

Campaigning for Justice: Anti-Fascist Campaigners, Nazi-Era Collaborator War Criminals and Britain's Failure to Prosecute, 1945 - 1999

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In the years immediately following the Second World War, Britain took on a high-profile role in prosecuting Nazi war criminals. Britain became central to the development of the International Military Tribunal at Nuremberg of 1945 – 6, and also prosecuted others within its own areas of occupation. While such trials themselves are now often seen by historians as problematic, both legally and in terms of their ability to capture an accurate picture of the anti-Jewish nature of the genocide led by the Nazi regime,¹ it is also important to highlight a wider history of ‘forgetting’ wartime actions emerged at this time, one that the British state has engaged with since 1945 as well. One important problem with the trials at Nuremberg was that investigations were focussed on the evidence gathered related to the perpetrator’s activities, often in the form of documentary evidence. This helped to remove the experiences of victims from the process, and alienated the Jewish victims from crimes committed.² This is an important point, which will be addressed in several ways throughout this chapter, and it perhaps goes some way to explaining a lack of interest in developing war crimes trials in more recent times. This is despite the fact that, especially since the 2000s, there has been a notable growth in the ways that the British state, both formally and culturally, promotes a powerful memory of the Holocaust, such as through its support for Holocaust Memorial Day. Nevertheless, while many elements of the Holocaust have been ‘remembered’ in Britain, most notably the British involvement in defeating Nazism, this is a past that has nonetheless been ‘remembered’ in certain ways.

To explore this selective memory of Britain and the Holocaust, this chapter focuses on how, at the same time as Britain was involved in prosecuting leading

¹ Donald Bloxham, *Genocide on Trial: War crimes trials and the formation of Holocaust history and memory* (Oxford: Oxford University Press, 2001); Lawrence Douglas, *The Memory of Judgement: Making Law and History in the Trials of the Holocaust* (New Haven, CT: Yale University Press, 2001); Ann Tusa and John Tusa, *The Nuremberg Trial* (New York NY, Skyhorse Publishing, 2010).

² Tom Lawson, *Debates on the Holocaust* (Manchester: Manchester University Press, 2010), p.27.

Germans at Nuremberg and thereby establishing a powerful image of Nazi perpetrators in the minds of the world, a number of Nazi-era collaborators from central and eastern Europe were able to come to Britain after 1945 without investigations into their prior activities. Often, this was the result of a largely uncritical system designed to recruit much-needed labour from among Europe's many refugees.³ Once in the UK, many were able to create new lives for themselves. British politicians, and the wider public, appeared to be unconcerned with the murky details of such post-war immigrants in the later 1940s, and this history of forgetting then lingered into the longer post-war period.⁴ Even when the questionable backgrounds of some of those involved in wartime crimes became more apparent, through the vocal actions of anti-fascist campaigners in the later 1980s and into the 1990s, the British state remained unwilling to fully grapple the issue. As with the later 1940s, by the end of the 1980s and into the 1990s Europe was at a watershed moment. Dan Stone, for example, identifies the end of the Cold War as a period that saw the weakening of an antifascist post-war consensus that developed after 1945 with revelations of the Nazi war crimes.⁵ As such, as with the 1940s, the end of the Cold War period became a time when many politicians felt the need to look to a new future helped to shape attitudes, sometimes in ways that sought to wilfully overlook uncomfortable elements of the past. Meanwhile, a much more critically aware memory of the Holocaust had also emerged by this time,⁶ especially as Europe saw the collapse of Communism, and so British politicians also came under renewed pressure to change the law in ways to enable prosecutions of alleged war criminals who had come to the country after 1945. Yet they often wondered: why worry about the actions of old men in a distant war? Following the passing of the controversial War Crimes Act in 1991, there were fresh efforts to investigate cases.⁷ However, despite investigations costing around £11 million, there were only two efforts at prosecution, and only one of these actually led to a conviction.

³ David Cesarani, *Justice Delayed: How Britain became a refuge for Nazi war criminals* (London: Heinemann, 1992), p. 5.

⁴ Cesarani, *Justice Delayed*, p. 92.

⁵ Dan Stone, *Goodbye to All That? The Story of Europe Since 1945* (Oxford: Oxford University Press, 2014) p. 10.

⁶ Tony Judt, *Postwar: A History of Europe Since 1945* (London: Pimlico, 2007) p. 803 – 834.

⁷ A.T Richardson, 'Legislation: War Crimes Act 1991', *The Modern Law Review*, 55:1 (1992), 73 – 87, (p.73).

This chapter will explore this history of forgetting, a story that reveals an unwillingness by the British state to clearly recognise Britain's role in providing the opportunity for a new life for some of those who were perpetrators of the Holocaust. It will highlight the ways in which Britain, despite taking a central role prosecuting Germans for war crimes at Nuremberg, failed to sufficiently check potential Nazi-collaborators coming to Britain in the years after 1945, as labour requirements were placed above detailed checks of wartime records of individuals to create opportunities for war criminals to evade detection and begin their lives anew. It will also look, briefly, at the case of Dr Wladislaw Dering whose libel action in the 1960s helped highlight this issue in Britain. Notably, this episode did not result in more sustained action against others.⁸ It will then explore the more effective war crimes campaign of anti-fascists, Jewish pressure groups, prominent academics and others of the late 1980s, which was able to help bring about a change in the law, leading to new investigations. Finally, it will conclude with a brief examination of the relative failure of this phase of these enquiries. By the time a legal framework and investigatory unit had been developed in Britain, prosecutions had become expensive and difficult. It was increasingly challenging, if not impossible, to get successful convictions as many suspects had by this time either died or were in failing health. Moreover, the British Crown Prosecution Service (CPS) demanded a high bar to proceed with any legal action.

Nuremberg Trials and European Volunteer Workers

As the Second World War progressed towards an Allied victory, high-level debates began on what to do with those Germans who engaged in war crimes inevitably developed. Initially, there was no clear idea on what to do with such leading Germans. Some central figures, including rather notoriously Winston Churchill, thought they should simply be viewed as outlaws, and so should be shot once captured.⁹ However, both the Soviet Union and America favoured some form of legal procedure, deemed necessary to explain to the wider world the nature of those who they deemed guilty of wartime criminality. In November 1943, Britain, along with the Soviet Union and

⁸ Brian Flemming, 'Be careful what you sue for', *The Globe and Mail*, 19 March 2008, p. 21.

⁹ Richard Overy, *Interrogations: the Nazi elite in Allied hands, 1945* (London: Allen Lane, 2001), p. 28.

America, published the Moscow Declaration, a document setting out the need to prosecute war crimes, an unprecedented development in international law.¹⁰ Britain also became central to developing a new era of putting war criminals on trial through the formation of the United Nations War Crimes Commission, and its contributions on the issue of prosecutions at major conferences, such as Yalta. Britain was also the location for the London Agreement of 8 August 1945, a development that was central to establishing the legal framework for the International Military Tribunal of 1945 – 1946, and subsequent trials in Germany that lasted until 1949.

Britain, therefore, played a crucial, formative role in creating a new international legal framework for identifying and prosecuting war criminals, which meant that leading Germans were put on trial. British legal voices, such as Hartley William Shawcross, later Sir Hartley Shawcross, became central to these legal proceedings. Yet for critics at the time and afterwards, a sense of selectivity was obvious: Italian Fascists were not prosecuted; Soviet war crimes would not be acknowledged; and Allied bombing of German cities was also not up for discussion. Leading Germans were seen as complicit in war crimes, and so they were located and prosecuted for their actions in carrying out genocide. Yet many others were not identified. Initially twenty-two Germans were put on trial. In the British zone of occupied Germany there were another 1,085 people who were prosecuted for their roles in the Nazi regime. Dirk Moses puts forward the point that the prosecution played down the racial specifics of who had been targeted by Nazi genocide, namely the Jews, which again separated perpetrator and victim.¹¹ Donald Bloxham has argued that, at this time, British justice was not prepared for the genocide of Jews to be given its own unique recognition, therefore concentrating on killing centres, not specific victims.¹² Moreover, by the end of the decade, the ‘promise of Nuremberg’, and a mood of determination around putting on trial those who engaged in criminal acts during the Second World War, had certainly weakened. Typifying the turn away from finding new people to prosecute, in 1948, the British Government sent a communiqué to its commonwealth countries to stop investigating anyone that may be linked to atrocities during the Second World War. As Donald Bloxham has highlighted, these

¹⁰ Tara Helfman, ‘Francis Biddle and the Nuremberg Legacy: Waking the human conscience’, *The Journal Jurisprudence*, Vol. 15 (2012), 353 – 373 (p. 356).

¹¹ A. Dirk Moses, ‘The Holocaust and Genocide’, in *The Historiography of the Holocaust*, ed. by Dan Stone (Basingstoke: Palgrave Macmillan, 2004), p.533.

¹² Bloxham, *Genocide on Trial*, p.225, p.188.

trials also played a much wider political role in the edgy politics of Europe immediately after the war. By the end of the decade, the will to continue finding those responsible for genocide was waning due to the pressure of establishing new allegiances, and a viable West German state, in the emerging Cold War landscape.¹³ In this process, the issue of collaboration was another that had been often neglected, as the new realities of the Cold War era developed.

So, despite being a pioneer nation in 1945, leading a new era of persecution of war criminals, by the end of the 1940s attitudes in Britain were typified by a wish to draw a line under the recent past, and look to a new era for Britain and Europe. The need to forge a new political landscape overtook the will to critically assess the destruction of an old Europe through genocide.

Moreover, the rather mixed approach of the British state in its attitudes to identifying and prosecuting those who committed war crimes can be seen developing elsewhere at this time. In particular, after 1945, Britain faced major labour shortages, and so several dedicated programmes were developed to recruit European Volunteer Workers (EVW). These included Balt Cygnet and later Westward Ho!, which from 1947 to 1948 alone allowed a total of 57,089 men and 12,422 women to come to Britain from countries including Yugoslavia, Poland, Estonia, Latvia and Lithuania. Other migrations from Central and Eastern Europe included 8,397 prisoners of war from Ukraine, who were considered EVWs.¹⁴ Colin Holmes estimated that in total over 80,000 people came to Britain as EVWs.¹⁵ John Solomos meanwhile notes that there was a strong contrast between the ways these white European migrant populations were encouraged to settle and integrate, and the much more negative treatment of black migrants also coming to the UK to meet labour needs of this period.¹⁶ David Cesarani added that there was an anti-Jewish racial bias here too, as Jewish Displaced Persons were often explicitly excluded from becoming EVWs. He pointed out that barriers to doing more to help Jewish communities included anti-Jewish prejudice in Britain, as well as growing tensions in Palestine, both of which

¹³ Bloxham, *Genocide on trial*, p. 127.

¹⁴ Cesarani, *Justice Delayed*, pp.73 – 74.

¹⁵ Colin Holmes, *John Bull's Island: Immigration and British Society, 1871 – 1971* (Abingdon: Routledge, 2016) p. 213.

¹⁶ John Solomos, *Race and Racism in Britain* (Basingstoke: Palgrave Macmillan, 2003), p. 51.

meant many British officials became concerned that Jewish people would not be welcome in late 1940s Britain.¹⁷

Cesarani was also clear that, while some refugee groups, including Jewish people, were seen as far less desirable entrants to Britain, there was often only a minimal level of screening of the categories of EVWs who were seen as desirable by the British state. Although the vast majority of EVWs were unlikely to have been involved in any form of active collaboration, some of these people, a few years prior, had certainly been working alongside the Nazis, including as SS collaborators engaged in genocide. For example, Cesarani quoted Baroness Ryder, who worked in the selection of EVWs at this time. Ryder claimed that she was aware of several cases of tattoo marks linking people to membership of the *Waffen-SS*. These indicators of collaboration were simply ignored, she explained, demonstrating how processes of vetting EVW migrants for their possible engagement in wartime atrocities were minimal. Cesarani's pioneering study of this episode in British migration history cited a range of similar evidence, repeatedly pointing to a systematic failure to screen potentially questionable EVW candidates. This was not due to British sympathy for wartime criminal activity, he concluded, but rather due to the pressures generated by Britain wanting to recruit as many people to the EVW schemes as quickly as possible.

Other evidence of wartime activities was also ignored at this time. For example, on occasion the Soviet Union would also provide details of EVWs who they considered war criminals, but this was also not given due attention. Questions were raised at this time about some of the figures that later became central to the British investigations of the 1990s, such as Szymon Serafinowicz. Regarding this case, Jon Silverman has found archival evidence that, in February 1947, J. I. Irvine, an MI5 officer, wrote to S. H. E. Burley in the Home Office Aliens Department highlighting that Serafinowicz 'is said to have taken part in arrests, executions and burning of villages and to be guilty of the deaths of numerous persons', so should be considered 'a war criminal'. Despite this, a cursory investigation saw Serafinowicz exonerated, even though evidence drawn on in the 1990s to develop a prosecution case against him suggested that he had serious questions to answer. His trial collapsed in 1997 due to ill health.¹⁸ While there may have been good reason in many cases to be dismissive

¹⁷ Cesarani, *Justice Delayed*, p. 79.

¹⁸ Jon Silverman, 'War Crimes Inquiries', *History Today*, 50:11 (2000), 26 – 28, (p. 27).

of evidence from the Soviet Union – such as the Soviets wanting people extradited for political reasons not because of their genuine guilt – a picture that emerges of Britain’s desire to recruit a high number of EVWs taking priority over checking potential problems with the types of people being selected. The issue of British authorities wilfully ignoring evidence of wartime culpability supplied by the Soviet Union is a recurrent one throughout the period under discussion in this chapter.

In sum, exploring the twin issues of developing a new era of international justice by putting Nazi war criminals on trial on the one hand, and the need to rebuild Britain after 1945 through the labour available via the EVW scheme on the other, reveals some curious paradoxes. While high-profile Germans were clearly recognised as war criminals, and prosecuted as such in a very public way, albeit by largely removing the Jewish voice from the process, some of their collaborators could find ways through such new efforts to prosecute war criminals and reach British shores. A spotlight was shone on some who committed war crimes during the Second World War, while others were able to evade detection. As a result, during the later 1940s there were clear opportunities for people who worked alongside the Germans as collaborators to enter Britain, and make new lives for themselves. Such developments suggest an inability to take war crimes committed against Jewish people seriously, and prosecutions were often about dealing with wider concerns. How would Britain respond in subsequent generations to its role of offering safety to some war criminals from the Second World War?

The Holocaust and shifting public consciousness

While the prosecutions of the later 1940s were foundational to the development of a collective memory of the Holocaust, this memory was far from static in the subsequent decades. As Paul Ricoeur highlights in his important meditation on the nature of collective memory, *Memory, History, Forgetting*, collective memories of events are fostered through on-going shared communications about the past.¹⁹ Such memories are not fixed physiological entities, but rather are cultural constructions that develop and change over time. In the minds of the wider public in Britain, it has taken many decades to foster a rich and detailed understanding of the Holocaust, and to

¹⁹ Paul Ricoeur, *Memory, History Forgetting* (Chicago, IL: Chicago University Press, 2004).

overcome some of the simplifications of Nuremberg, or the impact of powerful reports such as Richard Dimbleby's account of entering Bergen-Belsen broadcasted in April 1945. In post-war memory, events such as Nuremberg meant that Germans were quickly recognised as responsible for unprecedented atrocities against civilians, though the exact nature of how others collaborated, or the extent to which Jewish people in particular were systematically targeted and killed, took time to develop.

Camps liberated by the British tended to be concentration camps like Bergen-Belsen, where by the war's end, many people had died, though often they were not Jewish. The death camps at Belzec, Sobibor and Treblinka, as well as Auschwitz, Chelmo and Majdanek, that more clearly typified the focused destruction of Europe's Jewish communities, meanwhile, were less well known. At Nuremberg too, Jewish voices were often excluded from debates about Nazi atrocities.²⁰ With the emergence of the Iron Curtain, these locations also became remote places, helping to obscure crucial elements of the development of the Holocaust. Collaboration was also less well discussed and understood, especially in central and eastern Europe, where again the Cold War situation restricted the west in obtaining a detailed appreciation of the recent past.

By the 1960s, a growing awareness of the Holocaust was nevertheless emerging, provoked in part by events such as the capture, and televised trial, of Adolf Eichmann. The public nature of this trial meant it reached a wide audience, and here victim testimony was heard.²¹ West Germany also began a new wave of trials from 1958, though as Caroline Sharples notes, while supportive of new trials elsewhere, the British government were not keen to allow this development to reignite the issue at home.²² Nevertheless, even in Britain, there was a high-profile court case that started to draw out the issue of Nazi collaborators and their ability to set up new lives in Britain after 1945. In 1959, Leon Uris published the novel *Exodus*, a fictionalised account of Dr Wladislaw Dering, explored through a character called 'Dr Dehring'.²³ The real life Dering was a Polish doctor who had been sent to Auschwitz in August 1940. As he had expert medical knowledge, Dering became a nurse at Auschwitz, and

²⁰ Bloxham, *Genocide on Trial*, p. 202.

²¹ Eli Kavon, 'Eichmann: the man, his crimes, and his trial', *Midstream*, Vol.53 2 (2007), 21 – 23, (p. 21).

²² Caroline Sharples, 'In pursuit of Justice: Discussing the statute of limitations for Nazi War Crimes in Britain and West Germany during the 1960s', *Holocaust Studies*, 20:3 (2014) 81 – 108.

²³ For more on Uris, see Ira B. Nadal, *Leon Uris: Life of A Bestseller* (Austin, TX: University of Texas Press, 2010).

by 1943 rose to the position of a trusted prison doctor. His surgical skills meant that he could perform operations linked to the medical experiments into sterilisation that were carried out at Auschwitz. He operated on probably around 200 people, removing testicles and ovaries. He also developed responsibilities to send people to gas chambers, and eventually became considered a *Volksdeutsche* and left Auschwitz to work for a related clinic in Germany, under Dr Carl Clauberg. After the war, Dering then moved to Britain, and was put in prison for a short period. Polish authorities attempted to have him extradited, but failed. After his release, Dering was then able to start a new life, and he went on to work for the British Colonial Medical Service in the 1950s.²⁴ He was even awarded an OBE.

In *Exodus*, Uris explored this narrative, though the book's account contained many exaggerations and so should not be seen as accurate. Incensed by the book's publication, Dering sued for libel. In 1964, he won his case against Uris, and was able to successfully prove the account in *Exodus* was flawed. For example, Uris suggested Dering carried out 17,000 operations, when the figure was much lower. Yet Dering's court victory was pyrric: he won only one half penny, while the media coverage had highlighted his prior life, and so destroyed his reputation. It also helped reveal to the wider British public the issue that the later anti-fascist War Crimes Campaign of the 1980s would also focus on: Nazi collaborators who had evaded justice after 1945.

Britain's memory of the Holocaust was certainly changing twenty years after the end of the Second World War, and trials such as Dering's in the UK, alongside more impactful events such as Eichmann's trial, were becoming more frequent occurrences in other countries by this time. Such developments were certainly helping to promote a more complex collective memory of the Holocaust. Nevertheless, questions remained regarding whether Britain would assess its role in offering war criminals haven after 1945. Would the British state ask itself some difficult questions? Would it try to prosecute war criminals living on its soil? While the Dering case of the 1960s pointed to some of the complexities that had developed in the years immediately after 1945, it would take another two decades before a more sustained effort developed to reveal such Nazi collaborators in Britain.

²⁴ For more on Dering, see: Robert Jay Lifton, *The Nazi Doctors: Medical Killing and the Psychology of Genocide* (New York, NY: Basic Books, 1986) p. 246 – 9; Paul Weindling, *Victims and Survivors of Nazi Human Experiments: Science and Suffering in the Holocaust* (London: Bloomsbury, 2015) pp. 143 – 5.

Anti-Fascism and the War Crimes Campaign of the 1980s

In Britain at least, it was not until the mid to late 1980s that a new wave of interest in this issue came to a head. This saw a new campaign for justice spearheaded by a combination of British anti-fascist campaigners, Jewish interest groups and public academics such as David Cesarani. Such campaigning helped inspire parliamentarians to develop new legislation, although here too politicians met with fierce resistance.²⁵ In other countries as well, new efforts were by this time being made to find and prosecute war criminals. While West Germany was clearly a special case and had established a specialist unit to deal with these issues in 1958, America had introduced its own measures in 1979, and Australia did likewise in 1987, both before Britain did so in 1991.²⁶

In the UK at least, the new wave of energy to seek out and prosecute alleged war criminals was inspired by fresh evidence of specific cases of collaboration offered by Efraim Zuroff of the Simon Wiesenthal Center. Zuroff passed a list of seventeen suspected war criminals to the British authorities in 1986, and also provided this data to those likely to campaign in Britain for new prosecutions. The Simon Wiesenthal Center had been established in 1977 by Simon Wiesenthal, himself a survivor of the Nazi death camps, with the aim of exposing Nazi-era war criminals.²⁷ Wiesenthal said of his work tracking and exposing Nazis: ‘I want people to know the Nazis weren’t able to kill millions of people and get away with it’.²⁸ In part inspired by this quest for justice, campaigners in Britain felt likewise. The approach taken by the Simon Wiesenthal Center to promote new investigations around the globe was to offer campaigning groups in each country new information, thereby allowing these groups to develop for themselves the political will to prosecute alleged war criminals that had managed to forge a life for themselves after 1945. As well as Britain, the Simon Wiesenthal Center helped to provoke new efforts to

²⁵ Cesarani, *Justice Delayed*, p. 201.

²⁶ Jürgen Schurr, *Strategies for the Effective Investigation and Prosecution of Serious International Crimes: The Practice of War Crimes Units* (2010), p. 7. Available at: https://www.fidh.org/IMG/pdf/The_Practice_of_Specialised_War_Crimes_Units_Dec_2010.pdf [accessed 08/03/2018].

²⁷ For more on Wiesenthal, see Tom Segev, *Simon Wiesenthal: The Life and Legends* (London: Jonathan Cape, 2010).

²⁸ Shayndi Raice, ‘Wiesenthal dies at 96’, *Jewish Advocate*, 23 September 2005, pp. 1 – 3.

investigate cases in Canada, Australia and the USA.²⁹ Armed with new evidence, at this time a range of anti-fascist campaigners in Britain became central to the development of a new pressure group effort to find and prosecute individuals, including those specific cases identified by Zuroff.

Before exploring this campaign, it is worth briefly reflecting on the term anti-fascism, and how it is being used in this discussion. Campaigners who fed into the war crimes campaign included a wide range of figures, and this case certainly demonstrates that the term ‘anti-fascist’ should not be seen simply as a synonym for radical far left street protestors who aggressively oppose fascist groups.³⁰ Indeed, leading historian of anti-fascism, Nigel Copsey, describes anti-fascism as an identity that can be shared across those with left wing, liberal and conservative views and values.³¹ Rather than defining the term through specific types of activity, Copsey presents anti-fascism as any endeavor that styles itself as engaged in the act of opposing fascism and defending Enlightenment principles of freedom and democracy, and so certainly pressure groups that sought to expose war criminals from the Second World War, and seek justice for their victims – from the Simon Wiesenthal Center itself, to British publications such as *Searchlight*, to academics such as Cesarani – can be seen as anti-fascists through Copsey’s approach.

As an example of British anti-fascist culture, *Searchlight* magazine in particular is worthy of special mention here. It dedicated a great deal of attention to the issue in the later 1980s, helping to inform others who put pressure on the British Government. *Searchlight* became a monthly anti-fascist publication in 1975, although it originally established itself as an anti-fascist group in 1965. Lifelong anti-fascist Gerry Gable, among others who identified as anti-fascist in 1960s Britain, have led the organisation.³² Since the mid 1970s, *Searchlight* has engaged in a wide range of campaigns against British and international extreme right groups, from the National Front, to the British National Party, to the Blood & Honour music network. It also took a keen interest in the issue of Second World War era criminals. For example, the May 1985 edition of *Searchlight*, shortly before it launched its own War Crimes

²⁹ Efraim Zuroff, *Occupation: Nazi-Hunter: The Continuing Search for the Perpetrators of the Holocaust* (New Jersey: KTAV Publishing House, 1994), p. ix.

³⁰ For a historical account that employs such a narrow perspective on anti-fascism, see: David Renton, *Fascism, Anti-Fascism and Britain in the 1940s* (Basingstoke: Palgrave, 2000) pp. 1 – 10.

³¹ Nigel Copsey, ‘Towards a New Anti-Fascist ‘Minimum’’, in *Varieties of Anti-Fascism*, ed. by N. Copsey and A. Olechnowicz (Germany: Palgrave, 2010), pp. xiv-xxi, (p. xv).

³² Nigel Copsey, *Anti-Fascism in Britain* (Abingdon: Routledge, 2017), esp. pp. 134 – 5.

Campaign, featured an article about Klaus Barbie, the ex-Gestapo officer who tortured French Resistance members whilst in France during the Second World War.³³ As with the subsequent disclosures published in *Searchlight*, this information had been gathered from sources at the Simon Wiesenthal Center, as well as Beate and Serge Klarsfeld, Nazi hunters who investigated Barbie's crimes in France. As *Searchlight* explained to its readers, Barbie arrested Jean Moulin, a high-ranking member of the French Resistance, and was implicated in the death of forty-four Jewish children from Izieu. Moreover, a feature on Barbie appeared in *Searchlight* magazine as it claimed files pertaining to him were prohibited for release in Britain; *Searchlight* argued that they might have contained information on the British government attempting to recruit him after the war.³⁴ In such ways, albeit to a rather specialist, activist audience, by the mid 1980s *Searchlight* was clearly working to expose forgotten episodes in the history of the Holocaust, with the aim of establishing a more complex collective memory of the Nazi past as part of its wider anti-fascist activities.

In December 1986, *Searchlight* published its first piece on Anantas Gecevicus, or Anton Gecas, a junior lieutenant in the Lithuanian Police. Gecas became a figure many talked about during the war crimes campaign.³⁵ *Searchlight* explained to its readers how the SS would often use collaborator units from the local police force to support their efforts in developing operations in occupied territories. The aim of this strategy was to draw on the knowledge of local police or militia, who would know the landscape, the people, especially those who were Jewish. Collaborators would also be able to find places where victims could be buried, or where they would most likely hide.³⁶ Orders from the 6 October 1941, reprinted in *Searchlight*, highlight that Gecas was a member of staff on an operation in Borisov, Minsk and Slutsk, to support German battalions.³⁷ Gecas strenuously denied being involved, but again another duty roster confirmed his attendance, and given his rank, it was certainly plausible to suggest his potential involvement. Indeed,

³³ As the magazine explained on its front cover, 'The Government have considered the release of any papers relating to Klaus Barbie ... and have concluded that because of the sensitive nature ... they cannot be released', *Searchlight*, May 1985, p. 1.

³⁴ 'The "Butcher of Lyons" Is there a British cover up', *Searchlight*, May 1985, p. 3.

³⁵ 'Ratline to Britain', *Searchlight*, December 1986, pp.11-14, (p.11).

³⁶ Martin Dean, *Collaboration in the Holocaust: Crimes of the local Police in Belorussia and Ukraine, 1941-44* (Hampshire: Macmillan Press, 2000), p. 70.

³⁷ 'Rat Line to Britain', *Searchlight*, December 1986, pp.11 – 14, (p. 13).

six members of his battalion and one eyewitness also all corroborated his participation.

New information found its way into the public domain occurred in other ways as well. In March 1987, *Searchlight* published another article, which commented on a television program broadcast by Channel 4 called Britain: The Nazi Safe House.³⁸ This documentary was another important step in putting pressure on the government for a wider investigation into wartime collaborators who came to Britain after 1945. In a recent oral history interview, Gable stated that this television program supported *Searchlight's* campaigning on the issue, as it was an important source exposing to a wider audience those complicit with the Nazis who came to Britain. Mainstream media outlets were now delivering to a larger audience the same messages as *Searchlight* was doing for a more specialist, anti-fascist audience.³⁹ For the growing number of campaigners alert to the issue, such high profile exposure of Nazi collaborators was seen as positive, as it helped to put more pressure on the state to reconsider its position of largely ignoring a difficult past.

David Cesarani, who was also involved in pursuing the issue, stated that growing pressure from groups including *Searchlight*, as well as such documentaries, meant the issue of war criminals living in Britain could no longer be ignored.⁴⁰ It was around this time that some Members of Parliament also started to take a significant interest in the issue. Greville Janner, an MP of Jewish heritage, found other members of parliament who would join with him to create the All Party Parliamentary Group on War Crimes, formed in November 1986.⁴¹ The chairman was Merlyn Rees, a former Home Secretary. Other members included Liberal Democrat MP Alex Carlile, who as a QC could bring great expertise regarding the legal aspects of any potential future prosecutions.

As parliamentary interest grew, *Searchlight* and others campaigned for a change in the Criminal Justice Bill, and later supported efforts to pass the War Crimes Bill, so that prosecutions could be brought in Britain for those who had committed atrocities outside the UK. Their motivation was linked to wanting formal recognition of wartime atrocities, and was driven by an urge among many of those engaged in

³⁸ 'Butchers on our Doorstep', *Searchlight*, March 1987, pp. 6 – 7.

³⁹ Interview with Siobhan Hyland.

⁴⁰ Cesarani, *Justice Delayed*, p. 199.

⁴¹ Cesarani, *Justice Delayed*, p. 198.

campaigning to remember the past. For example, in a recent oral history interview, Gerry Gable discusses how his colleague at *Searchlight*, Maurice Ludmer, had been motivated to expose fascists in the 1960s and 1970s as a response to his experiences at Bergen Belsen. It was this formative experience that inspired him to campaign against anti-Semitism and Nazi war crimes. Though Ludmer died in 1981, before *Searchlight's* own War Crimes Campaign started, Gable went on to explain he too had been motivated to develop his anti-fascist campaigning for similar reasons.⁴² This type of motivation of not wanting to forget the Nazi past, and a personal connection with the Holocaust, was found among other prominent figures in the campaign, including parliamentarians. For example, Alex Carlile was descended from Jews who lived in Poland who were all killed in the Holocaust. As such, Carlile found it particularly difficult to hear other speakers, including the Conservative MP Ivor Stanbrook, dismiss the growing war crimes campaign as a revenge attack on old men.⁴³ Indeed, Stanbrook typified opposition to those seeking justice as people driven by selfish and base motives. In another recent oral history interview, Baroness Golding explained that, although not directly affected by the Holocaust herself, she was moved enough by her understanding of a difficult past to join the All-Party Parliamentary Group on War Crimes, and has even kept her own private archive of material from this campaign.⁴⁴

In March 1987, delegates from the Simon Wiesenthal Center came to Britain, armed with further documentation containing names of people they suspected were living in the UK that had committed war crimes. The All Party Parliamentary Group on War Crimes also pressed the government on what action would be taken in the light of this list of suspects. However, the Home Secretary was initially reluctant to respond to the issue. In February 1987, Douglas Hurd stated that crimes committed abroad could not be prosecuted in Britain, posing a significant barrier to campaigners.⁴⁵ While *Searchlight* published further material, Hurd went on to suggest that there was the potential to strip anyone believed to have committed war crimes of their citizenship, so they could be sent for trial either in West Germany or Israel, although he categorically ruled out extradition to the Soviet Union.⁴⁶ However,

⁴² Interview with Siobhan Hyland.

⁴³ Cesarani, *Justice Delayed*, p. 214.

⁴⁴ Interview with Siobhan Hyland.

⁴⁵ Cesarani, *Justice Delayed*, p. 200.

⁴⁶ 'Editorial', *Searchlight*, April 1987, p. 2.

by August of the same year, there was no movement on this proposition, and Hurd explained he could not act on the basis of one list of suspects alone. Nevertheless, further revelations demonstrating that it was very likely Nazi-collaborator war criminals were living in the country, alongside formal government acknowledgement of the issue, helped generate additional media exposure, galvanising sections of the public behind the war crimes campaign.

In July 1987, Gable and others from *Searchlight*, including his wife Sonia, responded to criticisms of a lack of detailed evidence by spending ten days in the Soviet Union, which they detailed in the magazine in the form of a diary.⁴⁷ Novosti, the Soviet Press Agency, arranged this tour. They met with a senior prosecutor in the Department of Justice, who said much evidence had already been sent to the British government about alleged war criminals living in the country. The Soviet authorities also explained that, if the British government would not extradite these figures to the Soviet Union, then they would support their prosecution in Britain as a compromise.⁴⁸ At this time, Kyril Shein was identified as one of the partisans that were hanged by Anton Gecas. As part of their visit, Shein's daughter spoke with the Gables about her life, and she described how she had managed to escape deportation by living in hiding helped by local gentiles.⁴⁹ Gerry and Sonia Gable also visited Vilnius, where the state prosecutor handed over documents pertaining to Antas Derzinskas. Derzinskas was accused of shooting 70 women and children during the Second World War. His last known address in the UK was in Oldham, and later *Searchlight* tracked him down to living in Nottingham. They subsequently handed a file detailing these new findings to the Home Secretary.⁵⁰

Armed with new data, *Searchlight* also officially launched their own War Crimes Campaign on 12 October 1987 with a press conference.⁵¹ This was done with the support of the Union of Jewish Students, who praised *Searchlight* for their understanding of the need to expose the extremes of the past, and challenge lingering anti-Semitic attitudes that seemed to minimise Jewish suffering and the desire for justice. The campaign, now more formalised, organised and sustained, was followed by a public meeting, held on 25 November 1987, to lobby to Parliament on

⁴⁷ 'On the War Crimes Trail', *Searchlight*, August 1987, pp. 10 – 11.

⁴⁸ 'On the War Crimes Trail', p. 11.

⁴⁹ 'On the War Crimes Trail', p. 11.

⁵⁰ 'Killer loose in UK?', *Searchlight*, September 1987, pp. 10 – 11, (p. 10).

⁵¹ 'War Crimes Supplement', *Searchlight*, October 1987, pp. 9 – 11, (p. 10).

the issue. In the months that followed, *Searchlight* continued to publish evidence on suspected war criminals, and also generated petition sheets, so readers could register their opinion with the Home Secretary. Hurd continued the position of not wanting to introduce new legislation, stating there would be no change to the Criminal Justice Bill to incorporate the prosecution of war criminals. However, he indicated that he was once again considering alternatives.⁵² Meanwhile, *Searchlight*, the Union of Jewish Students and other anti-fascists continued their campaign, in particular by petitioning the Government to co-operate with other countries to get the evidence needed to prosecute. *Searchlight* even noted that other countries, such as Australia, seemed more alert to the issue than Britain.

Eventually, the sustained political pressure and potential for embarrassment met with a new attitude from the Government. Hurd announced an official War Crimes Inquiry on 8 February 1988.⁵³ He appointed Sir Thomas Hetherington to lead it, along with William Chalmers. They had to consider four points: whether any retroactive legislation would be legal; what the rules on evidence should be; what jurisdiction Britain had with offences committed abroad; and the reliability of evidence from the Soviet Union. The report generated from this inquiry, The Hetherington–Chalmers Inquiry Report, gave much more substantial evidence that the claims made by the All Party Parliamentary Group on War crimes, alongside anti-fascist campaigners such as *Searchlight*, were indeed correct. It concluded:

The crimes committed are so monstrous that they cannot be condoned: their prosecution could act as a deterrent to others in future wars. To take no action would taint the UK with the slur of being a haven for war criminals. ... War criminals were not given the assurance that they would not be prosecuted here, as we see nothing in the policy or practice of successive British Governments that would prevent the present Government taking whatever action it considers suitable.⁵⁴

While the report urged action, new legislation would also be required.

⁵² 'Editorial', *Searchlight*, December 1987, p. 2.

⁵³ Cesarani, *Justice Delayed*, p. 211.

⁵⁴ Michael J. Bazylar and Frank M. Tuerkheimer, *Forgotten Trials of the Holocaust* (New York, NY: New York University Press, 2014) p. 279.

Such legislation was proposed in the wake of the inquiry, and was now supported by Hurd, although it met with a range of criticism and took several years to become law. Cesarani's account of this episode explored in detail how the House of Lords twice rejected the proposed War Crimes Bill. As well as criticism from figures such as Lord Hailsham and Lord Houghton, who argued that Jewish people unreasonably sought vengeance, it saw fierce opposition from others too. Criticism even came from perhaps surprising voices, such as Lord Shawcross, who has been the chief prosecutor for Britain at the original Nuremberg Trials. Shawcross now argued the time for legal action had passed.⁵⁵ Meanwhile, leading figures including Lord Pym and Edward Heath argued that digging up old episodes of European history was at odds with the emergence of a new Europe and the end of the Cold War. Eventually, the Parliament Act was used to approve the new War Crimes Act, which became law on 10 May 1991.⁵⁶ Finally, anti-fascist campaigners believed, entrenched attitudes had been overcome and the necessary legislation had been enacted that would allow the state to prosecute alleged Nazi-collaborator war criminals.

Prosecuting the Accused

While the passing of the War Crimes Act of 1991 was a clear victory for the All-Party Group on War Crimes, *Searchlight*, the Union of Jewish Students, and many others who campaigned for justice for the victims of Nazi-collaborator war criminals, the next nine years showed that using the Act to actually convict anyone of war crimes was very problematic. Over £11 million pounds was spent in the 1990s, and the Metropolitan Police developed a special War Crimes Unit consisting at its height of eleven police officers and two historians, as well as further support staff. It travelled in central and eastern Europe, Israel and elsewhere, investigating around 400 cases of suspected activity.

However, while the Act itself was passed in 1991, it was only in 1995 that the first person was actually charged. This was the case of Szymon Serafinowicz, an alleged war criminal of Belarusian origin.⁵⁷ The British Crown Prosecution Service was certainly one barrier to speedier action, as they were wary about bringing

⁵⁵ Cesarani, *Justice Delayed*, p. 241.

⁵⁶ Gabriele Ganz, 'The War Crimes Act 1991- Why No Constitutional Crisis?', *The Modern Law Review*, Vol.55 (1992), 87 – 95, (p. 87).

⁵⁷ Silverman, 'War Crimes Inquiries' p. 26.

prosecutions using the new legislation. Notably, by 1999 it was revealed that they wanted to ensure that those prosecuted were of a very high level, and specifically that there was proof that a defendant was in a position of command. This meant that several cases were not brought to trial despite strong evidence. Examples here included Nikola Popkho and Andre Bakunowicz, who both allegedly engaged in atrocities with Serafinowicz but were not deemed responsible for directing others, therefore not worthy of prosecution. Other barriers to speedy action were far more mundane, such as police muddling up the spellings of the surnames of the accused. This was the case with Serafinowicz, and, incredibly, police were slowed down in locating him as they were searching for several months for a ‘Szymon Serafimowicz’.⁵⁸ Eventually, after many delays, the case against Serafinowicz collapsed in 1997, as a medical team judged him to be unfit to stand trial.⁵⁹ The case against him had cost an estimated £2 million to develop, and required a number of witnesses to travel to Britain. Such conclusions demonstrated the problems with mounting a successful prosecution five decades after alleged crimes had occurred.

A surprising outcome in this era of prosecutions was the case of Anton Gecas, a figure much discussed by the anti-fascist War Crimes Campaign, yet who was not prosecuted.⁶⁰ The new Lithuanian government had sought his extradition for a trial in Vilnius but before this could be concluded he died in Britain, and so Gecas was not prosecuted anywhere. Indeed, the only successful prosecution was that of Anthony Sawoniuk, a retired railway ticket collector who lived in London, who eventually faced a trial for his crimes in 1999. Again, his case showed the slow pace of the prosecution process. British authorities were alerted to him as early as 1988, via information passed to the Government by the Soviet Union. A police investigation began in 1994, he was then interviewed in 1996 and finally charged in 1997. He was found guilty and sentenced to two life sentences in prison. He later died in Norwich Prison, having served 6 years of his sentence. David Hirsh has discussed the difficulties with the historical testimony used for legal process in his assessment of this ground breaking trial, drawing out the difficulty of prosecuting people

⁵⁸ Silverman, ‘War Crimes Inquiries’, p. 26.

⁵⁹ Alan Robinson, ‘War Crimes, Old Soldiers and Fading Memories: The Serafinowicz Case’, *The Journal of Holocaust Education*, 8:1 (1999), 42 – 57, (p. 51).

⁶⁰ David Cesarani, ‘Scottish Nazi may have lost more than a libel suit’, *The Jerusalem Report*, 13 August 1992, p. 12.

successfully for crimes that occurred many decades beforehand.⁶¹ This is, to date, the only time the War Crimes Act has been successfully used in a prosecution.

In the wake of the Sawoniuk trial, the War Crimes Unit of Scotland Yard was scaled back dramatically. Police announced its work had been largely completed, and explained that new cases would be referred to the Organised Crime Group at Scotland Yard. A few months later, in October 1999, the police announced the closure of the War Crimes Unit, as the CPS had deemed the last remaining case lacked sufficient evidence to achieve a successful prosecution. The War Crimes Unit ceased activity by the end of the year, marking an end to the rather stalled and limited efforts to put Nazi collaborators on trial in Britain.⁶²

Conclusions: a failure of memory

The collective memory surrounding the Second World War and the Holocaust in Britain is powerful, but as this chapter has shown it can also be selective. While crimes and atrocities committed by Germans are often easily remembered in Britain, the ways the British themselves played ambiguous roles can often be forgotten. The memory surrounding the history of British attitudes towards Jewish migration before 1939 is another example: while the *Kindertransport* programme can be pointed to in order to highlight how Britain helped Jewish children in times of extreme need, such as in 2016 during the migration crisis, it is all too easy for recollections of the programme to neglect the fact that the British state did little to support this initiative, or highlight that the parents of saved children were often killed at places such as Auschwitz.⁶³ Regarding the issue examined by this chapter, putting Nazi-collaborator war criminals on trial, it is clear there were discrepancies between the past and the ways the British state wanted to acknowledge the Holocaust. Certainly, developing prosecution cases against leading Germans in the wake of the Second World War was seen as important by the British state, yet prosecuting those who killed Jews but evaded initial detection because they were not German was not so easy. The attitudes

⁶¹ David Hirsh, 'The trial of Andrei Sawoniuk: Holocaust testimony under cross-examination', *Social and Legal Studies*, Vol.10 (4) (2001), pp. 529 – 545, (p. 535).

⁶² Harry Reicher, 'War Crimes Trials: Crystallization of the Principles of International Criminal Law', in Michael Berenbaum and Fred Skolnik ed. *Encyclopedia Judaica* vol. 20 2nd ed. (Detroit: MacMillan Reference USA, 2007) pp. 634 – 649 (p. 646).

⁶³ Caroline Sharples, 'The Kindertransport in British Historical Memory', in *Kindertransport to Britain 1938/39: New Perspectives*, ed. by A. Hammel and B. Lekowicz (Amsterdam: Editions Rodopi, 2012), pp. 15 – 27, (p. 15).

to the EVW scheme suggest that crimes against Jewish civilians were not regarded as particularly important in the later 1940s. This also seems to be the case from looking at the prosecutions of the IMT and other British trials.

The efforts among anti-fascists, Jewish interest groups, leading academics and concerned MPs to ensure that people who seemed very likely to have committed war crimes would face justice was also, largely, a failure and led to only one successful prosecution. This was certainly not a result of anti-fascists and others trying to raise the prominence of the issue. The barriers that led to failure here help reveal a wider range of institutional and cultural impediments to remembering the more ambiguous, darker elements of British history. In the later 1940s, there was a clear prioritisation of Britain's immediate labour needs over the idea of carefully screening those who came to the country. Often hysterical concerns at this time over immigrants who were not white, or who were Jewish, were far stronger than worries over admitting entry to those who may have collaborated with the Germans in mass killings during the Second World War. Then, as the postwar period developed, a more entrenched period of forgetting these complex details set in, despite occasionally being highlighted – as in the example of Dering's libel case or Anton Gecas featuring in a mainstream TV program.

It was not until the 1980s that a range of international factors meant new evidence emerged leading, eventually, to a more complete acknowledgement by the British state of its need to investigate alleged war criminals. Both the Simon Wiesenthal Center and the Soviet Union provided anti-fascists and other campaigners with fresh data to allow them to create a sustained campaign, and put pressure on the Government to remember this past.⁶⁴ This campaigning helped a largely forgotten issue to gain more exposure in the media, while Parliament was also forced, increasingly, to take the issue seriously. Nevertheless, Hurd remained resistant to introducing new legislation for a number of years, preferring initially the idea of extradition. The eventual passing of the War Crimes Act in 1991 also came very late in the day, in part as it met with much political resistance from figures such as Edward Heath and Lord Hailsham, though there was still time to mount prosecutions. However, the political climate that now surrounded the issue in the 1990s meant these prosecutions had to be of high profile figures, and needed to be deemed highly likely

⁶⁴ Zuroff, *Occupation: Nazi Hunter*, p. 265.

to succeed. This proved especially difficult, which helps explain why, of the approximately 400 people investigated, there was only one successful conviction. By the end of the 1990s, despite millions of pounds having been spent on investigations, the work of the police and the CPS came to an end.

While this episode came to a close by 1999, it is curious to note this coincided with the rise of a new wave of collective memorialisation of the Holocaust in Britain. In 1999, Tony Blair explained that Britain would support a new Holocaust Memorial Day, conceived as an initiative to help cultivate a powerful collective understanding of Nazi-era crimes, in schools and more widely too.⁶⁵ While Britain has often wanted to remember the Holocaust, the war crimes campaign of anti-fascists and others helps reveal how the British have also wanted to evoke such a collective memory in certain, more convenient, ways.

⁶⁵ Tony Kushner, 'Too little, too late? Reflections on Britain's Holocaust Memorial Day', *Journal of Israeli History*, 23:1, (2004) 116 - 129, (p. 120).