

TRANSLATION

THE PUBLIC PROSECUTOR

Simon Wiesenthal Center
Snider Social Action Institute
International Headquarters
1399 South Roxbury Drive
CA 90035
USA

Date

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Case officer: BBJ

THE PUBLIC PROSECUTOR
FOR COPENHAGEN AND
BORNHOLM

JENS KOFODS GADE 1 3rd
DK-1268 COPENHAGEN K

Tel. +45 33 30 73 00
Fax +45 33 30 7349

Gentlemen,

Decision to discontinue investigations into Søren Kam's possible participation in the robbery by which the Jewish civil registers were stolen on August 31, 1943

I have today decided, in conformity with section 749(2) of the Administration of Justice Act, to discontinue investigations into the possible participation by German national Søren Kam in the robbery by which the ministerial books (registers of births, marriages and deaths) of the Mosaic Community in Denmark were stolen on August 31, 1943.

The reason for my decision is that the investigations into the case have not, to date, created such a reasonable belief that Søren Kam took part in the robbery or committed any other criminal offence in connection with it, that we will have a basis on which to continue investigations or otherwise the prosecution of the case.

This letter contains a review of the case and the more specific reasons for my decision, as follows:

Facts and circumstances of the case

By a letter of February 7, 2007, the Simon Wiesenthal Center sent material concerning Søren Kam to the Danish Ministry of Justice.

The letter stated that Kam was one of the perpetrators of the mentioned robbery and as such an associate in the deportation of 472 Danish Jews to Nazi concentration camps, in which more than 50 of them were killed or died in inhuman circumstances.

As proof of Søren Kam's role in the case, the Center referred to a police report of November 1, 1946, in which the only person who was subsequently convicted of the robbery reported that Kam was one of the perpetrators, and to the book "*Who was who 1940-1945*", which also states that Kam was involved.

By a letter of February 12, 2007 to the Ministry of Justice, the Danish Mosaic Community presented its support for the Center's communication.

On February 20, 2007 the Ministry of Justice passed the letters to the Copenhagen Police Service, by which the case was subsequently investigated and submitted to my office for decision.

As part of their investigations the police have reviewed the quite comprehensive material from the original criminal case concerning the robbery and also made several new investigations.

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In the interview report, to which the Center refers, the convicted person explained – under caution – that the day before the robbery he met Søren Kam, who asked him "*where the Jews kept their civil registers*". They did not talk in greater detail on why Kam wanted to have this information, but after the robbery the convicted man understood "*from the further developments*" that the perpetrators were Søren Kam and two other named Danish men.

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The convicted man did not provide any information, for example about witnesses who could corroborate the meeting with Kam and, in addition, the report does not state anything about the basis on which the convicted person supported his allegation that Kam was one of the perpetrators.

The convicted man was interviewed by the police about the robbery several times both before and after November 1, 1946.

Thus, during an interview on April 11, 1946 he started out explaining that Søren Kam was not the man who asked about the civil registers, it was another named person. However, he changed this explanation later during the same interview, saying that he could not say whether the question was asked by Kam or by the other person.

On May 23, 1947, meaning after he had indicated Søren Kam as an associate in the case, the convicted person said that he could not say "*for sure*" whether Søren Kam and the other two persons he had previously named as perpetrators took part in the robbery.

During the trial of the case, when the convicted person was charged with having committed the robbery “*in association with German police officers*” (but not Søren Kam), he also did not name Kam as one of the perpetrators.

In 1948 he was found guilty of the robbery and sentenced, for this and other crimes, to imprisonment for life. He died in 1986.

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In addition to the interrogation of the person who was later convicted, several other investigative steps were taken in the case at that point in time.

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For example, the police questioned the two staff members from the Jewish community against whom the robbery was committed.

Both staff members identified the convicted person as one of the robbers but were largely unable to specifically describe the other two perpetrators. Neither of them was shown a photograph of Søren Kam at that time. Only one of the two is still alive.

The police also interrogated Werner Best, the former German high commandant in Denmark. According to his diary he held several meetings with Søren Kam and others around the time of the robbery. However, neither the diary nor the interrogation of Best includes any information that indicates in any way that Kam was involved in the robbery.

Otherwise, the investigations at the time pointed to two German police officers as the other active participants in the robbery. One of them died in 1945, while at the end of the war, the other escaped Denmark without having been interrogated.

The present investigations have included forensic examinations, comparing the handwriting in a list that was presumably drawn up on the basis of the stolen registers and Søren Kam’s handwriting. This comparison did not reveal any identical characteristics in the handwriting on the lists and Kam’s handwriting.

In addition, the police have been in contact with the author of the mentioned article in the book “*Who was who in 1940-1945*”, in which it was stated that Kam was involved in the robbery. The author reported that the source was the interview report from November 1, 1946.

The stolen registers were never found. They were presumably burnt when the Shell Building was bombed in 1944.

No other information has been retrieved, including any witness evidence or forensic trace that may indicate – in itself or compared to other information available in the case – that Søren Kam was involved in the robbery in any way.

Reasons for my decision

As described, the only circumstance pointing to Søren Kam as one of the perpetrators is the almost 62 year old statement in an interview report given by the now deceased person convicted, which subsequently he never repeated - neither to the police nor in court.

The statement – which was given, as mentioned, by the person while he was charged in the case and denied any guilt – is not corroborated by any other information in the case and, in my opinion, does not in itself constitute the basis necessary to continue investigations at the present time when, naturally, the further investigation potential is highly limited.

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Thus, I do not find any reason to reinterview the only witness to the robbery itself who is still alive, and who – as mentioned – was hardly able to give any description at all of the co-perpetrators, even a few years after the crime, or to ask her to take part in a photo identification session. In respect of that possibility, I would like to refer to the fact that photographs of Kam from that time have been shown in the press innumerable times, for which reason any selection by the witness of the photograph of Kam would not, naturally, be of much evidential value.

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Complaint guidelines

As regards the possibility to lodge a complaint against my decision, please refer to the guidelines for complaints.

A complaint, if any, may be sent to my office or to the Director of Public Prosecutions, Frederiksholms Kanal 16, 1220 Copenhagen K.

The time limit for lodging a complaint is four weeks after the Center has been notified of my decision.

I enclose a translation of this letter into English.

Lise-Lotte Nilas