

*Committee Reports*

Mr. Justice Deschênes but in the opinion of others on whom he relied and whom he cites at great length in his report.

In other words, in relation to this division, I would like to think of the Deschênes Commission as being a clearing of the air and a sign that no ethnic group can be taken as a whole to be responsible for the commission of war crimes. War crimes were committed by individuals of a variety of nationalities, and in the Galicia Division, as in other groups, each case must be considered on its merits and each individual must be dealt with as an individual. According to Mr. Justice Deschênes, the vast majority of them are innocent of any war crimes.

We must remember that the Nürnberg trials were not a trial of the German people. They were not a trial of World War II. They were a trial of a series of individuals, each charged with personal responsibility for the commission of war crimes. That is how we must look at the question of war criminals in Canada. It is a matter of individual responsibility.

I am pleased that Mr. Justice Deschênes went to the length he did in connection with the Galicia Division to establish that approach. It is an approach that I hope Canadians will make part of their consideration in seeing that war criminals are brought to justice and that the matter is dealt with in a way that is fair.

I said that the Government promises action and that Deschênes recommended action. Let me turn to the action that is recommended and what the Government proposes to do about it. Deschênes made three recommendations. The Government is only proposing to act upon one recommendation. First, Deschênes recommended that the Criminal Code be amended so that a made-in-Canada approach can be taken so that prosecutions can be held in our country and evidence can be brought in subject to strict Canadian rules and applied against war criminals here. It deals with some issues that have been difficulties in the past such as the question of retroactivity, and comes to the conclusion, based on what looks like sound legal argument, that the Criminal Code can be amended and war criminals can be prosecuted here.

The second recommendation is the revision of the extradition laws and the treaties to facilitate trying war criminals in foreign countries if those countries ask for their return.

Third, the process of denaturalization is examined. Deschênes recommended all three proposals and the Government is proposing to deal with the Criminal Code approach. I will have much more to say about the details of the Government's proposal, but one point I want to make now is that there is no doubt that the Criminal Code approach is much better than the other two. Taking away someone's citizenship depends on very special circumstances in individual cases which may or may not be there for the individual. I suspect that there are war criminals in Canada who could pass the denaturalization test by the circumstances under which they came. Therefore, it would not work for them in any event.

Extradition is similarly limited. Not every request for extradition can be honoured. In my opinion, if we had a war

criminal in Canada who was wanted in some country where he had already been tried and condemned to death in front of a firing squad *in absentia*, we would not be able to condone an extradition under circumstances like that. Therefore, the two methods which the Government has put aside are less broad and less useful than the third method which it has endorsed and is proposing to follow. Our Party will accept that.

We will be satisfied, I suggest, for the time being to see the Government proceed with the Criminal Code amendment and show us the kind of good faith which has not been forthcoming generally from the Government in many other areas. I must say that the Government has not kept its promise in other areas, but in this case in taking the promise we are prepared to give the Government the opportunity and our support for the concentration on the one method of the three which could touch every war criminal and which ought to be the most useful device with the most safeguards. After all, taking away citizenship does not deal with the reasonable balance of proof of guilt of a serious crime. Extradition puts the individuals in the hands of another country, however much we might respect that particular country.

• (1150)

So let us have the amendments, and let us have them quickly. The Government has also made a commitment to allocate resources so that war criminals can be dealt with expeditiously. It has had the report for three months but we have not yet heard of anything. I hope the Minister was able to tell the media today how many Counties, how many lawyers, how many historians and how many interpreters have been allocated, because in three months, if the Government is acting in good faith on the solution it has endorsed, I think it should have been able to come up with something substantial. We in our Party will be pressing for that.

I think the Government as well ought to act on 21 particular cases referred to in this report. The Deschênes Commission finds that 21 highly suspected war criminals have left Canada. I do not think it is good enough for us to close the books on them just because they have left Canada, and I would expect the Government to do what we have been asking other countries to do. We have asked them to help us bring war criminals to justice in our own country. I would hope that in each of those cases an initiative will be taken by the Government to alert the country concerned that there is a fugitive in that country who ought to be brought to justice and that all possible assistance will be offered by the Government so that that can be done.

I have two other points that I would like to put before you, Mr. Speaker, at this time. The first point is the concern expressed by the public in some quarters while all this has been going on that while the Nazi holocaust certainly occurred and requires that its perpetrators, if found in Canada, be brought to justice, there are other victims in this country who have suffered from other international atrocities in other places in the world. While the Government has focused on the holocaust