

*Statement by Ministers*

ensure that Canadian standards of evidence and justice are met.

Finally, the report recommends that the legal changes recommended by the commission and the investigation of individual cases required, should be carried out either by the commission itself or by the Government utilizing resources within the Department of Justice and the Royal Canadian Mounted Police. The commission did not recommend an organization similar to the United States Office of Special Investigations.

Since receiving the report the Government has reflected carefully on the nature of the issues which prompted this inquiry and the need for the Government to address the problem of war criminals. Although the commission found that the number of war criminals in Canada has been greatly exaggerated, it is clear that Canadians are not and will not be satisfied with the notion that individuals guilty of war crimes during the course of World War II should find in Canada a safe haven from the processes of justice. The Government must be concerned if even one individual guilty of war crimes has found a refuge from justice here.

It has long been a principle of our law that individuals guilty of serious crimes must be sought out and punished with regard to any statute of limitations. At the same time the Government realizes that the preservation of individual rights is a fundamental component of the administration of justice.

It is clear that Canadians value highly the legal rights guaranteed in the Canadian Charter of Rights and Freedoms and the other protections of our system of justice. The Government has therefore approached its initial assessment of the recommendations of this commission recognizing the need to develop a response appropriate to our own society in the context of our own system of justice. The guiding principle is simply this: The problem of war criminals should, wherever possible, be dealt with here in Canada and every case must be resolved in a manner consistent with Canadian standards of law and evidence.

Within this framework it is clear that an unequivocal affirmation of Canada's commitment not to be a haven for those who would seek to avoid punishment for crimes committed in time of war is necessary. The Government is, therefore, prepared to amend the Criminal Code to give Canadian courts jurisdiction to try in Canada war crimes or crimes against humanity where the conduct in question would amount to a criminal offence in Canada. Such proceedings, mindful of the need to preserve the fundamental rights and freedoms of persons in Canada, would be undertaken according to Canadian rules of evidence and in accordance with the overriding principles established by our own Canadian Charter of Rights and Freedoms. Such jurisdiction will of course allow the trial within Canada of individuals accused of war crimes in modern conflicts and will not be restricted to addressing past crimes. It will also be necessary to define what war crimes will be subject to criminal sanctions. To ensure that the required amendment effectively addresses past and future war crimes, careful

attention is being directed to the development of the precise standards and definitions to be utilized in the proposed Criminal Code provisions.

Mr. Justice Deschênes pointed out that much more remains to be done in completing the recommended investigations. He felt, however, that a determined effort could achieve the necessary results within the framework of existing Canadian institutions, specifically the RCMP and the Department of Justice. He pointed out that sufficient resources would be required by these institutions to pursue the investigative process and take the necessary action warranted by the available evidence. As already noted, he recommended against the creation of an organization similar to the Office of Special Investigations in Washington. With all of this the Government agrees.

If Canada is to contemplate seriously the possibility of bringing criminal proceedings in Canada concerning events which happened in Europe it is clear that evidence will have to be gathered wherever it may be found. That is nothing new, of course. Traditionally Canadian courts have, where appropriate, sought and utilized the capacity to seek evidence in foreign countries by way of commission. As well, Canadian police have on many occasions carried their investigations into foreign lands with the aid of local authorities. For example, significant and reliable evidence was obtained in several countries, including the Soviet Union, in the proceedings leading to the extradition of Helmut Rauca to West Germany for war crimes.

The individual cases in which Mr. Justice Deschênes has recommended that consideration be given to seeking Eastern European evidence will be carefully reviewed on a case-by-case basis. Any gathering of evidence abroad will be restricted to those cases where, in the opinion of Canadian authorities, there are specific, credible and serious allegations of war crimes requiring further investigation.

In such cases Mr. Justice Deschênes recommended that six conditions be observed. These were: One, the protection of reputations through confidentiality; two, the use of independent interpreters; three, access to original documents where relevant; four, access to witnesses' previous statements; five, freedom of examination of witnesses in accordance with Canadian rules of evidence; six, the videotaping of such examination. The Government believes that obtaining evidence in accordance with Canadian procedures and the additional safeguards of the six special conditions recommended by Mr. Justice Deschênes for use in Canadian courts under the scrutiny of Canadian judges and in accordance with Canadian rules relating to the admissibility and probity of evidence should guarantee fairness and justice to all concerned.

The need to tighten up Canada's practices with respect to the entry into Canada and the processes of obtaining Canadian citizenship to ensure that Canada will not be thought of as a place of refuge for individuals who have participated in war crimes, crimes against humanity, is also clear. The Government will proceed with the measures recommended by the