecutions are also very helpful in the fight against Holocaust denial and distortion, and serve as extremely effective public history lessons.

On a more personal level, I would add two additional arguments. The first is that the Nuremberg trials rejected the “superior orders defense,” in which defendants claimed to have had no choice but to carry orders they received from individuals with a higher rank. This was rejected since it would have exonerated practically every Nazi war criminal, except for those at the very top. Today, we know however, that those in the SS, police and Wehrmacht could have refused to shoot civilians and would not have been severely punished, and the same applies to local Nazi collaborators. Thus it is a question of individual criminal responsibility, and plainly stated, the Nazis could never have possibly murdered so many Jews and other victims, if not for the active, and often zealous, participation of those who were not even officers.

And one final argument. These individuals may now be frail and weak (and once they face justice, they usually make every effort to appear as helpless and disoriented as possible), but we must remember that during World War II, when they were at the height of their physical strength, they devoted all their energy and power to murde-

ring innocent men, women, and children, some of whom were even older then, than they are today.

Justice remains important today, and in a certain sense even more vital than in the past, given the ignorance of so many persons the world over about the Holocaust. Just last year, the German authorities opened investigations against 8 individuals, 2 who served in Auschwitz, 2 in Buchenwald, 2 in Ravensbruck, 1 in Mauthausen, and 1 in Einsatzgruppe B. I hope and pray for their health, so that they too can finally be prosecuted.