

Criminal Code

Demjanjuk trial. However, in case after case where conclusions have been reached, one sees individuals who feel totally justified in what they did. They have their own explanations. When the facts are out and undeniable, and the conviction obtained, we see individuals who feel totally justified in what they did. It is a situation that cannot be left unremedied in a civilized nation.

I am not naive enough, as I hope no one is, to think that, with the power man has to commit atrocities like those which were committed in World War II, it will never happen again. I believe it can happen again, but I feel that the measure we have taken today in passing this legislation is one factor which will be borne in mind by those who would commit such atrocities in the future. They will keep in mind that there will be no safe haven in any fair-minded, decent country in the world.

I think the main reaction of Canadians when the Rauca case developed was that they were appalled. They were appalled to realize that among us there were unpunished individuals who had committed those crimes, whose identity, in some cases, were known to the Government or to other individuals, yet nothing had been done about it for decades.

• (1050)

In passing this legislation, we are sending a strong message about our civilization. The message is that that type of conduct will not go unpunished. Even 10 years, 20 years, 42 and 43 years later, as it is, a decent country will permit no haven. Canada is now becoming one of those countries, and there are a few of them, which are making that statement.

I directed all my remarks so far to the events of World War II. In the committee I proposed an amendment which was actually moved by another member. It was defeated. If enacted, it would have widened the scope of authority to the Attorney General to lay charges against more individuals who commit war crimes and crimes against humanity. The definition is limited for reasons which those who are interested can read. They were put forward in the committee. But to my way of thinking the scope of the legislation should have been broader.

As I indicated on second reading, I thought that war criminals and criminals guilty of crimes against humanity, have appeared not only in the forum of World War II, and not only in western Europe, but in other places, in Asia, Central America and Africa. I ask anyone who thinks World War II could never happen again, that the Holocaust could never happen again, to look at some of these places in the world I mentioned where crimes have occurred and where survivors and others from that country have come to our country and made Canada their homeland.

We cannot ignore the injustices and crimes which, within their lifetime, have been committed against them if those guilty of committing those crimes have also come to our country. We cannot say that we want to bring justice, in the

World War II context, but that we want to ignore it in relation to crimes against humanity which have occurred in Asia, Latin America, Africa, and the other places I mentioned. As an example, I could mention Haiti which was much in the news about a year ago. I wanted a law which would be broad enough to ensure that, by our very high standards of justice, where a case could be made against an individual present in Canada, by witnesses who could come to Canada, or who are in Canada, and tell their story, that that would be done. The Government can correctly point out that the legislation is not directed only toward World War II, but it could have been broader.

I had some other amendments I wanted to explain as well to the House, but I see that with eleven o'clock approaching we may lose the opportunity to give third reading to the Bill right now, and I would very much like that to be done.

Mr. Andrew Witer (Parkdale—High Park): Madam Speaker, let me begin, in the time remaining, by stating very clearly that in my opinion Bill C-71 is a positive step to amend the Criminal Code, the Immigration Act and the Citizenship Act, after decades of neglect, of pretending the problem did not exist and of cover up. It is the first serious attempt by a Canadian Government to bring war criminals and those who committed crimes against humanity to justice. Yet, in my opinion, the Bill has a serious flaw. It should have been amended to comply with the principles of equity and civil liberties in Canadian law.

As it now reads, the Bill differentiates between crimes committed during periods of war and crimes committed during periods when Canada is not at war. But the problem is not in the differentiation of crimes. It is in the discrimination of the current wording of the Bill, levels against perpetuation of crimes against humanity when Canada was not involved in armed conflict. Clause 1(a) states that the crime must be committed by a Canadian citizen or an employee of Canada in a civilian or military capacity, by a citizen of a country with which Canada is at war. The victim must be either a Canadian citizen or a citizen of an allied state while Canada is at war. Clause 1(b), dealing with non-wartime crimes, states that at the time of the crime Canada would, in conformity with international law, exercise jurisdiction over the person with respect to the act or omission on the basis of the person's presence in Canada and subsequent to the time of the crime the person is present in Canada. No such restrictions are required for crimes committed while Canada is at war.

While in theory the Bill will permit prosecution of Canadian residents for any war crime or crime against humanity committed anywhere, the complex wording of the Bill would make it easier to prosecute some war criminals than others. The Bill may work well against suspected Nazis from World War II, but would allow others to escape justice; for example, former Soviet citizens who helped orchestrate the state imposed Ukrainian famine of 1933. To have easier access to the courts for some crimes than for others risks making the