

NAZI WAR CRIMINALS

ESTABLISHMENT OF COMMISSION OF INQUIRY

Hon. John C. Crosbie (Minister of Justice and Attorney General of Canada): Mr. Speaker, I wish to address a question of major concern to Canadians everywhere and which has been the subject of much controversy over recent days. I refer to the question of Nazi war criminals and the possibility that some of these war criminals may have entered or attempted to enter Canada. After working with the Solicitor General (Mr. MacKay) on this problem as directed by the Prime Minister (Mr. Mulroney), who is extremely interested in the question, we have reached certain conclusions.

We are all aware, Mr. Speaker, of the concerns recently expressed about the possibility that one particularly notorious war criminal, Josef Mengele, may have entered Canada or attempted to do so. The Government is very mindful of the atrocities alleged to have been perpetrated by this particular individual and is most anxious that if anything can be done within Canada to bring this individual to justice, that it be done immediately.

There have also been statements by a number of associations and their representatives interested in the bringing to justice of war criminals that there are indeed within Canada a considerable number of such criminals who may have escaped to this country in order to avoid prosecution for the crimes they committed or to avoid punishment for such crimes. It is stated by these associations that many war criminals have entered Canada through a variety of illegal or fraudulent means, and that many are still resident here and continue to avoid justice.

Mr. Speaker, these statements do not accord with the information that the Government has respecting these matters. The Government has the results of a number of comprehensive investigations into the activities and background of individuals either now or previously in Canada and suspected of having been involved in the commission of war crimes related to the activities of Nazi Germany during World War II.

In so far as the Government's knowledge extends, we understand from the Royal Canadian Mounted Police that there are relatively few persons living in this country alleged to have been involved in war crimes as described by some of the associations and groups I have referred to. These cases have been the subject of careful investigation by the Royal Canadian Mounted Police in co-operation with law enforcement authorities in other countries. The House will recall the extradition of Helmut Rauca to the Federal Republic of Germany. Other cases are under continuing investigation.

The Government has nevertheless concluded that statements by some of the groups and associations I have referred to pertain to matters of such importance that we must go to the very depths of the questions posed so that we may be assured that we are not, unknowingly, harbouring within our midst some of the individuals guilty of committing the horrible Nazi war crimes of World War II. These individuals must be brought to justice and to the extent that the Government can

Nazi War Criminals

act to assist in attaining that purpose, we will do so to the fullest extent.

Therefore I wish to announce today the establishment of an independent Commission of Inquiry under Part I of the Inquiries Act to conduct such investigations regarding war criminals in Canada as are necessary in order to report to the Governor in Council upon recommendations and advice relating to further action that might be taken in Canada to bring such war criminals to justice. The terms of reference of the Commission are:

To conduct such investigations regarding alleged war criminals in Canada, including whether any such persons are now resident in Canada and when and how they obtained entry to Canada, as in the opinion of the Commissioner are necessary in order to enable him to report to the Governor in Council his recommendations and advice relating to what further action might be taken in Canada to bring to justice such alleged war criminals who might be residing within Canada, including recommendations as to what legal means are now available to bring to justice any such persons in Canada, or whether and what legislation might be adopted by the Parliament of Canada to ensure that war criminals are brought to justice and made to answer for their crimes.

This Commission will have full power of access to personnel and all relevant papers, documents, records and books of any kind in the possession of departments and agencies of the Government in order fully to review and consider the information as it is presently known to the Government. The Commission will have the power to proceed as it may deem expedient for the proper conduct of the inquiry and it will receive sufficient staff and resources as it may require to meet its responsibilities. It will have the power to sit at such times and at such places within or outside of Canada as it may decide, and it is anticipated that its research and investigations will require it to undertake a considerable amount of work not just in Canada but also in other countries, and particularly those in which the activities of war criminals were carried out.

I would also refer at this time to the publication today of a working paper by the Law Reform Commission dealing with extraterritorial jurisdiction. In that paper it is stated that Canada's war crime legislation is outdated and ripe for review. The Commission will, in the course of discharging its mandate, consider this question very carefully and make appropriate recommendations. The Government will wish to proceed promptly on all phases of the recommendations and advice ultimately offered by the Commission. This, together with our wish to deal as soon as possible with the issues already raised pertaining to the presence of war criminals in Canada, has led the Government to stipulate a reporting date of December 31, 1985 for the Commission's findings and recommendations. We believe that time frame will meet the immediacy of the situation and permit the inquiry sufficient time fully to carry out its mandate.

● (1510)

I am pleased to announce the appointment of the Honourable Mr. Jules Deschênes, a Justice of the court of Appeal of Quebec and former Chief Justice of that province, as the Commissioner responsible for conducting an inquiry on war criminals. He is an exceptional jurist who, throughout his professional life as a counsel and Justice of the Court, has