

*CASE NO. 715*

This individual was brought to the attention of the Commission by the RCMP, whose source of information was a private citizen. There was no specific allegation of involvement in war crimes made against this individual.

The Commission requested the departments of Employment and Immigration, the Secretary of State and External Affairs to conduct checks to ascertain whether the subject had entered Canada or applied for citizenship or a passport. The Department of Employment and Immigration reported that an individual having a similar first name and surname entered Canada in 1956. The Departments of the Secretary of State and External Affairs reported that they had no record in respect of the subject or of the individual disclosed by Immigration.

The Commission conducted CPIC, MVB and vital statistics searches against the subject and the individual disclosed by Immigration. Both responses were negative.

The Commission noted that the RCMP had interviewed the person who submitted the subject's name and determined that he had no additional information relevant to the Commission's inquiries.

The Commission confirmed that neither the Berlin Document Center, the Central Office of Land Judicial Authorities for the Investigation of National-Socialist Crimes in Ludwigsburg, West Germany, the Central Information Office of the Federal Archives in Aachen-Kornelimünster, the German Military Service Office for notifying the next of kin of members of the former German Wehrmacht (WASSt) in Berlin, nor the Berlin Sick Book Depository, had any record in respect of the subject.

**On the basis of the foregoing, it is recommended that the file on the subject be closed.**

*CASE NO. 716*

This individual was brought to the attention of the Commission by the RCMP. The individual was named on a list that was submitted to the Department of External Affairs by the Ministry of Justice of a West European country. The Commission was advised by the Honourable Robert Kaplan, P.C., M.P., that no information was received from West European officials to indicate that the subject had entered Canada.

The Commission requested the departments of Employment and Immigration, the Secretary of State and External Affairs to conduct checks to ascertain whether the subject had entered Canada or applied for citizenship or a passport. The Commission also conducted CPIC and MVB searches. All search responses were negative.

**On the basis of the foregoing, it is recommended that the file on the subject be closed.**

*CASE NO. 717*

This individual was brought to the attention of the Commission by the Canadian Security Intelligence Service (CSIS), which advised that the subject was investigated for security reasons as a former member of a nationalist Nazi Party who continued to espouse Nazi ideals. He was also brought to the attention of the Commission by Mr. Sol Littman, whose source of information was a private citizen. There was no specific allegation or evidence that this individual had been involved in war crimes.

The Commission requested the departments of Employment and Immigration, the Secretary of State and External Affairs to conduct checks to ascertain when the subject had entered Canada, and whether he had applied for citizenship or a passport. The Department of Employment and Immigration reported that the subject entered Canada in 1951. The Department of the Secretary of State reported that the subject was granted Canadian citizenship in 1958. Documentation indicates that the screening committee granted clearance after it had considered materials collected during police investigations of the above-stated allegations. The Department of External Affairs reported that the subject was subsequently granted Canadian passports.

The Commission conducted CPIC and MVB searches against the subject. Though the CPIC search response was negative, the MVB search produced positive results. The Commission determined the subject to be resident in Canada in 1986.

The Commission confirmed that neither the Berlin Document Center, the Central Office of Land Judicial Authorities for the Investigation of National-Socialist Crimes in Ludwigsburg, West Germany, the German Military Service Office for notifying the next of kin of members of the former German Wehrmacht (WASt) in Berlin, the Central Information Office of the Federal Archives in Aachen-Kornelimünster, nor the Berlin Sick Book Depository, had any record of the subject.

On the basis of the available evidence, there is no *prima facie* case of war crimes against the subject. However, for the reasons noted in chapter I-5 of this Report: "Methodology", the Commission did not inquire from the relevant Eastern Bloc authorities whether they might possess some evidence in support of the allegations against the subject.

The Commission accordingly *RECOMMENDS* that:

- 1- Should the Government of Canada not wish, as a matter of policy, to submit the name of the subject to the relevant Eastern Bloc government or to the appropriate archival centres, the file ought to be closed.**

**2- Should, however, the Government of Canada decide to submit the subject's name to the relevant government, or to the appropriate archival centres, the matter ought then to be re-assessed and a final decision taken, depending upon the result of such inquiry.**

*CASE NO. 717.1*

Name stricken off Master List.

*CASE NO. 718*

This individual was brought to the attention of the Commission by the Canadian Security Intelligence Service (CSIS) in the course of a review it conducted of its files following the establishment of this Commission. There was no allegation of war crimes in the file.

The Commission requested the departments of Employment and Immigration, the Secretary of State and External Affairs to conduct checks to ascertain whether the subject had entered Canada or applied for citizenship or a passport. The Department of Employment and Immigration reported that the subject entered Canada in 1954. The Department of the Secretary of State reported that the subject was granted Canadian citizenship in 1961. The Department of External Affairs reported that it had no record in respect of the subject.

The Commission confirmed that neither the Berlin Document Center nor the Central Office of Land Judicial Authorities for the Investigation of National-Socialist Crimes in Ludwigsburg, West Germany, had any record in respect of the subject.

The Commission determined that the subject died in Canada in 1978. A copy of the death certificate has been obtained by the Commission.

**On the basis of the foregoing, it is recommended that the file on the subject be closed.**

*CASE NO. 719*

This individual was brought to the attention of the Commission by the RCMP, whose source of information was the Canadian Jewish Congress. It was alleged that this individual had been involved in killings of Jews and caused Eastern European soldiers to be hanged.

The Commission requested the departments of Employment and Immigration, the Secretary of State and External Affairs to conduct checks to ascertain whether the subject had entered Canada or applied for citizenship or a passport. The Department of Employment and Immigration reported that an individual with the same surname and a similar first name entered Canada in

1951. The Department of the Secretary of State reported that the subject was granted Canadian citizenship in 1964. This report indicated a slightly different surname from that provided by Immigration. The Department of External Affairs reported that this same individual was granted a Certificate of Identity and subsequently granted Canadian passports.

The Commission conducted CPIC and MVB searches using all available names. Though the CPIC search response was negative, the MVB search produced positive results. The Commission determined that the individual who entered Canada was resident in Canada in 1986.

The Commission confirmed that neither the Berlin Document Center, the Central Office of Land Judicial Authorities for the Investigation of National-Socialist Crimes in Ludwigsburg, West Germany, the Central Information Office of the Federal Archives in Aachen-Kornelimünster, the German Military Service Office for notifying the next of kin of members of the former German Wehrmacht (WAS<sub>t</sub>) in Berlin, nor the Berlin Sick Book Depository, had any record of any of the names available to the Commission.

On the basis of the available evidence, there is no *prima facie* case of war crimes against the individual who entered Canada. However, for the reasons noted in chapter I-5 of this Report: "Methodology", the Commission did not inquire from the relevant Eastern Bloc authorities whether they might possess some evidence in support of the allegations of war crimes against the subject.

The Commission accordingly *RECOMMENDS THAT*:

- 1- Should the Government of Canada not wish, as a matter of policy, to submit the name of the individual who entered Canada to the relevant Eastern Bloc government or to the appropriate archival centres, the file ought to be closed.**
- 2- Should, however, the Government of Canada decide to submit the name of the individual who entered Canada to the relevant government, or to the appropriate archival centres, the matter ought then to be re-assessed and a final decision taken, depending upon the result of such inquiry.**

#### *CASE NO. 720*

This individual was brought to the attention of the Commission by Mr. Sol Littman in a list and by a second list from another private citizen. These lists contained no specific allegation or evidence that the subject had been involved in war crimes, apart from the assertion that he had been a member of the Galicia Division of the Waffen-SS known to have entered Canada.

The Commission requested the departments of Employment and Immigration, the Secretary of State and External Affairs to conduct checks to ascertain whether the subject had entered Canada or applied for citizenship or a

passport. The Department of Employment and Immigration reported that the subject entered Canada in 1951. The Department of the Secretary of State reported that the subject was granted Canadian citizenship in 1956. The Department of External Affairs reported that the subject was subsequently granted Canadian passports.

The Commission conducted CPIC and other searches and determined that the subject was resident in Canada in 1986.

The Commission confirmed that neither the Berlin Document Center, the Central Office of Land Judicial Authorities for the Investigation of National-Socialist Crimes in Ludwigsburg, West Germany, the Central Information Office of the Federal Archives in Aachen-Kornelimünster, the German Military Service Office for notifying the next of kin of members of the former German Wehrmacht (WASSt) in Berlin, nor the Berlin Sick Book Depository, had any record of the subject.

On the basis of the foregoing, no evidence of participation in or knowledge of specific war crimes or membership in the Galicia Division is available. Even if it could be established that the subject had been a member of the Galicia Division, mere membership in the Division is insufficient to establish a *prima facie* case for the Commission's purposes, as discussed in chapter I-8 of this Report (see finding no. 59).

**The Commission accordingly recommends that the file on the subject be closed.**

#### CASE NO. 721

This individual was brought to the attention of the Commission by Mr. Sol Littman, whose source of information was an Eastern Bloc archive. The Commission was provided only with this individual's surname. Mr. Littman indicated that this individual may have been a chief of police in an Eastern European country during the war. Apart from the foregoing, there was no specific allegation that this individual had been involved in war crimes, nor any evidence that he had entered Canada.

The Commission requested the departments of Employment and Immigration, the Secretary of State and External Affairs to conduct checks to ascertain whether the subject had entered Canada or applied for citizenship or a passport. All departments reported negative search results.

The Commission confirmed that neither the Central Office of Land Judicial Authorities for the Investigation of National-Socialist Crimes in Ludwigsburg, West Germany, the Central Information Office of the Federal Archives in Aachen-Kornelimünster, the German Military Service Office for notifying the next of kin of members of the former German Wehrmacht (WASSt) in Berlin, nor the Berlin Sick Book Depository, had any record of the subject.

The Berlin Document Center advised that it was unable to respond to the Commission's request for information on the subject without further biographical data in addition to his surname.

**On the basis of the foregoing, it is recommended that the file on the subject be closed.**

*CASE NO. 722*

This individual was brought to the attention of the Commission by a private individual, whose source of information was unspecified. It was alleged that the subject under investigation had been a member of the SS.

The Commission requested the departments of Employment and Immigration, the Secretary of State and External Affairs to conduct checks to ascertain whether the subject had entered Canada or applied for citizenship or a passport. All departments reported negative search results.

The Commission confirmed that neither the Berlin Document Center, the Central Information Office of the Federal Archives in Aachen-Kornelimünster, the German Military Service Office for notifying the next of kin of members of the former German Wehrmacht (WASt) in Berlin, nor the Berlin Sick Book Depository, had any record in respect of the subject.

**On the basis of the foregoing, it is recommended that the file on the subject be closed.**

*CASE NO. 723*

Opinion is in abeyance pending results of external checks.

*CASE NO. 724*

Name stricken off Master List.

*CASE NO. 725*

This individual was brought to the attention of the Commission by the RCMP, whose sources of information were various publications by Mr. Simon Wiesenthal and certain newspaper publications and by the Simon Wiesenthal Center in California. It was alleged that this individual had been a police commander and had been involved in the killing of Jews in an Eastern European country in 1941-1943.

The Commission requested the departments of Employment and Immigration, the Secretary of State and External Affairs to conduct checks to ascertain whether the subject had entered Canada or applied for citizenship or a passport. The Department of Employment and Immigration reported that

three individuals having the same surname and a different first name entered Canada in 1951, 1948 and 1948 respectively.

The Department of the Secretary of State reported that these individuals were granted Canadian citizenship in the 1950's. In addition, the department reported that a fourth individual, whose surname and first name matched that of the subject under investigation was also granted Canadian citizenship in the same period. The citizenship application indicated that this individual had entered Canada using the same surname and a variant of his first name in 1950.

The Department of External Affairs reported that the three individuals had been granted Canadian passports.

The Commission conducted CPIC and MVB searches against these individuals. Though the CPIC search response was negative, the MVB search produced positive results. The Commission determined the first, second and fourth individuals noted above were resident in Canada in 1986.

The Commission confirmed that neither the Berlin Document Center, the Central Information Office of the Federal Archives in Aachen-Kornelimüster nor the Berlin Sick Book Depository, had any record of the subject. The Central Office of Land Judicial Authorities for the Investigation of National-Socialist Crimes in Ludwigsburg, West Germany, confirmed only that the fourth individual had been named in a certain publication. The German Military Service Office for notifying the next of kin of members of the former German Wehrmacht (WASt) in Berlin reported that the fourth individual had been a member of the Waffen-SS when he was captured at the end of the war.

On the basis of the available evidence, there is no *prima facie* case of war crimes against the fourth individual noted above. However, for the reasons noted in chapter I-5 of this Report: "Methodology", the Commission did not inquire from the relevant Eastern Bloc authorities whether they might possess some evidence in support of the allegations of war crimes against this individual.

The Commission accordingly *RECOMMENDS* that:

- 1- Historical research ought to be conducted into the activities of the unit to which the fourth individual noted above was attached in order to assist in determining if the activities could have included committing the crimes alleged.**
- 2- Should the Government of Canada not wish, as a matter of policy, to submit the name of the fourth individual noted above to the relevant Eastern Bloc government or to the appropriate archival centres, the file ought to be closed.**

**3- Should, however, the Government of Canada decide to submit the name of the fourth individual noted above to the relevant government, or to the appropriate archival centres, the matter ought then to be re-assessed and a final decision taken, depending upon the results of such inquiry.**

*CASE NO. 726*

Opinion is in Part II, (Confidential), of this Report.

*CASE NO. 727*

This individual was brought to the attention of the Commission by the RCMP, whose source of information was a newspaper article, and also by Mr. Sol Littman and a private individual. It was alleged that the subject was responsible for the execution of Jews in 1941. There were two variations of the subject's name and it was alleged that he subsequently changed his name completely.

The Commission requested the departments of Employment and Immigration, the Secretary of State and External Affairs to conduct checks to ascertain whether the subject had entered Canada or applied for citizenship or a passport under any of the three names. The Department of Employment and Immigration reported that an individual having the same name as the last name allegedly adopted by the subject under investigation entered Canada in 1927. It had no record in respect of the two variations of the subject's name. The Department of the Secretary of State reported that the individual who entered Canada was granted Canadian citizenship in 1932 under a slight variant of the name under which he entered Canada. It had no record in respect of the other two variations of the subject's name. The Department of External Affairs reported that it had no record of any of the names submitted.

The Commission conducted CPIC and MVB searches against the individual who entered Canada with negative results.

The Commission attempted to locate the individual who wrote the newspaper article without success. Moreover, the newspaper itself had ceased to exist.

The Commission confirmed that neither the Central Office of Land Judicial Authorities for the Investigation of National-Socialist Crimes in Ludwigsburg, West Germany, the German Military Service Office for notifying the next of kin of members of the former German Wehrmacht (WASSt) in Berlin, the Central Information Office of the Federal Archives in Aachen-Kornelimünster, nor the Berlin Sick Book Depository, had any record of the subject under either variation of his name on alleged entry into Canada or the name that he allegedly adopted subsequently. In addition, the Berlin Document Center



confirmed that it had no record of the subject under either variation of his name on alleged entry into Canada.

The Commission determined that the individual who entered Canada died in Canada in 1983. A copy of the death certificate has been obtained by the Commission. The certificate indicates that this individual had a different date of birth from the subject under investigation and furthermore that this deceased individual had been born in one Eastern European country whereas the subject under investigation had been born in a different Eastern European country.

**On the basis of the foregoing, it is recommended that the file on the subject be closed.**

*CASE NO. 728*

This individual was brought to the attention of the Commission by the Department of Justice, whose source of information was the authorities of an Eastern Bloc country. There was no specific allegation of involvement in war crimes made against this individual.

The Commission requested the departments of Employment and Immigration, the Secretary of State and External Affairs to conduct checks to ascertain whether the subject had entered Canada or applied for citizenship or a passport. All departments reported negative search results.

The Commission confirmed that neither the Berlin Document Center, the Central Office of Land Judicial Authorities for the Investigation of National-Socialist Crimes in Ludwigsburg, West Germany, the Central Information Office of the Federal Archives in Aachen-Kornelimünster, nor the German Military Service Office for notifying the next of kin of members of the former German Wehrmacht (WASt) in Berlin, had any record in respect of the subject.

**On the basis of the foregoing, it is recommended that the file on the subject be closed.**

*CASE NO. 729*

Name stricken off Master List.

*CASE NO. 730*

This individual was brought to the attention of the Commission by Mr. Sol Littman, the Canadian Jewish Congress and the League for Human Rights of B'nai Brith, Canada. It was alleged that this individual was involved in the publication of an anti-Semitic newspaper in an Eastern European country during World War II. Moreover, the private citizens who were the source of

information for the League for Human Rights of B'nai Brith, Canada, reported that this individual was a Nazi who had been arrested by European liberation forces, and had been tried and imprisoned. Apart from the foregoing, there was no evidence or allegation that this individual had been involved in war crimes.

The Commission requested the departments of Employment and Immigration, the Secretary of State and External Affairs to conduct checks to ascertain whether the subject had entered Canada, or applied for citizenship, or a passport. The Department of Employment and Immigration reported that the subject entered Canada in 1955. The Department of the Secretary of State reported that the subject was granted Canadian citizenship. The Department of External Affairs reported that the subject was subsequently granted Canadian passports.

The Commission conducted CPIC and MVB searches against the subject. The CPIC search response was negative. The MVB search response was positive. The Commission located the subject in Canada in 1986.

The Commission confirmed that neither the Berlin Document Center, the Central Office of Land Judicial Authorities for the Investigation of National-Socialist Crimes in Ludwigsburg, West Germany, the Central Information Office of the Federal Archives in Aachen-Kornelimünster, the German Military Service Office for notifying the next of kin of members of the former German Wehrmacht (WASt) in Berlin, nor the Berlin Sick Book Depository, had any record of the subject.

On the basis of the available evidence, there is no *prima facie* case of war crimes against the subject. However, for the reasons noted in chapter I-5 of this Report: "Methodology", the Commission did not inquire from the relevant Eastern Bloc authorities whether they might possess some evidence in support of the allegations against the subject.

The Commission accordingly *RECOMMENDS* that:

- 1- Should the Government of Canada not wish, as a matter of policy, to submit the name of the subject to the relevant Eastern Bloc governments or to the appropriate archival centres, the file ought to be closed.**
- 2- Should, however, the Government of Canada decide to submit the subject's name to the relevant governments, or to the appropriate archival centres, the matter ought to be re-assessed and a final decision taken depending upon the results of such inquiry.**

#### *CASE NO. 731*

This individual was brought to the attention of the Commission by correspondence addressed to the Department of External Affairs by the authorities of an Eastern Bloc country. It was alleged that this individual ordered the shooting

of seven citizens and the burning of their settlement during the war, and was thereafter resident at a certain city in Canada.

The Commission requested the departments of Employment and Immigration, the Secretary of State and External Affairs to conduct checks to ascertain whether the subject had entered Canada or applied for citizenship or a passport. The Department of Employment and Immigration advised that a person with a similar name entered Canada in 1949. He came to reside in the city specified by officials from the Eastern Bloc. All other search responses were negative.

The Commission contacted the Eastern Bloc officials and requested additional information in respect of the subject's alleged war crimes and entry into Canada. No further information was received in response to the Commission's request.

The Commission confirmed that the immigrant died in Canada in 1982. A copy of the death certificate has been obtained by the Commission.

**On the basis of the foregoing, it is recommended that the file on the subject be closed.**

#### *CASE NO. 732*

This individual was brought to the attention of the Commission by the Canadian Security Intelligence Service (CSIS) in the course of a review it conducted of its files following the establishment of the Commission. It was alleged by a private individual to the Canadian Jewish Congress (CJC) in 1966 that the subject under investigation had admitted killing Jewish girls and eating and selling human flesh. The allegation subsequently came to the attention of CSIS.

The Commission requested the departments of Employment and Immigration, the Secretary of State and External Affairs to conduct checks to ascertain whether the subject had entered Canada or applied for citizenship or a passport. The Department of Employment and Immigration provided reports on seven individuals with the same surname and similar first name who had entered Canada since 1945. The Department of the Secretary of State reported that one of these individuals was granted Canadian citizenship in 1957. The Department of External Affairs reported that this same individual was granted Canadian passports on three occasions. There were no other records of citizenship or passport applications from the other individuals.

The Commission attempted to locate the individual who had submitted the subject's name to the Canadian Jewish Congress in order to assist in establishing the identity of the subject and to obtain additional information, but was unable to do so.

The Commission noted that the original complaint was forwarded to a foreign Minister of Justice, and to four other organizations, one of which referred it to the World Jewish Congress in Montreal. It appears from the material provided by the CJC, (which does not include all of the correspondence that was exchanged between the various parties) that no further action was taken by that organization.

The Commission confirmed that neither the Berlin Document Center, the Central Office of Land Judicial Authorities for the Investigation of National-Socialist Crimes in Ludwigsburg, West Germany, the German Military Service Office for notifying the next of kin of member of the former German Wehrmacht (WASt) in Berlin, the Central Information Office of the Federal Archives in Aachen-Kornelimünster, nor the Berlin Sick Book Depository, had any record of the subject.

The Commission also checked with the United Nations War Crimes Commission and ascertained that an individual with the same surname and a similar first name, but no recorded place or date of birth, was involved in the mass execution of victims in an Eastern European country. In another file, that country's government also charged that an individual with the same surname and similar first name as the subject under investigation was involved in the organization and commission of mass executions. The government further charged that an individual with the same surname and similar first name to that of the subject under investigation was a criminal helper at a specified concentration camp in the latter part of the war.

A West European government charged that an individual with the same surname and similar first name to that of the subject under investigation was involved with another concentration camp and responsible for activities and the deaths of hundreds of workers in salt mines.

For the time being, the whole matter is shrouded in a cloud of possibilities and similarities between the subject, seven immigrants to Canada and four individuals denounced by the two separate governments. Either these should be clarified, or the file ought to be closed. Unfortunately, the time constraints have not permitted the Commission to launch those various inquiries.

The Commission accordingly *RECOMMENDS* that:

**1- In order to clear up the uncertainties which clutter this file, the following steps should be taken:**

- a) the one immigrant who has become a Canadian citizen should be summoned by the appropriate authorities for interrogation on his wartime activities and his statements for purposes of immigration to Canada and citizenship.
- b) the Government of Canada should obtain from the relevant Eastern Bloc government and from the West European government the specific given names, dates and places of birth of

**the four individuals against whom they have laid charges in the United Nations War Crimes Commission and whose surname is identical to that of the subject under investigation.**

**2- Should the Government of Canada not wish to start those inquiries, the file should be closed.**

**3- Should the Government of Canada decide to proceed, the matter ought to be re-assessed and a final decision taken depending upon the results of such inquiries.**

*CASE NO. 733*

This individual was brought to the attention of the Commission by B'nai Brith, whose source of information was a private individual. There was no specific allegation of war crimes against the subject under investigation.

The Commission requested the departments of Employment and Immigration, the Secretary of State and External Affairs to conduct checks to ascertain whether the subject had entered Canada or applied for citizenship or a passport. The Department of Employment and Immigration provided reports on twelve individuals with the same surname and a similar first name who had entered Canada since 1945. The departments of the Secretary of State and External Affairs reported that they had no records in respect of the subject.

The Commission subsequently learned that the subject under investigation and the complainant were related by marriage and that the complainant had allegedly threatened to ruin the subject financially some years ago.

The Commission confirmed that neither the Berlin Document Center, nor the Central Office of Land Judicial Authorities for the Investigation of National-Socialist Crimes in Ludwigsburg, West Germany, had any record of the subject.

**On the basis of the foregoing, it is recommended that the file on the subject be closed.**

*CASE NO. 734*

Name stricken off Master List.

*CASE NO. 735*

This individual was brought to the attention of the Commission by the RCMP, whose source of information was a private individual. It was alleged that the subject under investigation might be a war criminal and had changed his name prior to coming to Canada.

The Commission requested the departments of Employment and Immigration, the Secretary of State and External Affairs to conduct checks to ascertain whether the subject had entered Canada or applied for citizenship or a passport. The Department of Employment and Immigration reported that the subject entered Canada in 1953. The Department of the Secretary of State reported that the subject was granted Canadian citizenship. The Department of External Affairs reported that it had no record of the subject.

The Commission conducted CPIC and MVB searches against the subject. Though the CPIC search response was negative, the MVB search produced positive results. The Commission determined the subject to be resident in Canada in 1986.

The Commission confirmed that neither the Berlin Document Center, the Central Office of Land Judicial Authorities for the Investigation of National-Socialist Crimes in Ludwigsburg, West Germany, the Central Information Office of the Federal Archives in Aachen-Kornelimünster, the German Military Service Office for notifying the next of kin of members of the former German Wehrmacht (WASt) in Berlin, nor the Berlin Sick Book Depository, had any record of the subject under either his current or alleged previous names.

**On the basis of the foregoing, it is recommended that the file on the subject be closed.**

#### *CASE NO. 736*

This individual was brought to the attention of the Commission by the RCMP, whose source of information was the Canadian Jewish Congress. It was alleged that the subject under investigation had made references to his Nazi background and had made comments regarding the extermination of Jews.

The Commission requested the departments of Employment and Immigration, the Secretary of State and External Affairs to conduct checks to ascertain whether the subject had entered Canada or applied for citizenship or a passport. All departments reported negative search results.

The Commission conducted CPIC and MVB searches against the subject with negative results.

The Commission confirmed that neither the Berlin Document Center, the Central Office of Land Judicial Authorities for the Investigation of National-Socialist Crimes in Ludwigsburg, West Germany, the Central Information Office of the Federal Archives in Aachen-Kornelimünster, the German Military Service Office for notifying the next of kin of members of the former German Wehrmacht (WASt) in Berlin, nor the Berlin Sick Book Depository, had any record of the subject.

The Commission attempted to locate the individual who submitted the subject's name to the Canadian Jewish Congress but was unable to do so.

**On the basis of the foregoing, it is recommended that the file on the subject be closed.**

*CASE NO. 737*

This individual was brought to the attention of the Commission by correspondence addressed to the Honourable Robert Kaplan, P.C., M.P., by Mr. Simon Wiesenthal. The correspondence contained no specific allegation or evidence that the subject had been involved in war crimes, apart from Mr. Wiesenthal's assertion that he was a member of the Galicia Division of the Waffen-SS. In addition, the correspondence contained no evidence that the subject had entered Canada.

The Commission requested the departments of Employment and Immigration, the Secretary of State and External Affairs to conduct checks to ascertain whether the subject had entered Canada or applied for citizenship or a passport. All search responses were negative.

The Commission was advised by the Berlin Document Center that it had a record of the subject which confirmed only his membership in the Galicia Division of the Waffen-SS.

The Commission requested Mr. Wiesenthal to provide additional information with respect to the subject, and was advised that he was unable to do so.

**On the basis of the foregoing, it is recommended that the file on the subject be closed.**

*CASE NO. 738*

This individual was brought to the attention of the Commission by the Canadian Jewish Congress, whose source of information was a private individual. No specific war crimes were alleged against the subject under investigation.

The Commission requested the departments of Employment and Immigration, the Secretary of State and External Affairs to conduct checks to ascertain whether the subject had entered Canada or applied for citizenship or a passport. All departments reported negative search results.

The Commission conducted CPIC and MVB searches against the subject with negative results. Further investigations revealed that the subject was resident in Canada in 1986.

The Commission confirmed that neither the Berlin Document Center, the Central Office of Land Judicial Authorities for the Investigation of National-

Socialist Crimes in Ludwigsburg, West Germany, the Central Information Office of the Federal Archives in Aachen-Kornelimünster, the German Military Service Office for notifying the next of kin of members of the former German Wehrmacht (WASSt) in Berlin, nor the Berlin Sick Book Depository, had any record of the subject.

**On the basis of the foregoing, it is recommended that the file on the subject be closed.**

*CASE NO. 738.1*

Opinion is in abeyance pending results of external checks.

*CASE NO. 739*

This individual was brought to the attention of the Commission by correspondence addressed to the Honourable Robert Kaplan, P.C., M.P., by Mr. Simon Wiesenthal. The correspondence contained no specific allegation or evidence that the subject had been involved in war crimes, apart from Mr. Wiesenthal's assertion that he was a member of the Galicia Division of the Waffen-SS. In addition, the correspondence contained no evidence that the subject had entered Canada.

The Commission requested the departments of Employment and Immigration, the Secretary of State and External Affairs to conduct checks to ascertain whether the subject had entered Canada or applied for citizenship or a passport. All search responses were negative.

The Commission was advised by the Berlin Document Center that it had a record of the subject which confirmed only his membership in the Galicia Division of the Waffen-SS.

The Commission requested Mr. Wiesenthal to provide additional information with respect to the subject, and was advised that he was unable to do so.

Lastly, a foreign publication indicates the subject died in another country in 1981.

**On the basis of the foregoing, it is recommended that the file on the subject be closed.**

*CASE NO. 740*

This individual was brought to the attention of the Commission by correspondence addressed to the Department of External Affairs by the authorities of an Eastern Bloc country. It was alleged that this individual participated in the shooting of citizens of an Eastern European country during the war, and was thereafter resident under a new name at a specified address in Canada.



The Commission requested the departments of Employment and Immigration, the Secretary of State and External Affairs to conduct checks to ascertain whether the subject had entered Canada or applied for citizenship or a passport. All search responses with regard to the original name were negative.

The Department of Employment and Immigration reported that a person using the alleged new name entered Canada in 1953. The Department of the Secretary of State reported that this immigrant was granted Canadian citizenship in 1958 and came to reside in the town indicated by the relevant authorities.

The Commission received documentation from the Berlin Document Center which confirms, in large part, the allegations made against the subject under his original name.

The Commission contacted the relevant Eastern Bloc officials and requested additional information in respect of the subject's alleged war crimes and entry into Canada. No further information was received in response to the Commission's request.

The Commission has also confirmed that the immigrant, who may have been the subject, died in Canada in 1982. A copy of the death certificate has been obtained by the Commission.

The Commission can conclude only that either the subject never entered Canada or the one person who may have been he, has died.

**On the basis of the foregoing, it is recommended that the file on the subject be closed.**

#### *CASE NO. 741*

This individual was brought to the attention of the Commission by the RCMP, whose source of information was a document inviting certain people to join a Canadian National Socialist Party. There was no specific allegation of involvement in war crimes made against the subject under investigation.

In order to ascertain if the subject under investigation was Canadian-born or an immigrant, the Commission requested the departments of Employment and Immigration, the Secretary of State and External Affairs to conduct checks to ascertain whether the subject had entered Canada or applied for citizenship or a passport. The Department of Employment and Immigration reported that the subject entered Canada in 1951. The Department of the Secretary of State reported that the subject was granted Canadian citizenship in 1957. The Department of External Affairs reported that the subject was subsequently granted Canadian passports.

The Commission conducted CPIC and MVB searches against the subject. Though the CPIC search response was negative, the MVB search produced

positive results. The Commission determined the subject to be resident in Canada in 1986.

The Commission confirmed that neither the Berlin Document Center, the Central Office of Land Judicial Authorities for the Investigation of National-Socialist Crimes in Ludwigsburg, West Germany, nor the Central Information Office of the Federal Archives in Aachen-Kornelimünster, had any record of the subject under either his current or alleged previous names. The German Military Service Office for notifying the next of kin of members of the former German Wehrmacht (WASt) in Berlin, and the Berlin Sick Book Depository reported that they had records of the subject which confirmed only his membership in the Luftwaffe (air force).

**On the basis of the foregoing, it is recommended that the file on the subject be closed.**

#### *CASE NO. 742*

This individual was brought to the attention of the Commission by correspondence addressed to the Honourable Robert Kaplan, P.C., M.P., by Mr. Simon Wiesenthal. The correspondence contained no specific allegation or evidence that the subject had been involved in war crimes, apart from Mr. Wiesenthal's assertion that he was a member of the Galicia Division of the Waffen-SS. In addition, the correspondence contained no evidence that the subject had entered Canada.

The Commission requested the departments of Employment and Immigration, the Secretary of State and External Affairs to conduct checks to ascertain whether the subject had entered Canada or applied for citizenship or a passport. All search responses were negative.

The Commission was advised by the Berlin Document Center that it had a record of the subject which confirmed that he was in a particular military group and either fought or was trained in a West European country, in addition to his membership in the Galicia Division of the Waffen-SS.

The Commission requested Mr. Wiesenthal to provide additional information with respect to the subject, and was advised that he was unable to do so.

**Evidence of landing would have justified further investigation of the subject's activities; since, however, there is no evidence that the subject ever set foot in Canada, it is recommended that the file on the subject be closed.**

#### *CASE NO. 743*

This individual was brought to the attention of the Commission by the Canadian Security Intelligence Service (CSIS) in the course of a review it

conducted of its files following the establishment of this Commission. There was no allegation of war crimes in the file.

The Commission requested the departments of Employment and Immigration, the Secretary of State and External Affairs to conduct checks to ascertain whether the subject had entered Canada or applied for citizenship or a passport. All departments reported negative search results.

The Commission confirmed that the Berlin Document Center had no record in respect of the subject.

**On the basis of the foregoing, it is recommended that the file on the subject be closed.**

*CASE NO. 744*

This individual was brought to the attention of the Commission by the Department of Justice, whose source of information was the Canadian Jewish Congress. There was no specific allegation of involvement in war crimes made against this individual.

The Commission requested the departments of Employment and Immigration, the Secretary of State and External Affairs to conduct checks to ascertain whether the subject had entered Canada or applied for citizenship or a passport. The Department of Employment and Immigration reported that the subject entered Canada in 1950. The Department of External Affairs reported that the subject requested the renewal of his foreign passport in 1952. The Department of the Secretary of State reported that the subject was granted Canadian citizenship in 1982.

The Commission confirmed that neither the Berlin Document Center nor the Central Office of Land Judicial Authorities for the Investigation of National-Socialist Crimes in Ludwigsburg, West Germany, had any record in respect of the subject.

The Commission determined that the subject died in Canada in 1984. A copy of the death certificate has been obtained by the Commission.

**On the basis of the foregoing, it is recommended that the file on the subject be closed.**

*CASE NO. 745*

This individual was brought to the attention of the Commission by the RCMP, whose source of information was Mr. Simon Wiesenthal. There was no specific allegation of involvement in war crimes made against the subject under investigation.

The Commission requested the departments of Employment and Immigration, the Secretary of State and External Affairs to conduct checks to ascertain whether the subject had entered Canada or applied for citizenship or a passport. The Department of Employment and Immigration initially reported that it had no record in respect of the subject. The Department of the Secretary of State reported that the subject was granted a miniature Canadian citizenship certificate in 1960. He indicated in his application that he had been previously granted Canadian citizenship under another name and later that year had legally changed his name to the name that this Commission was investigating. Citizenship records confirmed this. When the Commission provided this information to the Department of Employment and Immigration, that department confirmed that the subject had entered Canada under the earlier name in 1951. The Department of External Affairs reported that the subject was subsequently granted Canadian passports.

The Commission conducted CPIC and MVB searches against the subject. Though the CPIC search response was negative, the MVB search produced positive results. The Commission determined the subject to be resident in Canada in 1986.

The Commission confirmed that neither the Berlin Document Center, the Central Office of Land Judicial Authorities for the Investigation of National-Socialist Crimes in Ludwigsburg, West Germany, nor the Central Information Office of the Federal Archives in Aachen-Kornelimünster, had any record of the subject under his previous name. The German Military Service Office for notifying the next of kin of members of the former German Wehrmacht (WASt) in Berlin, and the Berlin Sick Book Depository advised that they had records of the subject which confirmed only his membership in the Wehrmacht (regular army).

**On the basis of the foregoing, it is recommended that the file on the subject be closed.**

*CASE NO. 746*

Opinion is in abeyance pending results of external checks.

*CASE NO. 747*

This individual was brought to the attention of the Commission by the Canadian Jewish Congress, whose source of information was a private individual. There was no specific allegation of involvement in war crimes made against the subject under investigation.

The Commission requested the departments of Employment and Immigration, the Secretary of State and External Affairs to conduct checks to ascertain whether the subject had entered Canada or applied for citizenship or a passport. The Department of Employment and Immigration reported that the

subject entered Canada in 1961. The Department of the Secretary of State reported that the subject was granted Canadian citizenship in 1966. The Department of External Affairs reported that it had no record of the subject.

The Commission conducted CPIC and MVB searches against the subject. Both search responses were negative. Through other investigations, the Commission determined that the subject was resident in Canada in 1986.

The Commission confirmed that neither the Berlin Document Center, the Central Office of Land Judicial Authorities for the Investigation of National-Socialist Crimes in Ludwigsburg, West Germany, nor the Central Information Office of the Federal Archives in Aachen-Kornelimünster, had any record of the subject. The Berlin Sick Book Depository and the German Military Service Office for notifying the next of kin of members of the former German Wehrmacht (WASt) in Berlin, reported that they had records of the subject which confirmed only his membership in certain defence units.

**On the basis of the foregoing, it is recommended that the file on the subject be closed.**

#### *CASE NO. 748*

This individual was brought to the attention of the Commission by the RCMP, whose source of information was a private individual. It was alleged that the subject under investigation had admitted participating in atrocities against Jews in an Eastern European city during the war.

The Commission requested the departments of Employment and Immigration, the Secretary of State and External Affairs to conduct checks to ascertain whether the subject had entered Canada or applied for citizenship or a passport. The Department of Employment and Immigration reported that a person corresponding to the information provided by the RCMP's source in some but not all respects entered Canada in 1954. The Department of the Secretary of State reported that this same person was granted Canadian citizenship in 1960. The Department of External Affairs reported that this same person was subsequently granted Canadian passports. None of these departments had any record of a person corresponding in every detail to the information provided to the RCMP.

The Commission confirmed that neither the Berlin Document Center, the Central Office of Land Judicial Authorities for the Investigation of National-Socialist Crimes in Ludwigsburg, West Germany, the Central Information Office of the Federal Archives in Aachen-Kornelimünster, nor the Berlin Sick Book Depository, had any record of the person who entered Canada. The German Military Service Office for notifying the next of kin of members of the former German Wehrmacht (WASt) in Berlin, confirmed only that the person who entered Canada had been a member of Wehrmacht.

The Commission has now determined that the subject left Canada permanently for another country between 1981 and 1983.

The Commission accordingly *RECOMMENDS* that:

- 1- The Government of Canada should pass on to the relevant authorities of that other country, the information contained in this report.**
- 2- Subject to the foregoing, the file on the subject should be closed.**

*CASE NO. 749*

This individual was brought to the attention of the Commission by a private citizen, who alleged that the subject had been a member of the Gestapo and had killed many Jews.

The Commission requested the departments of Employment and Immigration, the Secretary of State and External Affairs to conduct checks to ascertain whether the subject had entered Canada or applied for citizenship or a passport. The Department of Employment and Immigration reported that a person with a similar name entered Canada in 1954. The Department of the Secretary of State reported that the immigrant was granted Canadian citizenship in 1970. The Department of External Affairs reported that the citizen was subsequently granted a Canadian passport.

The Commission conducted MVB and other checks and determined the citizen to be resident in Canada in 1986.

The Commission interviewed the citizen who submitted the subject's name to the Commission and obtained no additional information relevant to the Commission's inquiries.

The Commission confirmed that neither the Central Office of Land Judicial Authorities for the Investigation of National-Socialist Crimes in Ludwigsburg, the Central Information Office of the Federal Archives in Aachen-Kornelimünster, West Germany, nor the Berlin Sick Book Depository had any record in respect of the subject.

The Berlin Document Center reported that it required more details to conduct a search as the name was a fairly common one. The German Military Service Office for notifying the next of kin of members of the former German Wehrmacht (WASt) in Berlin, reported that the man who later emigrated to Canada served in no military unit during the war but was registered in a civil context at the very end of the war. Documentation confirms the man's rather recent date of birth in 1928.

The Commission reviewed a United Nations War Crimes Commission file pertaining to a person bearing the surname of the subject, but indicating no given names. The file indicated that this man had been an SS officer who

served with specific units and who was being investigated for murder and other crimes. Perhaps the UNWCC investigation is of the person against whom the allegations of war crimes are made, but it bears no relevance to the person who entered Canada.

**On the basis of the foregoing, it is recommended that the file on the subject be closed.**

*CASE NO. 750*

This individual was brought to the attention of the Commission by correspondence addressed to the Honourable Robert Kaplan, P.C., M.P., by Mr. Simon Wiesenthal. The correspondence contained no specific allegation or evidence that the subject had been involved in war crimes, apart from Mr. Wiesenthal's assertion that he was a member of the Galicia Division of the Waffen-SS. In addition, the correspondence contained no evidence that the subject had entered Canada.

The Commission requested the departments of Employment and Immigration, the Secretary of State and External Affairs to conduct checks to ascertain whether the subject had entered Canada or applied for citizenship or a passport. All search responses were negative.

The Commission was advised by the Berlin Document Center that it had a record of the subject which confirmed his membership in the Galicia Division of the Waffen-SS and that he was reported missing in action.

The Commission requested Mr. Wiesenthal to provide additional information with respect to the subject, and was advised that he was unable to do so.

**On the basis of the foregoing, it is recommended that the file on the subject be closed.**

*CASE NO. 751*

This individual was brought to the attention of the Commission by correspondence addressed to the Honourable Robert Kaplan, P.C., M.P., by Mr. Simon Wiesenthal. The correspondence contained no specific allegation or evidence that the subject had been involved in war crimes apart from Mr. Wiesenthal's assertion that he was a member of the Galicia Division of the Waffen-SS. In addition, the correspondence contained no evidence that the subject had entered Canada.

The Commission requested the departments of Employment and Immigration, the Secretary of State and External Affairs to conduct checks to ascertain whether the subject had entered Canada or applied for citizenship or a passport. The Commission also conducted CPIC and MVB searches. All search

responses were negative, save for one possibility which was ruled out for several reasons after thorough investigation.

The Commission was advised by the Berlin Document Center and the German Military Service Office for notifying the next of kin of members of the former German Wehrmacht (WASSt) in Berlin that they had a record of the subject which confirmed his membership in the Galicia Division of the Waffen-SS, and other personal information. The Berlin Sick Book Depository advised that the subject spent a month in hospital in a Civilian Internment Camp in 1946, with no further details.

The Commission confirmed that neither the Central Office of Land Judicial Authorities for the Investigation of National-Socialist Crimes in Ludwigsburg, West Germany, nor the Central Information Office of the Federal Archives in Aachen-Kornelimünster, had any record in respect of the subject.

The Commission requested Mr. Wiesenthal to provide additional information with respect to the subject, and was advised that he was unable to do so.

**On the basis of the foregoing, it is recommended that the file on the subject be closed.**

*CASE NO. 751.1*

Opinion is in abeyance pending results of external checks.

*CASE NO. 752*

This individual was brought to the attention of the Commission by Mr. Sol Littman. Mr. Littman alleged that the subject was involved in the organization of the Halychyna Division. Mr. Littman provided no evidence of specific war crimes.

The Commission requested the departments of Employment and Immigration, the Secretary of State and External Affairs to ascertain whether the subject had entered Canada or applied for citizenship or a passport. The Department of Employment and Immigration advised that the subject entered Canada in 1949. The Department of the Secretary of State advised that the subject was granted Canadian citizenship. The Department of External Affairs advised that the subject did not obtain a Canadian passport.

The Commission was advised by the Berlin Document Center that it had no record on the subject.

The Commission has also confirmed that the subject died in Canada in 1969. A copy of the death certificate has been obtained by the Commission.

**On the basis of the foregoing, it is recommended that the file on the subject be closed.**



*CASE NO. 753*

This individual was brought to the attention of the Commission by correspondence addressed to the Honourable Robert Kaplan, P.C., M.P., by Mr. Simon Wiesenthal. The correspondence contained no specific allegation or evidence that the subject had been involved in war crimes, apart from Mr. Wiesenthal's assertion that he was a member of the Galicia Division of the Waffen-SS. In addition, the correspondence contained no evidence that the subject had entered Canada.

The Commission requested the departments of Employment and Immigration, the Secretary of State and External Affairs to conduct checks to ascertain whether the subject had entered Canada or applied for citizenship or a passport. All search responses were negative.

The Commission was advised by the Berlin Document Center that it had a record of the subject which confirmed only his membership in the Galicia Division of the Waffen-SS.

The Commission requested Mr. Wiesenthal to provide additional information with respect to the subject, and was advised that he was unable to do so.

**On the basis of the foregoing, it is recommended that the file on the subject be closed.**

*CASE NO. 754*

This individual was brought to the attention of the Commission by correspondence addressed to the Honourable Robert Kaplan, P.C., M.P., by Mr. Simon Wiesenthal. The correspondence contained no specific allegation or evidence that the subject had been involved in war crimes, apart from Mr. Wiesenthal's assertion that he was a member of the Galicia Division of the Waffen-SS. In addition, the correspondence contained no evidence that the subject had entered Canada.

The Commission requested the departments of Employment and Immigration, the Secretary of State and External Affairs to conduct checks to ascertain whether the subject had entered Canada or applied for citizenship or a passport. All search responses were negative.

The Commission was advised by the Berlin Document Center that it had a record of the subject which confirmed only his membership in the Galicia Division of the Waffen-SS.

The Commission requested Mr. Wiesenthal to provide additional information with respect to the subject, and was advised that he was unable to do so.

**On the basis of the foregoing, it is recommended that the file on the subject be closed.**

CASE NO. 755

This individual was brought to the attention of the Commission by the RCMP, whose source of information was a private individual. There was no specific allegation of involvement in war crimes made against the subject under investigation.

The Commission requested the departments of Employment and Immigration, the Secretary of State and External Affairs to conduct checks to ascertain whether the subject had entered Canada or applied for citizenship or a passport. The Department of Employment and Immigration reported that an individual with a similar surname and identical first name entered Canada in 1983. The departments of the Secretary of State and External Affairs reported that they had no record of the subject.

The Commission conducted CPIC and MVB searches against the subject with negative results. Through other investigations, the Commission determined that the subject was resident in Canada in 1986.

The Commission confirmed that neither the Berlin Document Center, the Central Office of Land Judicial Authorities for the Investigation of National-Socialist Crimes in Ludwigsburg, West Germany, the Central Information Office of the Federal Archives in Aachen-Kornelimünster, nor the Berlin Sick Book Depository, had any record of the subject or the individual who entered Canada. The German Military Service Office for notifying the next of kin of members of the former German Wehrmacht (WASt) in Berlin reported that it had records which confirmed only that the individual who entered Canada was a member of the Wehrmacht.

The Commission also checked with the United Nations War Crimes Commission and ascertained that a West European government alleged that an individual with an identical surname to that of the individual who entered Canada, but with no first name or date or place of birth, participated in mass murder and other crimes largely against the Resistance and had been in custody at one time. That government also alleged that a similarly described individual participated in 1944 in the arrest, torture and murder of Jews and members of the Resistance.

Finally, the same government alleged that an individual having a similar surname to that of the individual who entered Canada, but with no first name or date or place of birth, personally ordered the death without warning of a civilian in 1944.

The connection between those charges and the subject is flimsy and more information is obviously essential.

The Commission accordingly *RECOMMENDS* that:

- 1- The subject should be summoned by the appropriate authorities for interrogation on his wartime activities.**
- 2- The Government of Canada should submit a request to the relevant West European government in order to ascertain the given name and the date and place of birth of the individuals who bear a surname identical or similar to that of the subject and against whom the West European government has alleged instances of torture and mass murder.**
- 3- The matter should be re-assessed and a final decision taken, depending upon the results of those inquiries.**

*CASE NO. 756*

This individual was brought to the attention of the Commission by correspondence addressed to the Honourable Robert Kaplan, P.C., M.P., by Mr. Simon Wiesenthal. The correspondence contained no specific allegation or evidence that the subject had been involved in war crimes, apart from Mr. Wiesenthal's assertion that he was a member of the Galicia Division of the Waffen-SS. In addition, the correspondence contained no evidence that the subject had entered Canada.

The Commission requested the departments of Employment and Immigration, the Secretary of State and External Affairs to conduct checks to ascertain whether the subject had entered Canada or applied for citizenship or a passport. All search responses were negative.

The Commission was advised by the Berlin Document Center that it had no record in respect of the subject.

The Commission requested Mr. Wiesenthal to provide additional information with respect to the subject, and was advised that he was unable to do so.

**On the basis of the foregoing, it is recommended that the file on the subject be closed.**

*CASE NO. 757*

This individual was brought to the attention of the Commission by the RCMP, whose source of information was correspondence addressed to the Honourable Robert Kaplan, P.C., M.P., by Mr. Simon Wiesenthal. The correspondence contained no specific allegation or evidence that the subject committed war crimes apart from Mr. Wiesenthal's assertion that the subject had been a member of the Galicia Division of the Waffen-SS.

The Commission requested the departments of Employment and Immigration, the Secretary of State and External Affairs to conduct checks to ascertain whether the subject had entered Canada or applied for citizenship or a

passport. The Department of Employment and Immigration reported that a person with a similar name entered Canada in 1951. However, his date of birth differs by seven years. The departments of the Secretary of State and External Affairs reported they had no record of either the immigrant or the subject.

The Commission was advised by the Berlin Document Center, the Central Information Office of the Federal Archives in Aachen-Kornelimünster, West Germany, as well as the German Military Service Office for notifying the next of kin of members of the former German Wehrmacht (WASt) in Berlin, that they had records of the subject which confirmed his membership in the Galicia Division of the Waffen-SS. They also included a Missing in Action report for the subject.

The Commission confirmed that neither the Central Office of Land Judicial Authorities for the Investigation of National-Socialist Crimes in Ludwigsburg, West Germany, nor the Berlin Sick Book Depository, had any record of the subject.

The Commission asked Mr. Wiesenthal to provide additional information with respect to the subject and was advised that he was unable to do so.

On the basis of the foregoing, no evidence of participation in or knowledge of specific war crimes beyond membership in the Galicia Division is available. Without such evidence, mere membership in the Galicia Division is insufficient to establish a *prima facie* case for the Commission's purposes, as discussed in chapter I-8 of this Report (see finding no. 59). Further, it seems likely the subject never survived the war and that the immigrant to Canada is a different man.

**The Commission accordingly recommends that the file on the subject be closed.**

#### *CASE NO. 758*

This individual was brought to the attention of the Commission by correspondence addressed to the Honourable Robert Kaplan, P.C., M.P., by Mr. Simon Wiesenthal. The correspondence contained no specific allegation or evidence that the subject had been involved in war crimes, apart from Mr. Wiesenthal's assertion that he was a member of the Galicia Division of the Waffen-SS. In addition, the correspondence contained no evidence that the subject had entered Canada.

The Commission requested the departments of Employment and Immigration, the Secretary of State and External Affairs to conduct checks to ascertain whether the subject had entered Canada or applied for citizenship or a passport. All search responses were negative.

The Commission was advised by the Berlin Document Center that it had a record of the subject which confirmed only his membership in the Galicia Division of the Waffen-SS.

The Commission requested Mr. Wiesenthal to provide additional information with respect to the subject, and was advised that he was unable to do so.

**On the basis of the foregoing, it is recommended that the file on the subject be closed.**

*CASE NO. 759*

Name stricken off Master List.

*CASE NO. 759.1*

Opinion is in abeyance pending results of external checks.

*CASE NO. 760*

This individual was brought to the attention of the Commission by the RCMP, whose source of information was a list of alleged war criminals that was submitted to the Department of External Affairs by the authorities of an Eastern Bloc country. The subject was alleged to have served in a "punitive detachment" and participated in reprisals against civilians. The subject was alleged to be living at an unspecified address in Canada. No specific evidence of the alleged war crimes was provided.

Checks with the departments of Employment and Immigration, the Secretary of State and External Affairs revealed that the subject entered Canada in 1949. The Department of the Secretary of State advised that the subject was granted Canadian citizenship. The Department of External Affairs advised that the subject obtained a Canadian passport.

The Commission has confirmed that the Berlin Document Centre has no record on the subject. The Commission was advised by the Central Office of Land Judicial Authorities for the Investigation of National-Socialist Crimes in Ludwigsburg, West Germany, that its record on the subject indicates only that the subject was named as an alleged war criminal by Mr. Simon Wiesenthal. The Commission asked for, but did not receive, further information from Mr. Wiesenthal.

The Commission has also confirmed that the subject died in Canada in 1983. A copy of the death certificate has been obtained by the Commission.

**On the basis of the foregoing, it is recommended that the file on the subject be closed.**

*CASE NO. 761*

Name stricken off Master List.

*CASE NO. 762*

This individual was brought to the attention of the Commission by correspondence addressed to the Department of External Affairs by the authorities of an Eastern Bloc country. It was alleged that this individual had participated in the execution of citizens and Jewish persons in an Eastern European country during the war, and was thereafter resident at a specified address in Canada.

The Commission requested the departments of Employment and Immigration, the Secretary of State and External Affairs to conduct checks to ascertain whether the subject had entered Canada or applied for citizenship or a passport. The Commission also conducted CPIC, MVB and other searches. All search responses were negative.

The Commission's efforts to locate the subject at the address specified in Canada produced negative results.

The Commission contacted the relevant country's officials and requested additional information in respect of the subject's alleged war crimes and entry into Canada. No further information was received in response to the Commission's request.

**On the basis of the foregoing, it is recommended that the file on the subject be closed.**

*CASE NO. 763*

Opinion is in abeyance pending results of external checks.

*CASE NO. 764*

This individual was brought to the attention of the Commission by the Canadian Security Intelligence Service (CSIS) in the course of a review it conducted of its files following the establishment of this Commission. There was no allegation of war crimes in the file.

The Commission requested the departments of Employment and Immigration, the Secretary of State and External Affairs to conduct checks to ascertain whether the subject had entered Canada or applied for citizenship or a passport. All departments reported negative search results.

The Commission confirmed that the Berlin Document Center had no record in respect of the subject.

**On the basis of the foregoing, it is recommended that the file on the subject be closed.**

*CASE NO. 765*

This individual was brought to the attention of the Commission by Mr. Sol Littman. Mr. Littman alleged that the subject took part in the shooting of citizens in Eastern Europe in 1942. When contacted by the Commission, Mr. Littman advised that he was unable to provide any further information or evidence.

The Commission requested the departments of Employment and Immigration, the Secretary of State and External Affairs to conduct checks to ascertain whether the subject had entered Canada or applied for citizenship or a passport. The results of these checks were negative.

Further checks of police and motor vehicle registration records were also negative.

The Commission confirmed that neither the Berlin Document Center, the Central Office of Land Judicial Authorities for the Investigation of National-Socialist Crimes in Ludwigsburg, the Central Information Office of the Federal Archives in Aachen-Kornelimünster, West Germany, the German Military Service Office for notifying the next of kin of members of the former German Wehrmacht (WASt) in Berlin, nor the Berlin Sick Book Depository, had any record of the subject.

On the basis of the foregoing, no evidence of entry into Canada or participation in or knowledge of specific war crimes is available.

**The Commission accordingly recommends that the file on the subject be closed.**

*CASE NO. 766*

Opinion is in Part II, (Confidential), of this Report.

*CASE NO. 767*

This individual was brought to the attention of the Commission by correspondence addressed to the Honourable Robert Kaplan, P.C., M.P., by Mr. Simon Wiesenthal. The correspondence contained no specific allegation or evidence that the subject had been involved in war crimes, apart from Mr. Wiesenthal's assertion that he was a member of the Galicia Division of the Waffen-SS. In addition, the correspondence contained no evidence that the subject had entered Canada.

The Commission requested the departments of Employment and Immigration, the Secretary of State and External Affairs to conduct checks to ascertain whether the subject had entered Canada or applied for citizenship or a passport. All search responses were negative.

The Commission was advised by the Berlin Document Center that it had a record of the subject which confirmed only his membership in the Galicia Division of the Waffen-SS.

The Commission requested Mr. Wiesenthal to provide additional information with respect to the subject, and was advised that he was unable to do so.

**On the basis of the foregoing, it is recommended that the file on the subject be closed.**

#### *CASE NO. 768*

This individual was brought to the attention of the Commission by the RCMP, whose sources of information were certain newspaper publications. It was alleged that this individual had been involved in killings at a particular concentration camp in an Eastern European country.

The Commission requested the departments of Employment and Immigration, the Secretary of State and External Affairs to conduct checks to ascertain whether the subject had entered Canada or applied for citizenship or a passport. The Department of Employment and Immigration reported that the subject entered Canada in 1951. The Department of the Secretary of State reported that the subject was granted Canadian citizenship in 1957. The response from the Department of External Affairs was negative.

The Commission conducted CPIC and MVB searches against the subject with negative results. Nevertheless, the Commission determined the subject to be resident in Canada in 1985.

The Commission confirmed that neither the Berlin Document Center, the Central Office of Land Judicial Authorities for the Investigation of National-Socialist Crimes in Ludwigsburg, West Germany, the German Military Service Office for notifying the next of kin of members of the former German Wehrmacht (WASt) in Berlin, the Central Information Office of the Federal Archives in Aachen-Kornelimünster, nor the Berlin Sick Book Depository, had any record of the subject.

On the basis of the available evidence, there is no *prima facie* case of war crimes against the subject. However, for the reasons noted in chapter I-5 of this Report: "Methodology", the Commission did not inquire of Eastern Bloc authorities whether they might possess some evidence in support of the allegations of war crimes against the subject.

The Commission accordingly **RECOMMENDS** that:



- 1- Should the Government of Canada not wish, as a matter of policy, to submit the name of the subject to the relevant Eastern Bloc government or to the appropriate archival centres, the file ought to be closed.**
- 2- Should, however, the Government of Canada decide to submit the subject's name to the relevant government, or to the appropriate archival centres, the matter ought then to be re-assessed and a final decision taken, depending upon the results of such inquiry.**

*CASE NO. 769*

This individual was brought to the attention of the Commission by the RCMP, whose source of information was Mr. Simon Wiesenthal. It was alleged that the subject under investigation had been a member of a paramilitary organization and had been convicted in an Eastern European country during the war.

The Commission requested the departments of Employment and Immigration, the Secretary of State and External Affairs to conduct checks to ascertain whether the subject had entered Canada or applied for citizenship or a passport. The Department of Employment and Immigration reported that the subject entered Canada in 1949. The Department of the Secretary of State reported that the subject was granted Canadian citizenship in 1955. The Department of External Affairs reported that it had no record in respect of the subject.

The Commission conducted CPIC and MVB searches against the subject. Though the CPIC search response was negative, the MVB search produced positive results. The Commission determined the subject to be resident in Canada in 1986.

The Commission wrote to the Department of External Affairs in 1985 requesting it to obtain any information on the public record in the relevant country of the alleged conviction of the subject under investigation. Despite repeated requests from the Department of External Affairs, at the time of writing there has been no response to that request from the government of that country.

In addition, in 1985 the Commission wrote to the Centre de documentation juive contemporaine in Paris requesting any information that the centre had on the activities of the particular paramilitary organization in general and a number of named individuals, including the subject under investigation. There was no response to that letter.

The Commission confirmed that neither the Berlin Document Center nor the Central Office of Land Judicial Authorities for the Investigation of National-Socialist Crimes in Ludwigsburg, West Germany, had a record in respect of the subject.

On the basis of the available evidence, there is no *prima facie* case of war crimes against the subject under investigation. However, for the reasons noted in chapter I-5 of this Report: "Methodology", the Commission did not inquire from the relevant Eastern Bloc authorities whether they might possess some evidence in support of the allegations of war crimes against the subject (other than the specific request relating to the alleged conviction noted above).

The Commission accordingly *RECOMMENDS* that:

- 1- Should the Government of Canada not wish, as a matter of policy, to submit the name of the subject under investigation to the relevant Eastern Bloc government or to the appropriate archival centres, the file ought to be closed.**
- 2- Should, however, the Government of Canada decide to submit the name of the subject under investigation to the relevant government, or to the appropriate archival centres, the matter ought then to be re-assessed and a final decision taken, depending upon the results of such inquiry.**

#### *CASE NO. 770*

This individual was brought to the attention of the Commission by both the Canadian Jewish Congress and Mr. Sol Littman. The Canadian Jewish Congress' source of information was a resident of a foreign country, and Mr. Littman's source of information was a newspaper publication. The Canadian Jewish Congress alleged that this individual was involved with the Galicia Division of the Waffen-SS. Mr. Littman alleged that this individual was a member of a military government established purportedly to effect the organization of the Galicia Division of the Waffen-SS. Apart from the foregoing, there was no specific allegation or evidence that the subject had been involved in war crimes.

The Commission requested the departments of Employment and Immigration, the Secretary of State and External Affairs to conduct checks to ascertain whether the subject had entered Canada or applied for citizenship or a passport. The Department of Employment and Immigration reported that the subject entered Canada in 1948. The Department of the Secretary of State reported that the subject had been granted Canadian citizenship in 1954. The Department of External Affairs reported negative search results.

The Commission conducted CPIC and MVB searches against the subject with negative results.

The Commission confirmed that the Berlin Document Center did not have a record in respect of the subject.

The subject died in Canada in 1973. A copy of the death certificate has been obtained by the Commission.

**On the basis of the foregoing, it is recommended that the file on the subject be closed.**

*CASE NO. 771*

This individual was brought to the attention of the Commission by the RCMP and a number of other sources, whose source of information was a document of unknown origin which listed a number of individuals alleged to have committed war crimes specified in the documents. It was alleged that this individual had participated in the execution of Jewish civilians in 1942-1943.

The Commission requested the departments of Employment and Immigration, the Secretary of State and External Affairs to conduct checks to ascertain whether the subject had entered Canada or applied for citizenship or a passport. All departments reported negative search results.

The Commission conducted CPIC and MVB searches against the subject with negative results.

The Commission confirmed that the Central Office of Land Judicial Authorities for the Investigation of National-Socialist Crimes in Ludwigsburg, West Germany, had no record in respect of the subject.

**On the basis of the foregoing, it is recommended that the file on the subject be closed.**

*CASE NO. 772*

This individual was brought to the attention of the Commission by a private citizen, whose source of information was a letter initially written to the Canadian Jewish Congress. It was alleged that this individual was a war criminal, but the letter provided no further details.

The Commission requested the departments of Employment and Immigration, the Secretary of State and External Affairs to conduct checks to ascertain whether the subject had entered Canada or applied for citizenship or a passport. The Department of Employment and Immigration reported that the subject entered Canada in 1955. The Department of the Secretary of State reported that the subject was granted Canadian citizenship in 1973. The Department of External Affairs reported that it had no record of the subject.

The Commission confirmed that neither the Berlin Document Center nor the Central Office of Land Judicial Authorities for the Investigation of National-Socialist Crimes in Ludwigsburg, West Germany, had any record in respect of the subject.

The Commission interviewed the citizen who submitted the subject's name to the Canadian Jewish Congress and determined that the subject had died in

Canada in 1980. A copy of the death certificate has been obtained by the Commission.

**On the basis of the foregoing, it is recommended that the file on the subject be closed.**

*CASE NO. 773*

This individual was brought to the attention of the Commission by the Canadian Jewish Congress. It was alleged that this individual had committed brutalities as a policeman in a ghetto in an Eastern European country.

The Commission requested the departments of Employment and Immigration, the Secretary of State and External Affairs to conduct checks to ascertain whether the subject had entered Canada or applied for citizenship or a passport. The Department of Employment and Immigration reported that the subject entered Canada in 1951. The Department of the Secretary of State reported that the subject was granted Canadian citizenship in 1956. The Department of External Affairs reported that the subject was subsequently granted a Canadian passport.

The Commission confirmed that the Berlin Document Center had no record in respect of the subject.

The Commission determined that the subject died in Canada in 1958. A copy of the death certificate has been obtained by the Commission.

**On the basis of the foregoing, it is recommended that the file on the subject be closed.**

*CASE NO. 774*

This individual was brought to the attention of the Commission by the RCMP. This individual was named on a list which was submitted to the Department of External Affairs by the Ministry of Justice of a West European country. Officials reported certain details of the subject's military responsibility.

The Commission requested the departments of Employment and Immigration, the Secretary of State and External Affairs to conduct checks to ascertain whether the subject had entered Canada or applied for citizenship or a passport. The Commission also conducted CPIC and MVB searches. All search responses were negative.

The Commission was advised by the West European officials that they had no evidence that the subject had entered Canada.

The Commission confirmed that the Central Office of Land Judicial Authorities for the Investigation of National-Socialist Crimes in Ludwigsburg, West Germany, did not have a record in respect of the subject.

**On the basis of the foregoing, it is recommended that the file on the subject be closed.**

*CASE NO. 775*

Name stricken off Master List.

*CASE NO. 775.1*

This individual was brought to the attention of the Commission by the RCMP, which was conducting an investigation with regard to an unrelated offense. There was no specific allegation of involvement in war crimes made against this individual.

The Commission requested the departments of Employment and Immigration, the Secretary of State and External Affairs to conduct checks to ascertain whether the subject had entered Canada or applied for citizenship or a passport. The Department of Employment and Immigration reported that the subject entered Canada in 1951. The Department of the Secretary of State reported that the subject was granted Canadian citizenship in 1957. The Department of External Affairs reported that the subject was subsequently granted Canadian passports.

The Commission conducted CPIC and MVB searches against the subject. Though both search responses were negative, the Commission determined the subject to be resident in Canada in 1981, according to his passport.

The Commission confirmed that neither the Berlin Document Center, the Central Office of Land Judicial Authorities for the Investigation of National-Socialist Crimes in Ludwigsburg, the Berlin Sick Book Depository, nor the Central Information Office of the Federal Archives in Aachen-Kornelimünster, all in West Germany, had any record of the subject.

The Commission reviewed documentation available from the German Military Service Office for notifying the next of kin of members of the former German Wehrmacht (WASSt). It indicated the subject served in a specific battalion in 1939 and 1940. He later served in another unit. This is all the information available to the Commission and it in no way supports any suspicion of involvement in war crimes.

**On the basis of the foregoing, it is recommended that the file on the subject be closed.**

*CASE NO. 776*

This individual was brought to the attention of the Commission by a private citizen. It was alleged that as a member of the SS, he had once driven Jews from a West European country to a railroad station.

The Commission requested the departments of Employment and Immigration, the Secretary of State and External Affairs to conduct checks to ascertain whether the subject had entered Canada or applied for citizenship or a passport. The Department of Employment and Immigration reported that the subject entered Canada in 1949. The Department of the Secretary of State reported that the subject was granted Canadian citizenship in 1955. The Department of External Affairs reported that the subject was subsequently granted a Canadian passport.

The Commission conducted investigations and determined the subject to be resident in Canada in 1986.

The Commission interviewed the citizen who had submitted the subject's name and determined that he had no additional information relevant to the Commission's inquiries, and that the information he had in no way supported the allegations he had made.

The Commission confirmed that neither the Berlin Document Center, the Central Office of Land Judicial Authorities for the Investigation of National-Socialist Crimes in Ludwigsburg, West Germany, the Central Information Office of the Federal Archives in Aachen-Kornelimünster, the German Military Service Office for notifying the next of kin of members of the former German Wehrmacht (WASSt) in Berlin, nor the Berlin Sick Book Depository, had any record of the subject.

**On the basis of the foregoing, it is recommended that the file on the subject be closed.**

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*CASE NO. A-1*

This individual was brought to the attention of the Commission by the Canadian Holocaust Remembrance Association, whose source of information was an unidentified private citizen. It was alleged that the subject under investigation was involved in unspecified war crimes.

Although the subject's name was apparently given to the Commission wrongly, the Commission was able, by substituting the surname with the given name and vice versa, to locate a subject living in Canada with the phone number supplied by the source.

The Commission conducted searches at CPIC, MVB and Vital Statistics (Deaths) against the subject which met with negative results.

It is to be noted that due to time constraints, the files of the United Nations War Crimes Commission in New York, the departments of Employment and Immigration, the Secretary of State and External Affairs were not searched nor were verifications made with overseas agencies for war crimes records.

The source has been contacted and can supply no additional information on the allegation or on the identity of the subject.

Accordingly, the Commission *RECOMMENDS* that:

- 1- Other investigative avenues should be explored to obtain identifiers of the subject located.**
- 2- If identifiers are obtained, checks should be made at the departments of Employment and Immigration, the Secretary of State and External Affairs.**
- 3- If the subject is found in Canada, inquiries should be made in Canadian files, in the United Nations War Crimes Commission files in New York and in overseas files as to the subject's wartime activities.**
- 4- The file should then be re-assessed and a final decision taken, depending upon the results of such inquiries.**

*CASE NO. A-2*

This individual was brought to the attention of the Commission by Mr. Sol Littman, whose source of information was from a foreign country. It was

alleged that the subject under investigation was responsible for mass murders of Jews in an Eastern European country.

The Commission requested the departments of Employment and Immigration, the Secretary of State and External Affairs to conduct checks to ascertain whether the subject had entered Canada or applied for citizenship or a passport. The Department of Employment and Immigration reported that a person with the same name but a different date of birth entered Canada in 1948. The Commission is awaiting a reply from the Department of the Secretary of State. The Department of External Affairs reported negative search results.

The Commission conducted searches at CPIC, MVB and Vital Statistics (Deaths) against the subject. Though the CPIC and MVB search responses were negative, the Vital Statistics shows the death of a subject with a similar name but a different date of birth, in 1966.

The Commission is unable to say at this time if the subject of the allegation entered or is in Canada.

It is to be noted that, due to time constraints, the files of the United Nations War Crimes Commission in New York City were not searched; nor were verifications made with overseas agencies for war crimes records.

Accordingly, the Commission *RECOMMENDS* that:

- 1- Checks should be pursued with the Department of the Secretary of State for citizenship.**
- 2- Other investigative avenues should be explored with a view to locating the subject in Canada.**
- 3- If the subject is not found in Canada, the file should be closed.**
- 4- If the subject is located in Canada, inquiries should be made in Canadian files, overseas files, as well as the United Nations War Crimes Commission files in New York as to the subject's wartime activities.**
- 5- The case should then be re-assessed and a final decision taken, depending on the results of such inquiries.**

*CASE NO. A-3*

This individual was brought to the attention of the Commission by a letter from the authorities of an Eastern Bloc country, alleging that the subject of this investigation commanded the execution of two civilians in 1942 and of a number of Jewish inhabitants of an Eastern European town. According to the



source of information, concrete evidence in the form of photos and statements is available. The subject is apparently living in Canada.

The Commission requested the departments of Employment and Immigration, the Secretary of State and External Affairs to conduct checks to ascertain whether the subject had entered Canada or applied for citizenship or a passport. All departments reported negative search results.

The Commission conducted CPIC, MVB, telephone and name directories as well as Vital Statistics searches against the subject with negative results.

**On the basis of the foregoing, it is recommended that the file on the subject be closed.**

*CASE NO. A-4*

This individual was brought to the attention of the Commission by the RCMP, whose source of information was the authorities of a foreign country. The information supplied to the RCMP was to the effect that the foreign government was in the process of extraditing the subject to an Eastern Bloc country and, as there was a possibility of his coming to Canada, the information was simply to alert the Canadian authorities.

As a result of not having the date of birth of the subject until very recently, requests for checks at the departments of Employment and Immigration, the Secretary of State and External Affairs to ascertain whether the subject ever entered Canada were not made.

The Commission has confirmed through the RCMP and news media accounts that the subject was extradited from the relevant foreign country to the Eastern Bloc country where he has now been convicted of war crimes.

Accordingly, the Commission *RECOMMENDS* that:

- 1- The file on the subject should be closed.**

*CASE NO. A-5*

This individual was brought to the attention of the Commission by Mr. Sol Littman, whose source of information was from a foreign country. It was alleged that the subject under investigation was in authority where mass murder of Jews took place in an Eastern European country.

The Commission requested the departments of Employment and Immigration, the Secretary of State and External Affairs to conduct checks to ascertain whether the subject had entered Canada or applied for citizenship or a passport. The Department of Employment and Immigration reported that the subject entered Canada in 1949. The Commission is awaiting a reply from the

Department of the Secretary of State. The Department of External Affairs reported negative search results.

The Commission conducted CPIC, MVB and Vital Statistics (Deaths) searches against the subject with negative results but police records indicate that the subject is living in Canada in 1986.

It is to be noted that, due to time constraints, the files of the United Nations War Crimes Commission in New York were not searched nor were verifications made with overseas agencies for war crimes records.

Accordingly, the Commission *RECOMMENDS* that:

- 1- Checks should be pursued with the Department of the Secretary of State for citizenship.**
- 2- Inquiries should be made in Canadian files, overseas files, as well as the United Nations War Crimes Commission files in New York as to the subject's wartime activities.**
- 3- The case should then be re-assessed and a final decision taken depending on the results of such inquiries.**

*CASE NO. A-6*

This individual was brought to the attention of the Commission by Mr. Sol Littman, whose source of information was from a foreign country. It was alleged that the subject under investigation was a member of the Gestapo/SD in an Eastern European country.

The Commission requested the departments of Employment and Immigration, the Secretary of State and External Affairs to conduct checks to ascertain whether the subject had entered Canada or applied for citizenship or a passport. The Department of Employment and Immigration reported that the subject entered Canada in 1950. The Commission is awaiting a reply from the Department of the Secretary of State. The Department of External Affairs reported negative search results.

It is to be noted that, due to time constraints, the files of the United Nations War Crimes Commission in New York were not searched nor were verifications made with overseas agencies for war crimes records.

The Commission has now confirmed that the subject died in Canada in 1954. A copy of the death certificate has been obtained by the Commission.

**On the basis of the foregoing, it is recommended that the file on the subject should be closed.**

*CASE NO. A-7*

This individual was brought to the attention of the Commission by the Simon Wiesenthal Center of Los Angeles, California, U.S.A.

The limited time remaining before the closing of the Commission did not allow for the conduct of any inquiries or verifications.

Accordingly, the Commission *RECOMMENDS* that:

- 1- Checks should be made against the subject with the departments of Employment and Immigration, the Secretary of State and External Affairs for entry into Canada, citizenship and passport.**
- 2- If any one of these checks proves positive, other investigative avenues should be explored with a view to locating the subject in Canada.**
- 3- If the subject is not found in Canada, the file should be closed.**
- 4- If the subject is found in Canada, inquiries should be made in Canadian files, in the United Nations War Crimes Commission files in New York and in overseas files as to the subject's wartime activities.**
- 5- The file should then be re-assessed and a final decision taken, depending upon the results of such inquiries.**

*CASE NO. A-8*

This individual was brought to the attention of the Commission by the Simon Wiesenthal Center of Los Angeles, California, U.S.A.

The limited time remaining before the closing of the Commission did not allow for the conduct of any inquiries or verifications.

Accordingly, the Commission *RECOMMENDS* that:

- 1- Checks should be made against the subject with the departments of Employment and Immigration, the Secretary of State and External Affairs for entry into Canada, citizenship and passport.**
- 2- If any one of these checks proves positive, other investigative avenues should be explored with a view to locating the subject in Canada.**
- 3- If the subject is not found in Canada, the file should be closed.**
- 4- If the subject is found in Canada, inquiries should be made in Canadian files, in the United Nations War Crimes Commission files**

**in New York and in overseas files as to the subject's wartime activities.**

- 5- The file should then be re-assessed and a final decision taken, depending upon the results of such inquiries.**

*CASE NO. A-9*

This individual was brought to the attention of the Commission by the Simon Wiesenthal Center of Los Angeles, California, U.S.A.

The limited time remaining before the closing of the Commission did not allow for the conduct of any inquiries or verifications.

Accordingly, the Commission *RECOMMENDS* that:

- 1- Checks should be made against the subject with the departments of Employment and Immigration, the Secretary of State and External Affairs for entry into Canada, citizenship and passport.**
- 2- If any one of these checks proves positive, other investigative avenues should be explored with a view to locating the subject in Canada.**
- 3- If the subject is not found in Canada, the file should be closed.**
- 4- If the subject is found in Canada, inquiries should be made in Canadian files, in the United Nations War Crimes Commission files in New York and in overseas files as to the subject's wartime activities.**
- 5- The file should then be re-assessed and a final decision taken, depending upon the results of such inquiries.**

*CASE NO. A-10*

This individual was brought to the attention of the Commission by Mr. Sol Littman, whose source of information was from a foreign country. It was alleged that the subject under investigation served with the SD in an Eastern European country and also served in a particular prison.

The Commission requested the departments of Employment and Immigration, the Secretary of State and External Affairs to conduct checks to ascertain whether the subject had entered Canada or applied for citizenship or a passport. The Department of Employment and Immigration reported that the subject entered Canada in 1949. The Commission is awaiting a reply from the Department of the Secretary of State. The Department of External Affairs reported that the subject was subsequently granted a Canadian passport.

It is to be noted that, due to time constraints, the files of the United Nations War Crimes Commission in New York City were not searched nor were verifications made with overseas agencies for war crimes records.

The Commission has confirmed that the subject died in Canada in 1972. A copy of the death certificate has been obtained by the Commission.

No checks were conducted at CPIC and MVB because it was determined that the subject had died.

**On the basis of the foregoing, it is recommended that the file on the subject should be closed.**

*CASE NO. A-11*

This individual was brought to the attention of the Commission by Mr. Sol Littman, whose source of information was from a foreign country. It was alleged that the subject under investigation was involved in the murder of a Jew in an Eastern European country.

The Commission requested the departments of Employment and Immigration, the Secretary of State and External Affairs to conduct checks to ascertain whether the subject had entered Canada or applied for citizenship or a passport. The Department of Employment and Immigration reported that the subject entered Canada in 1951. The Commission is awaiting a reply from the Department of the Secretary of State. The Department of External Affairs reported that the subject was subsequently granted Canadian passports.

It is to be noted that, due to time constraints, the files of the United Nations War Crimes Commission in New York were not searched nor were verifications made with overseas agencies for war crimes records.

The Commission conducted CPIC and Vital Statistics (Deaths) searches against the subject with negative results. The MVB search indicates that the subject is living in Canada.

Accordingly, the Commission *RECOMMENDS* that:

- 1- Checks should be pursued with the Department of the Secretary of State for citizenship.**
- 2- Inquiries should be made in Canadian files, overseas files as well as the United Nations War Crimes Commission files in New York as to the subject's wartime activities.**
- 3- The case should then be re-assessed and a final decision taken, depending on the results of such inquiries.**

*CASE NO. A-12*

This individual was brought to the attention of the Commission by Mr. Sol Littman, whose source of information was a private individual. It was alleged that the subject under investigation was an active participant in the persecution and murder of Jews in an Eastern European country. The subject would have entered Canada in 1948.

The Commission requested the departments of Employment and Immigration, the Secretary of State and External Affairs to conduct checks to ascertain whether the subject had entered Canada or applied for citizenship or a passport. The Department of Employment and Immigration reported that the subject entered Canada in 1948. The Commission is awaiting a reply from the Department of the Secretary of State. The Department of External Affairs reported negative search results.

The Commission conducted CPIC checks against the subject with negative results.

It is to be noted that, due to time constraints, the files of the United Nations War Crimes Commission in New York were not searched nor were verifications made with overseas agencies for war crimes records.

The Commission accordingly *RECOMMENDS* that:

- 1- Checks should be pursued with the Department of the Secretary of State for citizenship.**
- 2- Other investigative avenues should be explored with a view to locating the subject in Canada.**
- 3- If the subject is not found in Canada, the file should be closed.**
- 4- If the subject is found in Canada, inquiries should be made in Canadian files, in the United Nations War Crimes Commission files in New York and overseas files as to the subject's wartimes activities.**
- 5- The file should then be re-assessed and a final decision taken, depending upon the results of such inquiries.**

*CASE NO. A-13*

This individual was brought to the attention of the Commission by the RCMP, whose source of information was a private citizen. It was alleged by the source that the subject of this file is a war criminal, as he seems to hate Jews.

The source was interviewed by the RCMP in 1986. The subject is alleged to have stated that he loved Hitler.

The Commission requested the departments of Employment and Immigration, the Secretary of State and External Affairs to conduct checks to ascertain when the subject had entered Canada and whether he had applied for citizenship or a passport. The Department of Employment and Immigration reported that the subject entered Canada in 1951 with the subject of A-14. The Commission is awaiting a reply from the Department of the Secretary of State. The Department of External Affairs reported that the subject was subsequently granted Canadian passports.

The Commission conducted MVB searches against the subject and confirms that the subject is living in Canada.

**On the basis of the available evidence, there is no *prima facie* case of war crimes against the subject. It is recommended that the file on the subject should be closed.**

#### *CASE NO. A-14*

This individual was brought to the attention of the Commission by the RCMP, whose source of information was a private citizen. It was alleged by the source that the subject of this file is a war criminal, as she seems to hate Jews.

The source was interviewed by the RCMP in 1986. The subject is alleged to have stated that she loved Hitler.

The Commission requested the departments of Employment and Immigration, the Secretary of State and External Affairs to conduct checks to ascertain when the subject had entered Canada and whether she had applied for citizenship or a passport. The Department of Employment and Immigration reported that the subject entered Canada in 1951 with the subject of case A-13. The Commission is awaiting a reply from the Department of the Secretary of State. The Department of External Affairs reported that the subject was granted a Canadian passport, but no year is mentioned.

The Commission conducted MVB searches against the subject and confirms that the subject is living in Canada.

**On the basis of the available evidence, there is no *prima facie* case of war crimes against the subject. It is recommended that the file on the subject should be closed.**

#### *CASE NO. A-15*

This individual was brought to the attention of the Commission by Mr. Sol Littman, whose source of information was from a foreign country. It was alleged that the subject under investigation participated in the murder of Jews in an Eastern European country.

The Commission requested the departments of Employment and Immigration, the Secretary of State and External Affairs to conduct checks to ascertain whether the subject had entered Canada or applied for citizenship or a passport. The Department of Employment and Immigration reported that the subject entered Canada in 1951. The Commission is awaiting a reply from the Department of the Secretary of State. The Department of External Affairs reported negative search results.

It is to be noted that, due to time constraints, the files of the United Nations War Crimes Commission in New York City were not searched nor were verifications made with overseas agencies for war crimes records.

Accordingly, the Commission *RECOMMENDS* that:

- 1- Checks should be pursued with the Department of the Secretary of State for citizenship.**
- 2- Other investigative avenues should be explored with a view to locating the subject in Canada.**
- 3- If the subject is not found in Canada, the file should be closed.**
- 4- If the subject is found in Canada, inquiries should be made in Canadian files, overseas files, as well as the United Nations War Crimes Commission files in New York as to the subject's wartime activities.**
- 5- The case should then be re-assessed and a final decision taken depending on the results of such inquiries.**

*CASE NO. A-16*

This individual was brought to the attention of the Commission by B'nai Brith from a private source. The source alleged that a war criminal entered Canada using the source's name and was living in a particular suburban area.

It should be noted at this point that this same source complained to the Department of the Secretary of State on an earlier occasion to the effect that a war criminal was impersonating him by using his name and documents, was also committing crimes of arson and sabotage and was making the source's life a nightmare.

The Commission requested the Department of Employment and Immigration to conduct checks. This search revealed that the subject entered Canada in 1953 under his own name and not the name of the source. The latter entered Canada in 1972.

The source was interviewed in 1986 concerning the first complaint: it was evident that he was mentally unstable.



**On the basis of the available evidence, there is no *prima facie* case of war crimes against the subject. It is recommended that the file on the subject should be closed.**

*CASE NO. A-17*

This individual was brought to the attention of the Commission by Mr. Sol Littman, whose source of information was from a foreign country. It was alleged that the subject under investigation participated in the murder of Jews of an Eastern European city carried out by a particular group.

The Commission requested the departments of Employment and Immigration, the Secretary of State and External Affairs to conduct checks to ascertain whether the subject had entered Canada or applied for citizenship or a passport. The Department of Employment and Immigration reported that the subject entered Canada in 1949. The Commission is awaiting a reply from the Department of the Secretary of State. The Department of External Affairs reported negative search results.

It is to be noted that, due to time constraints, the files of the United Nations War Crimes Commission in New York were not searched nor were verifications made with overseas agencies for war crimes records.

The Commission conducted CPIC and MVB searches against the subject with negative results.

The Commission has confirmed that the subject died in Canada in 1975. A copy of the death certificate has been obtained by the Commission.

**On the basis of the foregoing, it is recommended that the file on the subject be closed.**

*CASE NO. A-18*

This individual was brought to the attention of the Commission by Mr. Sol Littman, whose source of information was from a foreign country. It was alleged that the subject under investigation participated in the persecution and murder of Jews of an Eastern European city.

The Commission requested the departments of Employment and Immigration, the Secretary of State and External Affairs to conduct checks to ascertain whether the subject had entered Canada or applied for citizenship or a passport. The Department of Employment and Immigration reported that the subject entered Canada in 1948. The Commission is awaiting a reply from the Department of the Secretary of State. The Department of External Affairs reported negative search results.

It is to be noted that, due to time constraints, the files of the United Nations War Crimes Commission in New York were not searched nor were verifications made with overseas agencies for war crimes records.

The Commission conducted CPIC and Vital Statistics (Deaths) searches against the subject with negative results. The MVB search indicates that the subject is living in Canada.

Accordingly, the Commission *RECOMMENDS* that:

- 1- Checks should be pursued with the Department of the Secretary of State for citizenship.**
- 2- Inquiries should be made in Canadian files, overseas files, as well as the United Nations War Crimes Commission files in New York as to the subject's wartime activities.**
- 3- The case should then be re-assessed and a final decision taken depending on the results of such inquiries.**

*CASE NO. A-19*

This individual was brought to the attention of the Commission by Mr. Sol Littman, whose source of information was from a foreign country. It was alleged that the subject under investigation participated in the persecution and murder of Jews in an Eastern European city.

The Commission requested the departments of Employment and Immigration, the Secretary of State and External Affairs to conduct checks to ascertain whether the subject had entered Canada or applied for citizenship or a passport. The Department of Employment and Immigration reported that the subject entered Canada in 1949. The Commission is awaiting a reply from the Department of the Secretary of State. The Department of External Affairs reported that the subject was subsequently granted a Canadian passport.

It is to be noted that, due to time constraints, the files of the United Nations War Crimes Commission in New York were not searched nor were verifications made with overseas agencies for war crimes records.

The Commission conducted CPIC and Vital Statistics (Deaths) searches against the subject with negative results. The MVB search indicates that the subject is living in Canada.

Accordingly, the Commission *RECOMMENDS* that:

- 1- Checks should be pursued with the Department of the Secretary of State for citizenship.**

- 2- Inquiries should be made in Canadian files, overseas files, as well as the United Nations War Crimes Commission files in New York as to the subject's wartime activities.**
- 3- The case should then be re-assessed and a final decision taken, depending on the results of such inquiries.**

*CASE NO. A-20*

This individual was brought to the attention of the Commission by the RCMP, whose source of information was a private citizen. It was alleged by the source that, while he was employed in Canada, he had heard that the subject had worked for the German occupation authorities in a policing capacity in an Eastern European country. The source also mentioned that a fellow employee also knew about the subject's past.

In 1986, the RCMP interviewed the source and the fellow employee. The source stated that he had no proof to substantiate the allegation, that it was just hearsay. The fellow employee stated that he knew nothing of the subject's past and had not heard of any rumours.

The Commission requested the departments of Employment and Immigration, the Secretary of State and External Affairs to conduct checks to ascertain whether the subject had entered Canada or applied for citizenship or a passport. The Department of Employment and Immigration reported that the subject entered Canada in 1949. The Commission is awaiting a reply from the Department of the Secretary of State. The Department of External Affairs reported negative search results.

It is to be noted that, due to time constraints, the files of the United Nations War Crimes Commission in New York were not searched nor were verifications made with overseas agencies for war crimes records.

The Commission conducted checks at MVB, which indicated that the subject is living in Canada.

Accordingly, the Commission *RECOMMENDS* that:

- 1- Checks should be pursued with the Department of the Secretary of State for citizenship.**
- 2- Inquiries should be made in Canadian files, overseas files, as well as the United Nations War Crimes Commission files in New York as to the subject's wartime activities.**
- 3- The case should then be re-assessed and a final decision taken, depending on the results of such inquiries.**

*CASE NO. A-21*

This individual was brought to the attention of the Commission in a letter from Mr. Sol Littman alleging that subject played an active role in the murder of Jews in an Eastern European country.

The Commission requested the departments of Employment and Immigration, the Secretary of State and External Affairs to conduct checks to ascertain whether the subject had entered Canada or applied for citizenship or a passport. The Department of Employment and Immigration reported that the subject entered Canada in 1949. The Commission is awaiting a reply from the Department of the Secretary of State. The Department of External Affairs reported that the subject was subsequently granted Canadian passports. It appears from one of the subject's passport applications that he was residing in a specific province in Canada.

It is to be noted that, due to time constraints, the files of the United Nations War Crimes Commission in New York were not searched nor were verifications made with overseas agencies for war crimes records.

Accordingly, the Commission *RECOMMENDS* that:

- 1- Checks should be pursued with the Department of the Secretary of State for citizenship.**
- 2- Other investigative avenues should be explored with a view to locating the subject in Canada.**
- 3- If the subject is not found in Canada, the file should be closed.**
- 4- If the subject is found in Canada, inquiries should be made in Canadian files, overseas files, as well as the United Nations War Crimes Commission files in New York as to the subject's wartime activities.**
- 5- The case should then be re-assessed and a final decision taken, depending on the results of such inquiries.**

*CASE NO. A-22*

This individual was brought to the attention of the Commission by the Canadian Holocaust Remembrance Association, whose source of information was an unidentified private citizen. It was alleged that the subject under investigation was involved in unspecified war crimes.

The Commission did not request checks at the departments of Employment and Immigration, the Secretary of State or External Affairs because of the lack of identifiers of the subject, i.e., no date of birth.

The Commission conducted checks at CPIC, MVB and Vital Statistics (Deaths) against the subject. All search responses were negative.

The Commission established that there is an individual with a similar name living at the address given in Canada.

It is to be noted that, due to time constraints, the files of the United Nations War Crimes Commission in New York were not searched nor were verifications made with overseas agencies for war crimes records.

The source has been contacted and can supply no additional information on the allegation or on the identity of the subject.

Accordingly, the Commission *RECOMMENDS* that:

- 1- Other investigative avenues should be explored to obtain identifiers of the subject.**
- 2- If identifiers are obtained, checks should be made at the departments of Employment and Immigration, the Secretary of State and External Affairs.**
- 3- If the subject is not found in Canada, the file should be closed.**
- 4- If the subject is found in Canada, inquiries should be made in Canadian files, in the United Nations War Crimes Commission files in New York and in overseas files as to the subject's wartime activities.**
- 5- The file should then be re-assessed and a final decision taken, depending upon the results of such inquiries.**

*CASE NO. A-23*

This individual was brought to the attention of the Commission by the Department of External Affairs, whose source of information was a letter from the authorities of an Eastern Bloc country. It was alleged that the subject was an officer in a unit in Eastern Europe.

The Commission requested the departments of Employment and Immigration, the Secretary of State and External Affairs to conduct checks to ascertain whether the subject had entered Canada or applied for citizenship or a passport. The Department of Employment and Immigration reported that the subject entered Canada under another name in 1951. The Commission is awaiting a reply from the Department of the Secretary of State. The Department of External Affairs reported that the subject was subsequently granted Canadian passports. The passport applications also indicated that the subject was granted Canadian citizenship in 1958. The name under which the

passports were issued is the same as submitted by the relevant foreign authorities.

It is to be noted that, due to time constraints, the files of the United Nations War Crimes Commission in New York were not searched nor were verifications made with overseas agencies for war crimes records.

The Commission conducted MVB checks which indicated that the subject is living in Canada.

Accordingly, the Commission *RECOMMENDS* that:

- 1- Checks should be pursued with the Department of the Secretary of State for details of the subject's citizenship as well as for the purpose of clarifying the change of name.**
- 2- Inquiries should be made in Canadian files, overseas files, as well as the United Nations War Crimes Commission files in New York as to the subject's wartime activities.**
- 3- The case should then be re-assessed and a final decision taken, depending on the results of such inquiries.**

*CASE NO. A-24*

This individual was brought to the attention of the Commission by the RCMP, whose source of information came about as a result of this individual and his wife applying for immigration to Canada in a country in Western Europe.

As a result of the investigation into the subject's background because of his application for admission to Canada, the RCMP requested checks be made at the Berlin Document Center which revealed specific information about the wartime service history of the subject.

The subject and his wife were interviewed in a West European city in 1985. The Commission learned that it was recommended that these persons be denied entry to Canada.

The Commission requested the departments of Employment and Immigration, the Secretary of State and External Affairs to conduct checks to ascertain whether the subject had entered Canada or had applied for citizenship or a passport. All departments reported negative search results.

**As there is no evidence that the subject ever entered Canada, it is recommended that the file on the subject should be closed.**

CASE NO. A-25

This individual was brought to the attention of the Commission by the Canadian Holocaust Remembrance Association, whose source of information was an unidentified private citizen. It was alleged that the subject under investigation was involved in unspecified war crimes.

Not having information as to the date of birth, the Commission did not request checks at the departments of Employment and Immigration, the Secretary of State and External Affairs.

It is to be noted that, due to time constraints, the files of the United Nations War Crimes Commission in New York were not searched nor were verifications made with overseas agencies for war crimes records.

The source has been contacted and can supply no additional information on the allegation or on the identity of the subject. The address and phone number given by the source for the subject are those of another individual.

**On the basis of the available evidence, there is no *prima facie* case of war crimes against the subject. It is recommended that the file on the subject should be closed.**

CASE NO. A-26

The source and the nature of the allegation against this subject have accidentally been lost.

The Commission requested the departments of Employment and Immigration, the Secretary of State and External Affairs to conduct checks to ascertain whether the subject had entered Canada or applied for citizenship or a passport. Different pieces of information came to light. According to the Department of Employment and Immigration, a person with the same surname as the subject but a different given name, born in an Eastern Bloc country entered Canada in 1951. According to the Department of the Secretary of State, a person with the same surname and given name as the subject, born in a West European country in 1926, entered Canada in 1953. This person was granted citizenship in 1965. The Department of External Affairs reported that this same person was granted a Canadian passport. This person appears to be the subject of this inquiry.

The subject has been located in Canada.

It is to be noted that, due to time constraints, the files of the United Nations War Crimes Commission in New York were not searched nor were verifications made with overseas agencies for war crimes records.

Accordingly, the Commission *RECOMMENDS* that:

- 1- Inquiries should be made in Canadian files, overseas files, as well as the United Nations War Crimes Commission files in New York as to the subject's wartime activities.**
- 2- The case should then be re-assessed and a final decision taken, depending on the results of such inquiries.**

*CASE NO. A-27*

This individual was brought to the attention of the Commission by the RCMP, whose source of information came about as a result of this individual applying for immigration to Canada in a country in Western Europe.

As a result of the investigation into the subject's background because of his application for admission to Canada, the RCMP requested checks be made at the Berlin Document Center which revealed that he had been heavily committed to the SS. During the pre-war time, the subject was a member of the General SS and he served in a particular unit, later the Waffen-SS.

The Commission requested the departments of Employment and Immigration, the Secretary of State and External Affairs to conduct checks to ascertain whether the subject had entered Canada or applied for citizenship or a passport. All departments reported negative results.

**As there is no evidence that the subject entered Canada, it is recommended that the file on the subject should be closed.**

*CASE NO. A-28*

This individual was brought to the attention of the Commission by the Simon Wiesenthal Center of Los Angeles, California, U.S.A.

The limited time remaining before the closing of the Commission did not allow for the conduct of any inquiries or verifications.

Accordingly, the Commission *RECOMMENDS* that:

- 1- Checks should be made against the subject with the departments of Employment and Immigration, the Secretary of State and External Affairs for entry into Canada, citizenship and passport.**
- 2- If any one of these checks proves positive, other investigative avenues should be explored with a view to locating the subject in Canada.**
- 3- If the subject is not found in Canada, the file should be closed.**
- 4- If the subject is found in Canada, inquiries should be made in Canadian files, in the United Nations War Crimes Commission files**



**in New York and in overseas files as to the subject's wartime activities.**

- 5- The file should then be re-assessed and a final decision taken, depending upon the results of such inquiries.**

*CASE NO. A-29*

This individual was brought to the attention of the Commission by the Simon Wiesenthal Center of Los Angeles, California, U.S.A.

The limited time remaining before the closing of the Commission did not allow for the conduct of any inquiries or verifications.

Accordingly, the Commission *RECOMMENDS* that:

- 1- Checks should be made against the subject with the departments of Employment and Immigration, the Secretary of State and External Affairs for entry into Canada, citizenship and passport.**
- 2- If any one of these checks proves positive, other investigative avenues should be explored with a view to locating the subject in Canada.**
- 3- If the subject is not found in Canada, the file should be closed.**
- 4- If the subject is found in Canada, inquiries should be made in Canadian files, in the United Nations War Crimes Commission files in New York and in overseas files as to the subject's wartime activities.**
- 5- The file should then be re-assessed and a final decision taken, depending upon the results of such inquiries.**

*CASE NO. A-30*

This individual was brought to the attention of the Commission by the RCMP, whose source of information was a West European country's media. It was alleged that the subject under investigation betrayed several Resistance fighters to Nazis and warned the Germans of an allied attack in that country during the war.

The subject is reported to have died in that West European country in prison in 1946. Recently, the remains of an exhumed body were examined by a renowned pathologist who confirmed the remains to be those of the subject of this file.

**On the basis that the subject died in 1946 in the relevant country, it is recommended that the file on the subject be closed.**

*CASE NO. A-31*

This individual was brought to the attention of the Commission by way of an anonymous letter containing a newspaper clipping. The newspaper clipping alleges that the subject was a member of the SS during the war. However, a source close to the subject indicated that the subject had in fact deserted and hid out for the balance of the war in another country.

Due to time constraints the Commission was unable to request checks to be made at the departments of Employment and Immigration, the Secretary of State and External Affairs.

It should also be noted that, due to time constraints, checks were not made at the United Nations War Crimes Commission nor were there any overseas checks made on the subject's wartime activities.

Accordingly, the Commission *RECOMMENDS* that:

- 1- Checks against the subject should be made with the departments of Employment and Immigration, the Secretary of State and External Affairs.**
- 2- If the subject is not found in Canada, the file should be closed.**
- 3- If the subject is found in Canada, inquiries should be made in Canadian files, in the United Nations War Crimes Commission files and overseas files as to the subject's wartime activities.**
- 4- The case should then be re-assessed and a final decision taken, depending upon the results of such inquiries.**

*CASE NO. A-32*

This individual was brought to the attention of the Commission by the Department of External Affairs, whose source of information was the authorities of an Eastern Bloc country. It was alleged that, as a policeman in Eastern Europe, the subject participated in the rounding up at various times of hundreds of Jews and others and the execution of them during the war.

The Commission requested the departments of Employment and Immigration, the Secretary of State and External Affairs to conduct checks to ascertain whether the subject had entered Canada or had applied for citizenship or a passport. All departments reported negative search results.

The Commission conducted CPIC, MVB, telephone directories and local police indices searches against the subject. All search responses were negative.

**On the basis of the foregoing, it is recommended that the file on the subject be closed.**

*CASE NO. A-33*

This individual was brought to the attention of the Commission by the Simon Wiesenthal Center of Los Angeles, California, U.S.A.

The limited time remaining before the closing of the Commission did not allow for the conduct of any inquiries or verifications.

Accordingly, the Commission *RECOMMENDS* that:

- 1- Checks should be made against the subject with the departments of Employment and Immigration, the Secretary of State and External Affairs for entry into Canada, citizenship and passport.**
- 2- If any one of these checks proves positive, other investigative avenues should be explored with a view to locating the subject in Canada.**
- 3- If the subject is not found in Canada, the file should be closed.**
- 4- If the subject is found in Canada, inquiries should be made in Canadian files, in the United Nations War Crimes Commission files in New York and in overseas files as to the subject's wartime activities.**
- 5- The file should then be re-assessed and a final decision taken, depending upon the results of such inquiries.**

*CASE NO. A-34*

This individual was brought to the attention of the Commission by a private individual who described himself as a researcher concerned with the presence of Nazi war criminals in a foreign country. It was alleged that the subject under investigation was a Nazi war criminal who had been given certain status in that foreign country and had immigrated to Canada where he is presently living.

Research conducted by the Commission historian revealed evidence of the subject's death in 1986 in a West European country. The subject's obituary appeared in a certain publication.

**On the basis that the subject has died, it is recommended that the file on the subject be closed.**

*CASE NO. A-35*

This individual was recently brought to the attention of the Commission by the Canadian Jewish Congress which was informed by a private citizen that an unidentified Nazi war criminal is hiding in Canada.

The source was interviewed and stated that he had received information from a close friend to the effect that a Nazi war criminal (name unknown), approximately 75 years of age, had been working in Canadian locations for approximately 40 years and then went into hiding several years ago. The subject had said other things which raised suspicions that he might be a war criminal.

Due to time constraints the Commission was unable to pursue this investigation with a view to locating and identifying the subject.

Accordingly, the Commission *RECOMMENDS* that:

- 1- Further investigation should be undertaken to identify and locate the unidentified suspect.**
- 2- If identified, checks should be made with the departments of Employment and Immigration, the Secretary of State and External Affairs to ascertain when the subject entered Canada and if he ever applied for citizenship or a passport.**
- 3- Inquiries should be made in Canadian files, overseas files, as well as the United Nations War Crimes Commission files in New York as to the subject's wartime activities.**
- 4- The case should then be re-assessed and a final decision taken, depending upon the results of such inquiries.**

*CASE NO. A-36*

This individual was brought to the attention of the Commission by the Canadian Holocaust Remembrance Association, whose source of information was an unidentified private citizen. It was alleged that the subject under investigation was involved in unspecified war crimes.

The Commission could not request checks at the departments of Employment and Immigration, the Secretary of State or External Affairs because of the lack of identifiers of the subject, i.e., no date of birth and uncertainty as to the correct surname and given name. Furthermore, the address given is not the residence of the subject under investigation.

The source has been contacted and can supply no additional information on the allegation or on the identity of the subject.

**On the basis of the available evidence, there is no *prima facie* case or even a specific allegation of war crimes against the subject. It is recommended that the file on the subject be closed.**

CASE NO. A-37

This individual was brought to the attention of the Commission by the RCMP, whose source of information was another police force. The source revealed that the subject was arrested by a police officer and charged with assault. At the time of being booked on this charge, he indicated that during the war he joined the German army and that in less than two years he rose to officer rank. He also told the arresting officer that he was not a member of the SS. At the time of his arrest, he advised the officer that since his arrival in Canada in 1956, he has not applied for citizenship or a Canadian passport.

The Commission requested the departments of Employment and Immigration, the Secretary of State and External Affairs to conduct checks to ascertain when the subject had entered Canada and whether he had applied for citizenship or a passport. The Department of Employment and Immigration reported that the subject entered Canada in 1956. The departments of the Secretary of State and External Affairs reported negative search results.

The Commission has learned that a very recent check by the RCMP at the Berlin Document Center and Ludwigsburg reported negative search results; however, their check at WAST showed that the subject was born in a West European city, where he joined the army during the war and served till the end of the war.

The information from WAST also showed that in 1943 his rank was that of a Schütze; this rank is equated at a rank lower than a private.

**On the basis of the available evidence, there is no *prima facie* case nor even a specific allegation of war crimes against the subject. It is recommended that the file on the subject be closed.**

CASE NO. A-38

This individual was brought to the attention of the Commission by the Simon Wiesenthal Center of Los Angeles, California, U.S.A.

The limited time remaining before the closing of the Commission did not allow for the conduct of any inquiries or verifications.

Accordingly, the Commission *RECOMMENDS* that:

- 1- Checks should be made against the subject with the departments of Employment and Immigration, the Secretary of State and External Affairs for entry into Canada, citizenship and passport.**
- 2- If any one of these checks proves positive, other investigative avenues should be explored with a view to locating the subject in Canada.**

- 3- If the subject is not found in Canada, the file should be closed.**
- 4- If the subject is found in Canada, inquiries should be made in Canadian files, in the United Nations War Crimes Commission files in New York and in overseas files as to the subject's wartime activities.**
- 5- The file should then be re-assessed and a final decision taken, depending upon the results of such inquiries.**

## f) 71 individual opinions on cases of German scientists and technicians

### *CASE NO. S-1*

This individual was brought to the attention of the Commission as a result of research of documentation in Canada dealing with the admission to Canada of German scientists and technicians.

The Commission requested the Department of Employment and Immigration to conduct checks to ascertain whether the subject had entered Canada. The reply to this request was negative.

The Commission also conducted searches of the United Nations War Crimes Commission files in New York which met with negative results.

In view of the limited time remaining before the closing of the Commission, no checks were made with the departments of the Secretary of State and External Affairs for citizenship and passport.

Accordingly, the Commission *RECOMMENDS* that:

- 1- Checks should be made against the subject with the departments of the Secretary of State and External Affairs for citizenship and passport.**
- 2- If any one of these checks proves positive, other investigative avenues should be explored with a view to locating the subject in Canada.**
- 3- If the subject is not found in Canada, the file should be closed.**
- 4- If the subject is found in Canada, inquiries should be made in Canadian files and overseas as to the subject's wartime activities.**
- 5- The file should then be re-assessed and a final decision taken, depending upon the results of such inquiries.**

### *CASE NO. S-2*

This individual was brought to the attention of the Commission as a result of research of documentation in Canada dealing with the admission to Canada of German scientists and technicians.

The Commission requested the Department of Employment and Immigration to conduct checks to ascertain whether the subject had entered Canada. The reply to this request was negative.

The Commission also conducted searches of the United Nations War Crimes Commission files in New York which met with negative results.

In view of the limited time remaining before the closing of the Commission, no checks were made with the departments of the Secretary of State and External Affairs for citizenship and passport.

Accordingly, the Commission *RECOMMENDS* that:

- 1- Checks should be made against the subject with the departments of the Secretary of State and External Affairs for citizenship and passport.**
- 2- If any one of these checks proves positive, other investigative avenues should be explored with a view to locating the subject in Canada.**
- 3- If the subject is not found in Canada, the file should be closed.**
- 4- If the subject is found in Canada, inquiries should be made in Canadian files and overseas as to the subject's wartime activities.**
- 5- The file should then be re-assessed and a final decision taken, depending upon the results of such inquiries.**

*CASE NO. S-3*

This individual was brought to the attention of the Commission as a result of research of documentation in Canada dealing with the admission to Canada of German scientists and technicians.

The Commission requested the Department of Employment and Immigration to conduct checks to ascertain whether the subject had entered Canada. The reply to this request was negative.

The Commission also conducted searches of the United Nations War Crimes Commission files in New York which met with negative results.

In view of the limited time remaining before the closing of the Commission, no checks were made with the departments of the Secretary of State and External Affairs for citizenship and passport.

Accordingly, the Commission *RECOMMENDS* that:

- 1- Checks should be made against the subject with the departments of the Secretary of State and External Affairs for citizenship and passport.**



- 2- **If any one of these checks proves positive, other investigative avenues should be explored with a view to locating the subject in Canada.**
- 3- **If the subject is not found in Canada, the file should be closed.**
- 4- **If the subject is found in Canada, inquiries should be made in Canadian files and overseas as to the subject's wartime activities.**
- 5- **The file should then be re-assessed and a final decision taken, depending upon the results of such inquiries.**

*CASE NO. S-4*

Name stricken from the list.

*CASE NO. S-5*

This individual was brought to the attention of the Commission as a result of research of documentation in Canada dealing with the admission to Canada of German scientists and technicians.

The Commission requested the departments of Employment and Immigration and External Affairs to conduct checks to ascertain whether the subject had entered Canada or applied for a passport. The Department of Employment and Immigration reported that the subject entered Canada in 1949 as a non-immigrant. The subject was destined for a particular firm for employment. The same department also reported that the subject was admitted as a landed immigrant in 1951, with the same firm being shown as his destination. The Department of External Affairs reported that the subject was subsequently granted a Canadian passport.

The Commission also conducted searches of the United Nations War Crimes Commission files in New York which met with negative results.

The Commission conducted CPIC, MVB, telephone directories and local police indices searches against the subject which proved negative. A search at Vital Statistics proved positive.

The Commission, having determined that the subject died in Canada in 1971, obtained a copy of the death certificate.

**On the basis of the foregoing, it is recommended that the file on the subject be closed.**

*CASE NO. S-6*

This individual was brought to the attention of the Commission as a result of research of documentation in Canada dealing with the admission to Canada of German scientists and technicians.

The Commission requested the departments of Employment and Immigration and External Affairs to conduct checks to ascertain whether the subject had entered Canada or applied for a passport. The Department of Employment and Immigration reported that the subject entered Canada in 1950 as a non-immigrant. He was destined for a particular firm for employment. The same department also reported that the subject was admitted as a landed immigrant in 1951, with the same firm shown as his destination. The Department of External Affairs reported negative search results.

Inquiries were conducted at a firm with the same name as the subject's destination. However, it had never been located at the address of the subject's destination. CPIC, Vital Statistics from 1955 to 1986, MVB, and Bell Canada were all negative.

The Commission also conducted searches of the United Nations War Crimes Commission files in New York which met with negative results.

In view of the limited time remaining before the closing of the Commission, no verifications were made with the Secretary of State for citizenship nor with the overseas agencies for war records.

The Commission accordingly *RECOMMENDS* that:

- 1- Checks against the subject should be made with the Department of the Secretary of State.**
- 2- Other investigative avenues should be explored with a view to locating the subject in Canada.**
- 3- If the subject is not found in Canada, the file should be closed.**
- 4- If the subject is found in Canada, inquiries should be made in Canadian files and overseas as to the subject's wartime activities.**
- 5- The case should then be re-assessed and a final decision taken, depending upon the results of such inquiries.**

*CASE NO. S-7*

This individual was brought to the attention of the Commission as a result of research of documentation in Canada dealing with the admission to Canada of German scientists and technicians.

The Commission requested the departments of Employment and Immigration and External Affairs to conduct checks to ascertain whether the subject had entered Canada or applied for a passport. Both departments reported negative search results.

The Commission also conducted searches of the United Nations War Crimes Commission files in New York which met with negative results.

In view of the limited time remaining before the closing of the Commission, no checks were made with the Department of the Secretary of State for citizenship.

Accordingly, the Commission *RECOMMENDS* that:

- 1- Checks should be made against the subject with the Department of the Secretary of State for citizenship.**
- 2- If this check proves positive, other investigative avenues should be explored with a view to locating the subject in Canada.**
- 3- If the subject is not found in Canada, the file should be closed.**
- 4- If the subject is found in Canada, inquiries should be made in Canadian files and overseas as to the subject's wartime activities.**
- 5- The file should then be re-assessed and a final decision taken, depending upon the results of such inquiries.**

*CASE NO. S-8*

This individual was brought to the attention of the Commission as a result of research of documentation in Canada dealing with the admission to Canada of German scientists and technicians.

The Commission requested the departments of Employment and Immigration and External Affairs to conduct checks to ascertain whether the subject had entered Canada or applied for a passport. The Department of Employment and Immigration reported that the subject entered Canada in 1951 as a landed immigrant. The Department of External Affairs reported that the subject was subsequently granted a Canadian passport at which time the subject's address was in a specific province in Canada.

The telephone directory has a current listing at the same address.

The Commission also conducted searches of the United Nations War Crimes Commission files in New York which met with negative results.

In view of the limited time remaining before the closing of the Commission, no verifications were made with the overseas agencies for war records.

Accordingly, the Commission *RECOMMENDS* that:

- 1- Overseas checks should be made as to the subject's wartime activities.**
- 2- The case should then be re-assessed and a final decision taken, depending upon the results of such inquiries.**

*CASE NO. S-9*

This individual was brought to the attention of the Commission as a result of research of documentation in Canada dealing with the admission to Canada of German scientists and technicians.

The Commission requested the departments of Employment and Immigration and External Affairs to conduct checks to ascertain whether the subject had entered Canada or applied for a passport. The Department of Employment and Immigration reported that the subject entered Canada in 1951 as a non-immigrant. The subject was destined for a particular firm for employment. The same department also reported that the subject was granted landed immigrant status in April 1951 while employed at the same firm. The Department of External Affairs reported that the subject was subsequently granted a Canadian passport.

The Commission conducted MVB searches and Vital Statistics (Marriages) with positive results.

The Commission confirmed that the subject was a resident in Canada in 1986.

The Commission also conducted searches of the United Nations War Crimes Commission files in New York which met with negative results.

It is to be noted that, due to time constraints, no overseas checks were done on the subject's wartime activities.

Accordingly, the Commission *RECOMMENDS* that:

- 1- Overseas checks should be made as to the subject's wartime activities.**
- 2- The case should then be re-assessed and a final decision taken, depending upon the results of such inquiries.**

*CASE NO. S-10*

This individual was brought to the attention of the Commission as a result of research of documentation in Canada dealing with the admission to Canada of German scientists and technicians.

The Commission requested the departments of Employment and Immigration and External Affairs to conduct checks to ascertain whether the subject had entered Canada or applied for a passport. The Department of Employment and Immigration reported that the subject entered Canada in 1951 as a landed immigrant. The subject was destined for a specific province where he had been guaranteed employment with a government agency. The Department of External Affairs reported that the subject was subsequently granted a Canadian passport to visit a foreign country.

Inquiries were conducted at the agency where the subject was supposed to have worked. His employment with the agency was confirmed, along with evidence of the subject's residency in that relevant foreign country. All of the subject's immediate family is permanently established near him and there is no indication of any plan to return to Canada.

The Commission also conducted searches of the United Nations War Crimes Commission files in New York which met with negative results.

It is to be noted that, due to time constraints, no overseas checks were done on the subject's wartime activities.

**On the basis that the subject is a resident of a foreign country it is recommended that this file be closed.**

#### *CASE NO. S-11*

This individual was brought to the attention of the Commission as a result of research of documentation in Canada dealing with the admission to Canada of German scientists and technicians.

The Commission requested the departments of Employment and Immigration and External Affairs to conduct checks to ascertain whether the subject had entered Canada or applied for a passport. The Department of Employment and Immigration reported that the subject entered Canada in 1949 as a non-immigrant. The subject was destined for a particular firm for employment. The same department also reported that the subject was admitted as a landed immigrant in 1951 with the same firm being shown as his destination. The Department of External Affairs reported negative search results.

The Commission conducted searches of the United Nations War Crimes Commission files in New York which met with negative results.

The Commission also conducted searches at Vital Statistics (Death) which revealed that the subject died in Canada in 1981. The Commission obtained a copy of the death certificate.

**On the basis of the foregoing, it is recommended that the file on the subject be closed.**

*CASE NO. S-12*

This individual was brought to the attention of the Commission as a result of research of documentation in Canada dealing with the admission to Canada of German scientists and technicians.

The Commission requested the departments of Employment and Immigration and External Affairs to conduct checks to ascertain whether the subject had entered Canada or applied for a passport. The Department of Employment and Immigration reported that the subject entered Canada in 1949 as a non-immigrant. He entered on a Minister's permit for one year and was destined for a major employer in a particular province. The Department of External Affairs reported negative search results.

The Commission also conducted searches of the United Nations War Crimes Commission files in New York which met with negative results.

Verifications were made at CPIC, MVB, and Vital Statistics with negative results. The firm where the subject was employed was dissolved in the 1950's and its records have been destroyed.

While it could be reasonably presumed that this individual left Canada at the end of his one year permit, the time constraints prevented the Commission from checking with the Secretary of State for citizenship and of conducting additional verifications with a view to confirming departure, as well as of conducting overseas checks on the subject's wartime activities.

Accordingly, the Commission *RECOMMENDS* that:

- 1- Checks against the subject should be made with the Department of the Secretary of State for citizenship.**
- 2- Other investigative avenues should be explored with a view to locating the subject in Canada.**
- 3- If the subject is not found in Canada, the file should be closed.**
- 4- If the subject is found in Canada, inquiries should be made in Canadian files and overseas as to the subject's wartime activities.**
- 5- The case should then be re-assessed and a final decision taken, depending upon the results of such inquiries.**

*CASE NO. S-13*

This individual was brought to the attention of the Commission as a result of research of documentation in Canada dealing with the admission to Canada of German scientists and technicians.

The Commission requested the departments of Employment and Immigration and External Affairs to conduct checks to ascertain whether the subject had entered Canada or applied for a passport. The Department of Employment and Immigration reported that the subject entered Canada in 1948 as a non-immigrant. He was destined for a particular firm for employment. The same department also reported that the subject was admitted as a landed immigrant in 1951, destined for another particular firm. The Department of External Affairs reported that the subject was subsequently granted a Canadian passport at which time the subject's permanent address was in a specific province in Canada.

The Commission also conducted searches of the United Nations War Crimes Commission files in New York which met with negative results.

Vital Statistics revealed that the subject was reported deceased in Canada in 1983. A copy of the death certificate was obtained.

**On the basis of the foregoing, it is recommended that the file on the subject be closed.**

*CASE NO. S-14*

This individual was brought to the attention of the Commission as a result of research of documentation in Canada dealing with the admission to Canada of German scientists and technicians.

The Commission requested the departments of Employment and Immigration and External Affairs to conduct checks to ascertain whether the subject had entered Canada or applied for a passport. The Department of Employment and Immigration reported that the subject entered Canada in 1949 as a non-immigrant. The subject was destined for a particular firm for employment. The same department also reported that subject was admitted as a landed immigrant in 1951 with the same firm being shown as his destination. The Department of External Affairs reported negative search results.

The Commission conducted searches at Vital Statistics (Death) which revealed that the subject died in Canada in 1980. The Commission obtained a copy of the death certificate.

The Commission also conducted searches of the United Nations War Crimes Commission files in New York which met with negative results.

**On the basis of the foregoing, it is recommended that the file on the subject be closed.**

*CASE NO. S-15*

This individual was brought to the attention of the Commission as a result of research of documentation in Canada dealing with the admission to Canada of German scientists and technicians.

The Commission requested the departments of Employment and Immigration and External Affairs to conduct checks to ascertain whether the subject had entered Canada or applied for a passport. The Department of Employment and Immigration reported that the subject entered Canada in 1950 as a non-immigrant. The subject was destined for a particular firm for employment. The same department also reported that the subject was admitted as a landed immigrant in 1951 with the same firm being shown as his destination. The Department of External Affairs reported negative search results.

Inquiries were conducted with the firm which had employed the subject, but the only recollection was that the subject worked there and left for another province over 20 years ago.

The Commission conducted searches at CPIC, MVB, and Vital Statistics (Deaths), and all local directories with negative results.

The Commission also conducted searches of the United Nations War Crimes Commission files in New York which met with negative results.

Due to time constraints, no verifications were made with the Secretary of State for citizenship nor with the overseas agencies for war records.

Accordingly, the Commission *RECOMMENDS* that:

- 1- Checks against the subject should be made with the Department of the Secretary of State.**
- 2- Other investigative avenues should be explored with a view to locating the subject in Canada.**
- 3- If the subject is not found in Canada, the file should be closed.**
- 4- If the subject is found in Canada, inquiries should be made in Canadian files and overseas as to the subject's wartime activities.**
- 5- The case should then be re-assessed and a final decision taken, depending upon the results of such inquiries.**

*CASE NO. S-16*

This individual was brought to the attention of the Commission as a result of research of documentation in Canada dealing with the admission to Canada of German scientists and technicians.



The Commission requested the Department of Employment and Immigration to conduct checks to ascertain whether the subject had entered Canada. The reply to this request was negative.

The Commission also conducted searches of the United Nations War Crimes Commission files in New York which met with negative results.

In view of the limited time remaining before the closing of the Commission, no checks were made with the departments of the Secretary of State and External Affairs for citizenship and passport.

Accordingly, the Commission *RECOMMENDS* that:

- 1- Checks should be made against the subject with the departments of the Secretary of State and External Affairs for citizenship and passport.**
- 2- If one of these checks proves positive, other investigative avenues should be explored with a view to locating the subject in Canada.**
- 3- If the subject is not found in Canada, the file should be closed.**
- 4- If the subject is found in Canada, inquiries should be made in Canadian files and overseas as to the subject's wartime activities.**
- 5- The file should then be re-assessed and a final decision taken, depending upon the results of such inquiries.**

*CASE NO. S-17*

This individual was brought to the attention of the Commission as a result of research of documentation in Canada dealing with the admission to Canada of German scientists and technicians.

The Commission requested the Department of Employment and Immigration to conduct checks to ascertain whether the subject had entered Canada. The reply to this request was negative.

The Commission also conducted searches of the United Nations War Crimes Commission files in New York which met with negative results.

In view of the limited time remaining before the closing of the Commission, no checks were made with the departments of the Secretary of State and External Affairs for citizenship and passport.

Accordingly, the Commission *RECOMMENDS* that:

- 1- Checks should be made against the subject with the departments of the Secretary of State and External Affairs for citizenship and passport.**

- 2- If one of these checks proves positive, other investigative avenues should be explored with a view to locating the subject in Canada.**
- 3- If the subject is not found in Canada, the file should be closed.**
- 4- If the subject is found in Canada, inquiries should be made in Canadian files and overseas as to the subject's wartime activities.**
- 5- The file should then be re-assessed and a final decision taken, depending upon the results of such inquiries.**

*CASE NO. S-18*

This individual was brought to the attention of the Commission as a result of research of documentation in Canada dealing with the admission to Canada of German scientists and technicians.

The Commission requested the Department of Employment and Immigration to conduct checks to ascertain whether the subject had entered Canada. The reply to this request was negative.

The Commission also conducted searches of the United Nations War Crimes Commission files in New York which met with negative results.

In view of the limited time remaining before the closing of the Commission, no checks were made with the departments of the Secretary of State and External Affairs for citizenship and passport.

Accordingly, the Commission *RECOMMENDS* that:

- 1- Checks should be made against the subject with the departments of the Secretary of State and External Affairs for citizenship and passport.**
- 2- If one of these checks proves positive, other investigative avenues should be explored with a view to locating the subject in Canada.**
- 3- If the subject is not found in Canada, the file should be closed.**
- 4- If the subject is found in Canada, inquiries should be made in Canadian files and overseas as to the subject's wartime activities.**
- 5- The file should then be re-assessed and a final decision taken, depending upon the results of such inquiries.**

*CASE NO. S-19*

This individual was brought to the attention of the Commission as a result of research of documentation in Canada dealing with the admission to Canada of German scientists and technicians.

The Commission requested the Department of Employment and Immigration to conduct checks to ascertain whether the subject had entered Canada. The reply to this request was negative.

The Commission also conducted searches of the United Nations War Crimes Commission files in New York which met with negative results.

In view of the limited time remaining before the closing of the Commission, no checks were made with the departments of the Secretary of State and External Affairs for citizenship and passport.

Accordingly, the Commission *RECOMMENDS* that:

- 1- Checks should be made against the subject with the departments of the Secretary of State and External Affairs for citizenship and passport.**
- 2- If one of these checks proves positive, other investigative avenues should be explored with a view to locating the subject in Canada.**
- 3- If the subject is not found in Canada, the file should be closed.**
- 4- If the subject is found in Canada, inquiries should be made in Canadian files and overseas as to the subject's wartime activities.**
- 5- The file should then be re-assessed and a final decision taken, depending upon the results of such inquiries.**

*CASE NO. S-20*

This individual was brought to the attention of the Commission as a result of research of documentation in Canada dealing with the admission to Canada of German scientists and technicians.

The Commission requested the Department of Employment and Immigration to conduct checks to ascertain whether the subject had entered Canada. The reply to this request was negative.

The Commission also conducted searches of the United Nations War Crimes Commission files in New York which met with negative results.

In view of the limited time remaining before the closing of the Commission, no checks were made with the departments of the Secretary of State and External Affairs for citizenship and passport.

Accordingly, the Commission *RECOMMENDS* that:

- 1- Checks should be made against the subject with the departments of the Secretary of State and External Affairs for citizenship and passport.**
- 2- If one of these checks proves positive, other investigative avenues should be explored with a view to locating the subject in Canada.**
- 3- If the subject is not found in Canada, the file should be closed.**
- 4- If the subject is found in Canada, inquiries should be made in Canadian files and overseas as to the subject's wartime activities.**
- 5- The file should then be re-assessed and a final decision taken, depending upon the results of such inquiries.**

*CASE NO. S-21*

This individual was brought to the attention of the Commission as a result of research of documentation in Canada dealing with the admission to Canada of German scientists and technicians.

The Commission requested the departments of Employment and Immigration and External Affairs to conduct checks to ascertain whether the subject had entered Canada or applied for a passport. The Department of Employment and Immigration reported that the subject entered Canada in 1950 as a non-immigrant. The subject was destined for a specific province. The same department also reported that the subject was granted landed immigrant status in 1951 while still in that province. The Department of External Affairs reported that the subject was subsequently granted a Canadian passport.

The Commission also conducted searches of the United Nations War Crimes Commission files in New York which met with negative results.

The Commission conducted a check at Vital Statistics which revealed that the subject died in Canada in 1983. The Commission obtained a copy of the death certificate.

**On the basis of the foregoing, it is recommended that the file on the subject be closed.**

*CASE NO. S-22*

This individual was brought to the attention of the Commission as a result of research of documentation in Canada dealing with the admission to Canada of German scientists and technicians.

The Commission requested the departments of Employment and Immigration and External Affairs to conduct checks to ascertain whether the subject had entered Canada or applied for a passport. The Department of Employment and Immigration reported that the subject entered Canada in 1947 as a non-immigrant. The subject was destined for a particular firm for employment. The same department also reported that the subject was admitted as a landed immigrant in 1951, with the same firm being shown as his destination. The Department of External Affairs reported negative search results.

The Commission also conducted searches of the United Nations War Crimes Commission files in New York which met with negative results.

The Commission conducted CPIC, MVB, telephone directories and local police indices searches against the subject which proved negative. A search at Vital Statistics proved positive.

The Commission, having determined that the subject died in Canada in 1967, obtained a copy of the death certificate.

**On the basis of the foregoing, it is recommended that the file on the subject be closed.**

*CASE NO. S-23*

This individual was brought to the attention of the Commission as a result of research of documentation in Canada dealing with the admission to Canada of German scientists and technicians.

The Commission requested the departments of Employment and Immigration and External Affairs to conduct checks to ascertain whether the subject had entered Canada or applied for a passport. The Department of Employment and Immigration reported that the subject entered Canada in 1948 as a non-immigrant. The subject was destined for a particular firm for employment. The same department also reported that the subject was admitted as a landed immigrant in 1951, with the same firm being shown as destination. The Department of External Affairs reported that the subject was subsequently granted a Canadian passport.

The Commission also conducted searches of the United Nations War Crimes Commission files in New York which met with negative results.

The Commission's investigation has revealed that the subject of this file is employed and living in Canada.

It is to be noted that, due to time constraints, no overseas checks were done on the subject's wartime activities.

Accordingly, the Commission *RECOMMENDS* that:

- 1- Overseas checks should be made as to the subject's wartime activities.**
- 2- Should these checks reveal that the subject was involved in war crimes activities, the case should then be re-assessed and a final decision taken, depending upon the results of such inquiries.**

*CASE NO. S-24*

This individual was brought to the attention of the Commission as a result of research of documentation in Canada dealing with the admission to Canada of German scientists and technicians.

The Commission requested the departments of Employment and Immigration and External Affairs to conduct checks to ascertain whether the subject had entered Canada or applied for a passport. The Department of Employment and Immigration reported that the subject entered Canada in 1949 as a non-immigrant. The subject was destined for a particular factory for employment. The Department of External Affairs reported negative search results.

Inquiries were conducted at the factory where the subject was destined to go, but the company is no longer in business and the Commission was unable to trace any of the company's principals.

The Commission also conducted searches of the United Nations War Crimes Commission files in New York which met with negative results.

The Commission conducted searches at CPIC, MVB, Vital Statistics (Deaths), and local directories with negative results.

While it could be reasonably presumed that this individual left Canada at the end of his one year permit, time constraints prevented the Commission from checking with the Secretary of State for citizenship and of conducting additional verifications with a view to confirming his departure, as well as of conducting overseas checks on the subject's wartime activities.

The Commission accordingly *RECOMMENDS* that:

- 1- Checks against the subject should be made with the Department of the Secretary of State.**
- 2- Other investigative avenues should be explored with a view to locating the subject in Canada.**
- 3- If the subject is not found in Canada, the file should be closed.**
- 4- If the subject is found in Canada, inquiries should be made in Canadian files and overseas as to the subject's wartime activities.**

- 5- The case should then be re-assessed and a final decision taken, depending upon the results of such inquiries.**

*CASE NO. S-25*

This individual was brought to the attention of the Commission as a result of research of documentation in Canada dealing with the admission to Canada of German scientists and technicians.

The Commission requested the departments of Employment and Immigration and External Affairs to conduct checks to ascertain whether the subject had entered Canada or applied for a passport. The Department of Employment and Immigration reported that the subject entered Canada in 1949 as a non-immigrant. He was destined for a specific province where he was guaranteed employment in a major industry. The same department also reported that the subject was granted landed immigrant status in 1951, destined for the same firm. The Department of External Affairs reported negative search results.

Inquiries were conducted at the firm where the subject was allegedly employed. The subject is not currently, nor has he been employed for the past five years. Personnel records are retained for only five years at the firm in question.

No trace of the subject could be found in local directories. Vital Statistics from 1955 to 1986 as well as CPIC had negative results. No MVB check was done due to the lack information on a date of birth.

The Commission also conducted searches of the United Nations War Crimes Commission files in New York which met with negative results.

In view of the limited time remaining before the closing of the Commission, no verifications were made with the Secretary of State for citizenship nor with the overseas agencies for war records.

The Commission accordingly *RECOMMENDS* that:

- 1- Checks against the subject should be made with the Department of the Secretary of State.**
- 2- Other investigative avenues should be explored with a view to locating the subject in Canada.**
- 3- If the subject is not found in Canada, the file should be closed.**
- 4- If the subject is found in Canada, inquiries should be made in Canadian files and overseas as to the subject's wartime activities.**
- 5- The case should then be re-assessed and a final decision taken, depending upon the results of such inquiries.**

*CASE NO. S-26*

This individual was brought to the attention of the Commission as a result of research of documentation in Canada dealing with the admission to Canada of German scientists and technicians.

The Commission requested the departments of Employment and Immigration and External Affairs to conduct checks to ascertain whether the subject had entered Canada or applied for a passport. The Department of Employment and Immigration reported that the subject entered Canada in 1947 as a non-immigrant. The subject was destined for a particular firm for employment. The same department also reported that the subject was admitted as a landed immigrant in 1951, with the same firm being shown as destination. The Department of External Affairs reported negative search results.

The Commission also conducted searches of the United Nations War Crimes Commission files in New York which met with negative results.

The Commission conducted CPIC, MVB, telephone directories and local police indices searches against the subject which proved negative. A search at Vital Statistics proved positive.

The Commission, having determined that the subject died in Canada in 1961, obtained a copy of the death certificate.

**On the basis of the foregoing, it is recommended that the file on the subject be closed.**

*CASE NO. S-27*

This individual was brought to the attention of the Commission as a result of research of documentation in Canada dealing with the admission to Canada of German scientists and technicians.

The Commission requested the departments of Employment and Immigration and External Affairs to conduct checks to ascertain whether the subject had entered Canada or applied for a passport. The Department of Employment and Immigration reported that the subject entered Canada in 1950 as a non-immigrant. The subject was destined for a specific province. There is no record indicating that the subject was granted landed immigrant status. The Department of External Affairs reported that the subject was subsequently granted a Canadian passport.

The Commission conducted searches of the United Nations War Crimes Commission files in New York which met with negative results.

The Commission also conducted a check at Vital Statistics which revealed that the subject died in Canada in 1979. The Commission obtained a copy of the death certificate.



**On the basis of the foregoing, it is recommended that the file on the subject be closed.**

*CASE NO. S-28*

This individual was brought to the attention of the Commission as a result of research of documentation in Canada dealing with the admission to Canada of German scientists and technicians.

The Commission requested the departments of Employment and Immigration and External Affairs to conduct checks to ascertain whether the subject had entered Canada or applied for a passport. The Department of Employment and Immigration reported that the subject entered Canada in 1950 as a non-immigrant. He was destined for a specific province where he was guaranteed employment in a major industry. The same department also reported that the subject was granted landed immigrant status in 1951 destined for the same firm. The Department of External Affairs reported that an individual with the same name and date of birth, but place of birth not mentioned, was residing in Canada in 1963.

No inquiries were conducted at the company in question as it is no longer in business.

No trace of the subject could be found in local directories. Vital Statistics also produced negative results from 1955 to 1986. Canada-wide MVB verifications were made with negative search results.

The Commission also conducted searches of the United Nations War Crimes Commission files in New York which met with negative results.

In view of the limited time remaining before the closing of the Commission, no verifications were made with the Secretary of State for citizenship nor with the overseas agencies for war records.

The Commission accordingly *RECOMMENDS* that:

- 1- Checks against the subject should be made with the Department of the Secretary of State.**
- 2- Other investigative avenues should be explored with a view to locating the subject in Canada.**
- 3- If the subject is not found in Canada, the file should be closed.**
- 4- If the subject is found in Canada, inquiries should be made in Canadian files and overseas as to the subject's wartime activities.**
- 5- The case should then be re-assessed and a final decision taken, depending upon the results of such inquiries.**

*CASE NO. S-29*

This individual was brought to the attention of the Commission as a result of research of documentation in Canada dealing with the admission to Canada of German scientists and technicians.

The Commission requested the departments of Employment and Immigration and External Affairs to conduct checks to ascertain whether the subject had entered Canada or applied for a passport. The Department of Employment and Immigration reported that the subject entered Canada in 1950 as a non-immigrant. He was destined for a specific province and was guaranteed employment in a major industry. The same department also reported that the subject was granted landed immigrant status in 1951 destined for the same company. The Department of External Affairs reported negative search results.

No inquiries were conducted at the company in question as it is no longer in business.

No trace of the subject could be found in local directories. Vital Statistics also produced negative results from 1955 to 1986. No MVB verifications were made due to the lack of information on a date of birth.

The Commission also conducted searches of the United Nations War Crimes Commission files in New York which met with negative results.

In view of the limited time remaining before the closing of the Commission, no verifications were made with the Secretary of State for citizenship nor with the overseas agencies for war records.

The Commission accordingly *RECOMMENDS* that:

- 1- Checks against the subject should be made with the Department of the Secretary of State.
- 2- Other investigative avenues should be explored with a view to locating the subject in Canada.
- 3- If the subject is not found in Canada, the file should be closed.
- 4- If the subject is found in Canada, inquiries should be made in Canadian files and overseas as to the subject's wartime activities.
- 5- The case should then be re-assessed and a final decision taken, depending upon the results of such inquiries.

*CASE NO. S-30*

This individual was brought to the attention of the Commission as a result of research of documentation in Canada dealing with the admission to Canada of German scientists and technicians.

The Commission requested the Department of Employment and Immigration to conduct checks to ascertain whether the subject had entered Canada. The reply to this request was negative.

The Commission also conducted searches of the United Nations War Crimes Commission files in New York which met with negative results.

In view of the limited time remaining before the closing of the Commission, no checks were made with the departments of the Secretary of State and External Affairs for citizenship and passport.

Accordingly, the Commission *RECOMMENDS* that:

- 1- Checks should be made against the subject with the departments of the Secretary of State and External Affairs for citizenship and passport.**
- 2- If one of these checks proves positive, other investigative avenues should be explored with a view to locating the subject in Canada.**
- 3- If the subject is not found in Canada, the file should be closed.**
- 4- If the subject is found in Canada, inquiries should be made in Canadian files and overseas as to the subject's wartime activities.**
- 5- The file should then be re-assessed and a final decision taken, depending upon the results of such inquiries.**

*CASE NO. S-31*

This individual was brought to the attention of the Commission as a result of research of documentation in Canada dealing with the admission to Canada of German scientists and technicians.

The Commission requested the departments of Employment and Immigration and External Affairs to conduct checks to ascertain whether the subject had entered Canada or applied for a passport. Both departments reported negative search results.

The Commission also conducted searches of the United Nations War Crimes Commission files in New York which met with negative results.

In view of the limited time remaining before the closing of the Commission, no checks were made with the Department of the Secretary of State for citizenship.

Accordingly, the Commission *RECOMMENDS* that:

- 1- Checks should be made against the subject with the Department of the Secretary of State for citizenship.**

- 2- If this check proves positive, other investigative avenues should be explored with a view to locating the subject in Canada.**
- 3- If the subject is not found in Canada, the file should be closed.**
- 4- If the subject is found in Canada, inquiries should be made in Canadian files and overseas as to the subject's wartime activities.**
- 5- The file should then be re-assessed and a final decision taken, depending upon the results of such inquiries.**

*CASE NO. S-32*

This individual was brought to the attention of the Commission as a result of research of documentation in Canada dealing with the admission to Canada of German scientists and technicians.

The Commission requested the departments of Employment and Immigration and External Affairs to conduct checks to ascertain whether the subject had entered Canada or applied for a passport. Both departments reported negative search results.

The Commission also conducted searches of the United Nations War Crimes Commission files in New York which met with negative results.

In view of the limited time remaining before the closing of the Commission, no checks were made with the Department of the Secretary of State for citizenship.

Accordingly, the Commission *RECOMMENDS* that:

- 1- Checks should be made against the subject with the Department of the Secretary of State for citizenship.**
- 2- If this check proves positive, other investigative avenues should be explored with a view to locating the subject in Canada.**
- 3- If the subject is not found in Canada, the file should be closed.**
- 4- If the subject is found in Canada, inquiries should be made in Canadian files and overseas as to the subject's wartime activities.**
- 5- The file should then be re-assessed and a final decision taken, depending upon the results of such inquiries.**

*CASE NO. S-33*

This individual was brought to the attention of the Commission as a result of research of documentation in Canada dealing with the admission to Canada of German scientists and technicians.

The Commission requested the departments of Employment and Immigration and External Affairs to conduct checks to ascertain whether the subject had entered Canada or applied for a passport. The Department of Employment and Immigration reported that the subject entered Canada in 1950 as a non-immigrant. The subject was destined for a particular firm for employment. The same department also reported that the subject was admitted as a landed immigrant in 1951 with the same firm being shown as destination. The Department of External Affairs reported that the subject was subsequently granted a Canadian passport at which time the subject's permanent address was in a foreign country.

The Commission also conducted searches of the United Nations War Crimes Commission files in New York which met with negative results.

The Commission conducted CPIC, MVB, telephone directories, Vital Statistics and local police indices searches against the subject. All search responses were negative.

In view of the foregoing, it strongly appears that the subject did not return to reside in Canada since giving a permanent foreign address.

It is to be noted that, due to time constraints, no overseas checks were done on the subject's wartime activities.

Accordingly, the Commission *RECOMMENDS* that:

- 1- Overseas checks should be made as to the subject's wartime activities.**
- 2- Should these checks reveal that the subject was involved in war crimes activities, consideration should be given to submitting the name of the subject under investigation to the relevant foreign authorities.**
- 3- If verifications prove negative, the file should be closed.**

*CASE NO. S-34*

This individual was brought to the attention of the Commission as a result of research of documentation in Canada dealing with the admission to Canada of German scientists and technicians.

The Commission requested the Department of Employment and Immigration to conduct checks to ascertain whether the subject had entered Canada. The reply to this request was negative.

The Commission also conducted searches of the United Nations War Crimes Commission files in New York which met with negative results.

In view of the limited time remaining before the closing of the Commission, no checks were made with the departments of the Secretary of State and External Affairs for citizenship and passport.

Accordingly, the Commission *RECOMMENDS* that:

- 1- Checks should be made against the subject with the departments of the Secretary of State and External Affairs for citizenship and passport.**
- 2- If one of these checks proves positive, other investigative avenues should be explored with a view to locating the subject in Canada.**
- 3- If the subject is not found in Canada, the file should be closed.**
- 4- If the subject is found in Canada, inquiries should be made in Canadian files and overseas as to the subject's wartime activities.**
- 5- The file should then be re-assessed and a final decision taken, depending upon the results of such inquiries.**

*CASE NO. S-35*

This individual was brought to the attention of the Commission as a result of research of documentation in Canada dealing with the admission to Canada of German scientists and technicians.

The Commission requested the departments of Employment and Immigration and External Affairs to conduct checks to ascertain whether the subject had entered Canada or applied for a passport. The Department of Employment and Immigration reported that the subject entered Canada in 1947 as a non-immigrant. The subject was destined for a particular firm for employment. The same department also reported that the subject was admitted as a landed immigrant in 1951, with the same firm being shown as destination. The Department of External Affairs reported that the subject was subsequently granted a Canadian passport.

The Commission also conducted searches of the United Nations War Crimes Commission files in New York which met with negative results.

The Commission conducted CPIC, MVB, telephone directories, local police indices and Vital Statistics searches against the subject, which proved negative.

Inquiries were conducted at the firm where the subject was supposed to have worked. His employment was confirmed. It was learned that, in the 1970's, he returned to his native country where he died a few years ago in his late 80's.

It is noted that due to time constraints, application for a death certificate was not requested from the relevant foreign authorities.

**On the basis of the foregoing, it is recommended that the file on the subject be closed.**

#### *CASE NO. S-36*

This individual was brought to the attention of the Commission as a result of research of documentation in Canada dealing with the admission to Canada of German scientists and technicians.

The Commission requested the departments of Employment and Immigration and External Affairs to conduct checks to ascertain whether the subject had entered Canada or applied for a passport. The Department of Employment and Immigration reported that the subject entered Canada in 1950 as a non-immigrant. He was destined for a specific province where he was guaranteed employment with a major industry. The same department also reported that the subject was granted landed immigrant status in 1951 with the same firm shown as his destination. The Department of External Affairs reported negative search results.

No inquiries were made at the firm where the subject was allegedly employed as the company is no longer in existence.

The subject's name was verified in local directories with negative results. Vital Statistics from 1955 to 1986, was also negative. Confidential sources also failed to reveal the subject as residing in the province in question. No MVB check was made.

The Commission also conducted searches of the United Nations War Crimes Commission files in New York which met with negative results.

In view of the limited time remaining before the closing of the Commission, no verifications were made with the Secretary of State for citizenship nor with the overseas agencies for war records.

The Commission accordingly *RECOMMENDS* that:

- 1- Checks against the subject should be made with the Department of the Secretary of State.**

- 2- Other investigative avenues should be explored with a view to locating the subject in Canada.**
- 3- If the subject is not found in Canada, the file should be closed.**
- 4- If the subject is found in Canada, inquiries should be made in Canadian files and overseas as to the subject's wartime activities.**
- 5- The case should then be re-assessed and a final decision taken, depending upon the results of such inquiries.**

*CASE NO. S-37*

This individual was brought to the attention of the Commission as a result of research of documentation in Canada dealing with the admission to Canada of German scientists and technicians.

The Commission requested the departments of Employment and Immigration and External Affairs to conduct checks to ascertain whether the subject had entered Canada or applied for a passport. The Department of Employment and Immigration reported that the subject entered Canada in 1950 as a non-immigrant. The subject was destined for a specific province where he was to be employed at a particular company. The Department of External Affairs reported negative search results.

Inquiries were conducted where the subject was destined to go. The company is no longer in business, and the Commission is unable to trace any of the company principals.

The Commission also conducted searches of the United Nations War Crimes Commission files in New York which met with negative results.

While it could be reasonably presumed that this individual left Canada at the end of his one year permit, the time constraints prevented the Commission from checking with the Secretary of State for citizenship and of conducting additional verifications with a view to confirming the subject's departure, as well as of conducting overseas checks on the subject's wartime activities.

The Commission accordingly *RECOMMENDS* that:

- 1- Checks against the subject should be made with the Department of the Secretary of State.**
- 2- Other investigative avenues should be explored with a view to locating the subject in Canada.**
- 3- If the subject is not found in Canada, the file should be closed.**
- 4- If the subject is found in Canada, inquiries should be made in Canadian files and overseas as to the subject's wartime activities.**



- 5- The case should then be re-assessed and a final decision taken, depending upon the results of such inquiries.**

*CASE NO. S-38*

This individual was brought to the attention of the Commission as a result of research of documentation in Canada dealing with the admission to Canada of German scientists and technicians.

The Commission requested the departments of Employment and Immigration and External Affairs to conduct checks to ascertain whether the subject had entered Canada or applied for a passport. The Department of Employment and Immigration reported that the subject entered Canada at an unspecified port of entry in 1949 as a non-immigrant and was destined for employment in a specific province. The same department also reported that the subject was given landed immigrant status in 1951, and continued with the same employer in that province. The Department of External Affairs reported that the subject was subsequently granted a Canadian passport with an address in the relevant province.

The records of his employer indicate he retired recently and is still residing at the address shown on his passport.

The Commission also conducted searches of the United Nations War Crimes Commission files in New York which met with negative results.

In view of the limited time remaining before the closing of the Commission, no verifications were made with the overseas agencies for war records.

Accordingly, the Commission *RECOMMENDS* that:

- 1- Overseas checks be made as to the subject's wartime activities.**
- 2- The case should then be re-assessed and a final decision taken, depending upon the results of such inquiries.**

*CASE NO. S-39*

This individual was brought to the attention of the Commission as a result of research of documentation in Canada dealing with the admission to Canada of German scientists and technicians.

The Commission requested the departments of Employment and Immigration and External Affairs to conduct checks to ascertain whether the subject had entered Canada or applied for a passport. The Department of Employment and Immigration reported that the subject entered Canada at an unspecified port of entry in 1949 as a non-immigrant. He was destined for a specific province where he was guaranteed employment in a major industry. It was also learned from the same department, that the subject was granted landed immigrant

status in 1951 while still an employee of the same firm. The Department of External Affairs reported negative search results.

Inquiries were conducted at the firm where the subject was allegedly employed. The subject is not currently employed there, nor has he been for the past 10 years. Personnel records are retained for 10 years only at that firm.

The subject's name and address appear in local directories from 1949 to 1952 inclusive. Verifications at the address shown were to no avail. CPIC and MVB checks were also negative.

The Commission also conducted searches of the United Nations War Crimes Commission files in New York which met with negative results.

In view of the limited time remaining before the closing of the Commission, no verifications were made with the Secretary of State for citizenship nor with the overseas agencies for war records.

The Commission accordingly *RECOMMENDS* that:

- 1- Checks against the subject should be made with the Department of the Secretary of State.**
- 2- Other investigative avenues should be explored with a view to locating the subject in Canada.**
- 3- If the subject is not found in Canada, the file should be closed.**
- 4- If the subject is found in Canada, inquiries should be made in Canadian files and overseas as to the subject's wartime activities.**
- 5- The case should then be re-assessed and a final decision taken, depending upon the results of such inquiries.**

*CASE NO. S-40*

This individual was brought to the attention of the Commission as a result of research of documentation in Canada dealing with the admission to Canada of German scientists and technicians.

The Commission requested the departments of Employment and Immigration and External Affairs to conduct checks to ascertain whether the subject had entered Canada or applied for a passport. The Department of Employment and Immigration reported that the subject entered Canada in 1949 as a non-immigrant destined for employment in a specific province. The same department also reported that the subject was given landed immigrant status in 1951 with the same employer shown as his destination. The Department of External Affairs reported negative search results.

A person believed to be identical to the subject has been located by the Commission in that province.

The Commission also conducted searches of the United Nations War Crimes Commission files in New York which met with negative results.

In view of the limited time remaining before the closing of the Commission, no verifications were made with the Secretary of State for citizenship nor with the overseas agencies for war records.

Accordingly, the Commission *RECOMMENDS* that:

- 1- Checks against the subject be made with the Department of the Secretary of State.**
- 2- Overseas checks should be made as to the subject's wartime activities.**
- 3- The case should then be re-assessed and a final decision taken, depending upon the results of such inquiries.**

*CASE NO. S-41*

This individual was brought to the attention of the Commission as a result of research of documentation in Canada dealing with the admission to Canada of German scientists and technicians.

The Commission requested the departments of Employment and Immigration and External Affairs to conduct checks to ascertain whether the subject had entered Canada or applied for a passport. The Department of Employment and Immigration reported that the subject entered Canada in 1949 as a non-immigrant. His destination was a specific province where he was guaranteed employment with a major industry. The same department also reported that the subject was granted landed immigrant status in 1951 with the same firm shown as his destination. The Department of External Affairs reported that the subject was subsequently granted Canadian passports.

The Commission conducted MVB searches and confirms the subject to be resident of Canada in 1986. The subject's name and address appear in 1986 local directories.

The Commission also conducted searches of the United Nations War Crimes Commission files in New York which met with negative results.

In view of the limited time remaining before the closing of the Commission, no verifications were made with the Secretary of State for citizenship nor with the overseas agencies for war records.

The Commission accordingly *RECOMMENDS* that:

- 1- Checks against the subject should be made with the Department of the Secretary of State.**
- 2- Inquiries should be made in Canadian files and overseas as to the subject's wartime activities.**
- 3- The case should then be re-assessed and a final decision taken, depending upon the results of such inquiries.**

*CASE NO. S-42*

This individual was brought to the attention of the Commission as a result of research of documentation in Canada dealing with the admission to Canada of German scientists and technicians.

The Commission requested the departments of Employment and Immigration and External Affairs to conduct checks to ascertain whether the subject had entered Canada or applied for a passport. Both departments reported negative search results.

The Commission also conducted searches of the United Nations War Crimes Commission files in New York which met with negative results.

In view of the limited time remaining before the closing of the Commission, no checks were made with the Department of the Secretary of State for citizenship.

Accordingly, the Commission *RECOMMENDS* that:

- 1- Checks should be made against the subject with the Department of the Secretary of State for citizenship.**
- 2- If this check proves positive, other investigative avenues should be explored with a view to locating the subject in Canada.**
- 3- If the subject is not found in Canada, the file should be closed.**
- 4- If the subject is found in Canada, inquiries should be made in Canadian files and overseas as to the subject's wartime activities.**
- 5- The file should then be re-assessed and a final decision taken, depending upon the results of such inquiries.**

*CASE NO. S-43*

This individual was brought to the attention of the Commission as a result of research of documentation in Canada dealing with the admission to Canada of German scientists and technicians.

The Commission requested the Department of Employment and Immigration to conduct checks to ascertain whether the subject had entered Canada. The reply to this request was negative.

The Commission also conducted searches of the United Nations War Crimes Commission files in New York which met with negative results.

In view of the limited time remaining before the closing of the Commission, no checks were made with the departments of the Secretary of State and External Affairs for citizenship and passport.

Accordingly, the Commission *RECOMMENDS* that:

- 1- Checks should be made against the subject with the departments of the Secretary of State and External Affairs for citizenship and passport.**
- 2- If one of these checks proves positive, other investigative avenues should be explored with a view to locating the subject in Canada.**
- 3- If the subject is not found in Canada, the file should be closed.**
- 4- If the subject is found in Canada, inquiries should be made in Canadian files and overseas as to the subject's wartime activities.**
- 5- The file should then be re-assessed and a final decision taken, depending upon the results of such inquiries.**

*CASE NO. S-44*

This individual was brought to the attention of the Commission as a result of research of documentation in Canada dealing with the admission to Canada of German scientists and technicians.

The Commission requested the departments of Employment and Immigration and External Affairs to conduct checks to ascertain whether the subject had entered Canada or applied for a passport. The Department of Employment and Immigration reported that the subject entered Canada in 1951 as a landed immigrant. The subject was destined for a particular firm for employment. The Department of External Affairs reported negative search results.

The Commission conducted MVB searches and Vital Statistics (Marriages) with positive results.

The Commission confirmed that the subject was a resident of Canada in 1986.

The Commission also conducted searches of the United Nations War Crimes Commission files in New York which met with negative results.

It is to be noted that, due to time constraints, no overseas checks were done on the subject's wartime activities.

Accordingly, the Commission *RECOMMENDS* that:

- 1- Overseas checks should be made as to the subject's wartime activities.**
- 2- The case should then be re-assessed and a final decision taken, depending upon the results of such inquiries.**

*CASE NO. S-45*

This individual was brought to the attention of the Commission as a result of research of documentation in Canada dealing with the admission to Canada of German scientists and technicians.

The Commission requested the Department of Employment and Immigration to conduct checks to ascertain whether the subject had entered Canada. The reply to this request was negative.

The Commission also conducted searches of the United Nations War Crimes Commission files in New York which met with negative results.

In view of the limited time remaining before the closing of the Commission, no checks were made with the departments of the Secretary of State and External Affairs for citizenship and passport.

Accordingly, the Commission *RECOMMENDS* that:

- 1- Checks should be made against the subject with the departments of the Secretary of State and External Affairs for citizenship and passport.**
- 2- If one of these checks proves positive, other investigative avenues should be explored with a view to locating the subject in Canada.**
- 3- If the subject is not found in Canada, the file should be closed.**
- 4- If the subject is found in Canada, inquiries should be made in Canadian files and overseas as to the subject's wartime activities.**
- 5- The file should then be re-assessed and a final decision taken, depending upon the results of such inquiries.**

*CASE NO. S-46*

This individual was brought to the attention of the Commission as a result of research of documentation in Canada dealing with the admission to Canada of German scientists and technicians.

The Commission requested the departments of Employment and Immigration and External Affairs to conduct checks to ascertain whether the subject had entered Canada or applied for a passport. The Department of Employment and Immigration reported that the subject entered Canada in 1949 as a non-immigrant. The subject was destined for a particular firm for employment. The same department also reported that the subject was admitted as a landed immigrant in 1951, with the same firm being shown as, destination. The Department of External Affairs reported negative search results.

The Commission also conducted searches of the United Nations War Crimes Commission files in New York which met with negative results.

The Commission conducted CPIC, MVB, telephone directories, Vital Statistics and local police indices searches against the subject. All search responses were negative.

In view of the limited time remaining before the closing of the Commission, no verifications were made with the Secretary of State for citizenship nor with overseas agencies for war records.

The Commission accordingly *RECOMMENDS* that:

- 1- Checks against the subject should be made with the Department of the Secretary of State.**
- 2- Other investigative avenues should be explored with a view to locating the subject in Canada.**
- 3- If the subject is not found in Canada, the file should be closed.**
- 4- If the subject is found in Canada, inquiries should be made in Canadian files and overseas as to the subject's wartime activities.**
- 5- The case should then be re-assessed and a final decision taken, depending upon the results of such inquiries.**

*CASE NO. S-47*

This individual was brought to the attention of the Commission as a result of research of documentation in Canada dealing with the admission to Canada of German scientists and technicians.

The Commission requested the departments of Employment and Immigration and External Affairs to conduct checks to ascertain whether the subject had

entered Canada or applied for a passport. The Department of Employment and Immigration reported that the subject entered Canada as a student, non-immigrant in 1949. The subject's father's residence in a specific suburban area was the indicated destination. The same department also reported that the subject was granted landed immigrant status in 1951, arriving in Canada and again destined for the father's residence. The Department of External Affairs reported negative search results.

Recent inquiries revealed that the subject is residing in Canada.

The Commission also conducted searches of the United Nations War Crimes Commission files in New York which met with negative results.

On the basis of the available evidence, there is no *prima facie* case of war crimes against the subject under investigation: the subject would have been only about 10 years old at the outbreak of World War II.

**On the basis of the foregoing, it is recommended that the file on the subject be closed.**

#### *CASE NO. S-48*

This individual was brought to the attention of the Commission as a result of research of documentation in Canada dealing with the admission to Canada of German scientists and technicians.

The Commission requested the departments of Employment and Immigration and External Affairs to conduct checks to ascertain whether the subject had entered Canada or applied for a passport. The Department of Employment and Immigration reported that the subject entered Canada in 1948 as a non-immigrant. He was destined for a specific province where he was guaranteed employment in a major industry. The same department also reported that the subject was granted landed immigrant status in 1951, arriving in Canada with destination to the same company in that province. The Department of External Affairs reported that the subject was subsequently granted a Canadian passport while residing in that province.

The Commission also conducted searches of the United Nations War Crimes Commission files in New York which met with negative results.

External Affairs also reported that the subject's passport was returned to their department by a law firm who indicated that the subject died in 1966; however, they did not say where.

Efforts to obtain a death certificate from the province had negative results.

**On the basis of the foregoing, it is recommended that the file on the subject be closed.**



*CASE NO. S-49*

This individual was brought to the attention of the Commission as a result of research of documentation in Canada dealing with the admission to Canada of German scientists and technicians.

The Commission requested the Department of Employment and Immigration to conduct checks to ascertain whether the subject had entered Canada. The reply to this request was negative.

While viewing documents the Commission came upon an official Canadian government letter from Germany, stating that the subject, having received a recent promotion in Germany, had declined to proceed to Canada.

In view of this information and of the negative reply from the Department of Employment and Immigration, no further checks were made.

**On the basis of the foregoing, it is recommended that the file on the subject be closed.**

*CASE NO. S-50*

This individual was brought to the attention of the Commission as a result of research of documentation in Canada dealing with the admission to Canada of German scientists and technicians.

The Commission requested the Department of Employment and Immigration to conduct checks to ascertain whether the subject had entered Canada. The reply to this request was negative.

The Commission also conducted searches of the United Nations War Crimes Commission files in New York which met with negative results.

In view of the limited time remaining before the closing of the Commission, no checks were made with the departments of the Secretary of State and External Affairs for citizenship and passport.

Accordingly, the Commission *RECOMMENDS* that:

- 1- Checks should be made against the subject with the departments of the Secretary of State and External Affairs for citizenship and passport.**
- 2- If one of these checks proves positive, other investigative avenues should be explored with a view to locating the subject in Canada.**
- 3- If the subject is not found in Canada, the file should be closed.**
- 4- If the subject is found in Canada, inquiries should be made in Canadian files and overseas as to the subject's wartime activities.**

- 5- The file should then be re-assessed and a final decision taken, depending upon the results of such inquiries.**

*CASE NO. S-51*

This individual was brought to the attention of the Commission as a result of research of documentation in Canada dealing with the admission to Canada of German scientists and technicians.

The Commission requested the Department of Employment and Immigration to conduct checks to ascertain whether the subject had entered Canada. The reply to this request was negative.

The Commission also conducted searches of the United Nations War Crimes Commission files in New York which met with negative results.

In view of the limited time remaining before the closing of the Commission, no checks were made with the departments of the Secretary of State and External Affairs, for citizenship and passport.

Accordingly, the Commission RECOMMENDS that:

- 1- Checks should be made against the subject with the departments of the Secretary of State and External Affairs for citizenship and passport.**
- 2- If one of these checks proves positive, other investigative avenues should be explored with a view to locating the subject in Canada.**
- 3- If the subject is not found in Canada, the file should be closed.**
- 4- If the subject is found in Canada, inquiries should be made in Canadian files and overseas as to the subject's wartime activities.**
- 5- The file should then be re-assessed and a final decision taken, depending upon the results of such inquiries.**

*CASE NO. S-52*

This individual was brought to the attention of the Commission as a result of research of documentation in Canada dealing with the admission to Canada of German scientists and technicians.

The Commission requested the Department of Employment and Immigration to conduct checks to ascertain whether the subject had entered Canada. The reply to this request was negative.

The Commission also conducted searches of the United Nations War Crimes Commission files in New York which met with negative results.

In view of the limited time remaining before the closing of the Commission, no checks were made with the departments of the Secretary of State and External Affairs for citizenship and passport.

Accordingly, the Commission *RECOMMENDS* that:

- 1- Checks should be made against the subject with the departments of the Secretary of State and External Affairs for citizenship and passport.**
- 2- If one of these checks proves positive, other investigative avenues should be explored with a view to locating the subject in Canada.**
- 3- If the subject is not found in Canada, the file should be closed.**
- 4- If the subject is found in Canada, inquiries should be made in Canadian files and overseas as to the subject's wartime activities.**
- 5- The file should then be re-assessed and a final decision taken, depending upon the results of such inquiries.**

*CASE NO. S-53*

This individual was brought to the attention of the Commission as a result of research of documentation in Canada dealing with the admission to Canada of German scientists and technicians.

The Commission requested the departments of Employment and Immigration and External Affairs to conduct checks to ascertain whether the subject had entered Canada or applied for a passport. The Department of Employment and Immigration reported that the subject entered Canada in 1949 as a non-immigrant. The subject was destined for a particular firm for employment. The Department of External Affairs reported negative search results.

Inquiries were conducted where the subject was destined to go but the firm is no longer in business. The Commission is unable to trace any of the firm's principals.

The Commission also conducted searches of the United Nations War Crimes Commission files in New York which met with negative results.

The Commission conducted searches at CPIC, MVB, Vital Statistics (Deaths) and local directories, with negative results.

It can reasonably be assumed that this subject left Canada in 1950 as he entered Canada in 1949 on a one year permit as a non-immigrant and there is a notation on a document that he returned to Germany in 1950. However, time constraints prevented the Commission from checking with the Secretary of State for citizenship and of conducting additional verifications with a view to

confirming the subject's departure, as well as of conducting overseas checks on the subject's wartime activities.

The Commission accordingly *RECOMMENDS* that:

- 1- Checks against the subject should be made with the Department of the Secretary of State.**
- 2- Other investigative avenues should be explored with a view to locating the subject in Canada.**
- 3- If the subject is not found in Canada, the file should be closed.**
- 4- If the subject is found in Canada, inquiries should be made in Canadian files and overseas as to the subject's wartime activities.**
- 5- The case should then be re-assessed and a final decision taken, depending upon the results of such inquiries.**

*CASE NO. S-54*

Name stricken from the list.

*CASE NO. S-55*

This individual was brought to the attention of the Commission as a result of research of documentation in Canada dealing with the admission to Canada of German scientists and technicians.

The Commission requested the departments of Employment and Immigration and External Affairs to conduct checks to ascertain whether the subject had entered Canada or applied for a passport. The Department of Employment and Immigration reported that the subject entered Canada in 1949 as a non-immigrant. He was destined for a specific suburban area for employment in a small firm. The same department also reported that the subject was granted landed immigrant status in 1951. He was destined for a town where he was guaranteed employment in a major industry. The Department of External Affairs reported negative search results.

It was not possible to conduct inquiries at the company in question as it is no longer in existence.

The subject's name does not appear in local directories. Vital Statistics from 1955 to 1986 reported negative search results. No CPIC or MVB checks were made due to lack of information on a date of birth, and the subject's age.

The Commission also conducted searches of the United Nations War Crimes Commission files in New York which met with negative results.

In view of the limited time remaining before the closing of the Commission, no verifications were made with the Secretary of State for citizenship nor with the overseas agencies for war records.

The Commission accordingly *RECOMMENDS* that:

- 1- Checks against the subject should be made with the Department of the Secretary of State.**
- 2- Other investigative avenues should be explored with a view to locating the subject in Canada.**
- 3- If the subject is not found in Canada, the file should be closed.**
- 4- If the subject is found in Canada, inquiries should be made in Canadian files and overseas as to the subject's wartime activities.**
- 5- The case should then be re-assessed and a final decision taken, depending upon the results of such inquiries.**

*CASE NO. S-56*

This individual was brought to the attention of the Commission as a result of research of documentation in Canada dealing with the admission to Canada of German scientists and technicians.

The Commission requested the Department of Employment and Immigration to conduct checks to ascertain whether the subject had entered Canada. The reply to this request was negative.

The Commission also conducted searches of the United Nations War Crimes Commission files in New York which met with negative results.

In view of the limited time remaining before the closing of the Commission, no checks were made with the departments of the Secretary of State and External Affairs for citizenship and passport.

Accordingly, the Commission *RECOMMENDS* that:

- 1- Checks should be made against the subject with the departments of the Secretary of State and External Affairs for citizenship and passport.**
- 2- If one of these checks proves positive, other investigative avenues should be explored with a view to locating the subject in Canada.**
- 3- If the subject is not found in Canada, the file should be closed.**
- 4- If the subject is found in Canada, inquiries should be made in Canadian files and overseas as to the subject's wartime activities.**

- 5- The file should then be re-assessed and a final decision taken, depending upon the results of such inquiries.**

*CASE NO. S-57*

This individual was brought to the attention of the Commission as a result of research of documentation in Canada dealing with the admission to Canada of German scientists and technicians.

The Commission requested the departments of Employment and Immigration and External Affairs to conduct checks to ascertain whether the subject had entered Canada or applied for a passport. Both departments reported negative search results.

The Commission also conducted searches of the United Nations War Crimes Commission files in New York which met with negative results.

In view of the limited time remaining before the closing of the Commission, no checks were made with the Department of the Secretary of State for citizenship.

Accordingly, the Commission *RECOMMENDS* that:

- 1- Checks should be made against the subject with the Department of the Secretary of State for citizenship.**
- 2- If this check proves positive, other investigative avenues should be explored with a view to locating the subject in Canada.**
- 3- If the subject is not found in Canada, the file should be closed.**
- 4- If the subject is found in Canada, inquiries should be made in Canadian files and overseas as to the subject's wartime activities.**
- 5- The file should then be re-assessed and a final decision taken, depending upon the results of such inquiries.**

*CASE NO. S-58*

This individual was brought to the attention of the Commission as a result of research of documentation in Canada dealing with the admission to Canada of German scientists and technicians.

The Commission requested the Department of Employment and Immigration to conduct checks to ascertain whether the subject had entered Canada. The reply to this request was negative.

The Commission also conducted searches of the United Nations War Crimes Commission files in New York which met with negative results.

In view of the limited time remaining before the closing of the Commission, no checks were made with the departments of the Secretary of State and External Affairs for citizenship and passport.

Accordingly, the Commission *RECOMMENDS* that:

- 1- Checks should be made against the subject with the departments of the Secretary of State and External Affairs for citizenship and passport.**
- 2- If one of these checks proves positive, other investigative avenues should be explored with a view to locating the subject in Canada.**
- 3- If the subject is not found in Canada, the file should be closed.**
- 4- If the subject is found in Canada, inquiries should be made in Canadian files and overseas as to the subject's wartime activities.**
- 5- The file should then be re-assessed and a final decision taken, depending upon the results of such inquiries.**

*CASE NO. S-59*

This individual was brought to the attention of the Commission as a result of research of documentation in Canada dealing with the admission to Canada of German scientists and technicians.

The Commission requested the departments of Employment and Immigration and External Affairs to conduct checks to ascertain whether the subject had entered Canada or applied for a passport. The Department of Employment and Immigration reported that the subject entered Canada in 1950 as a non-immigrant. The subject was destined for a particular firm for employment. The same department reported that the subject was granted landed immigrant status in 1951, while still an employee at the same firm. The Department of External Affairs reported negative search results.

Inquiries were conducted where the subject was allegedly employed, but they have no recollection or record of the subject having worked for the firm.

The Commission conducted searches at CPIC, MVB, Vital Statistics (Deaths) and local directories, with negative results.

The Commission also conducted searches of the United Nations War Crimes Commission files in New York which met with negative results.

In view of the limited time remaining before the closing of the Commission, no verifications were made with the Secretary of State for citizenship nor with the overseas agencies for war records.

The Commission accordingly *RECOMMENDS* that:

- 1- Checks against the subject should be made with the Department of the Secretary of State.**
- 2- Other investigative avenues should be explored with a view to locating the subject in Canada.**
- 3- If the subject is not found in Canada, the file should be closed.**
- 4- If the subject is found in Canada, inquiries should be made in Canadian files and overseas as to the subject's wartime activities.**
- 5- The case should then be re-assessed and a final decision taken, depending upon the results of such inquiries.**

*CASE NO. S-59.1*

This individual was brought to the attention of the Commission by the Department of Justice acting on a request from a researcher of a foreign country who was seeking information from documents likely available in Canada.

The subject of this file, an elderly German physician who entered the foreign country under a particular program had been accused of involvement during World War II in experiments on humans. It was suggested that the subject came to Canada for the purpose of emigrating to that foreign country.

The Commission requested the departments of Employment and Immigration, the Secretary of State and External Affairs to conduct checks to ascertain whether the subject had entered Canada, or applied for citizenship or a passport. All departments reported negative search results.

**On the basis that the subject never entered Canada, it is recommended that the file on the subject be closed.**

*CASE NO. S-60*

This individual was brought to the attention of the Commission as a result of research of documentation in Canada dealing with the admission to Canada of German scientists and technicians.

The Commission requested the Department of Employment and Immigration to conduct checks to ascertain whether the subject had entered Canada. The reply to this request was negative.

The Commission also conducted searches of the United Nations War Crimes Commission files in New York which met with negative results.



In view of the limited time remaining before the closing of the Commission, no checks were made with the departments of the Secretary of State and External Affairs for citizenship and passport.

Accordingly, the Commission *RECOMMENDS* that:

- 1- Checks should be made against the subject with the departments of the Secretary of State and External Affairs for citizenship and passport.**
- 2- If one of these checks proves positive, other investigative avenues should be explored with a view to locating the subject in Canada.**
- 3- If the subject is not found in Canada, the file should be closed.**
- 4- If the subject is found in Canada, inquiries should be made in Canadian files and overseas as to the subject's wartime activities.**
- 5- The file should then be re-assessed and a final decision taken, depending upon the results of such inquiries.**

*CASE NO. S-61*

This individual was brought to the attention of the Commission as a result of research of documentation in Canada dealing with the admission to Canada of German scientists and technicians.

The Commission requested the departments of Employment and Immigration and External Affairs to conduct checks to ascertain whether the subject had entered Canada or applied for a passport. The Department of Employment and Immigration reported that the subject entered Canada in 1949 as a non-immigrant. The subject was destined for a particular firm for employment. The same department also reported that the subject was granted landed immigrant status in 1951, and was destined for another firm. The Department of External Affairs reported negative search results.

Inquiries were conducted in relation to the second firm where the subject was allegedly employed, but the Commission was unable to locate the firm or any of its principals.

The Commission conducted searches at CPIC, MVB, and Vital Statistics (Deaths) and local directories, with negative results.

The Commission also conducted searches of the United Nations War Crimes Commission files in New York which met with negative results.

In view of the limited time remaining before the closing of the Commission, no verifications were made with the Secretary of State for citizenship nor with the overseas agencies for war records.

The Commission accordingly *RECOMMENDS* that:

- 1- Checks against the subject should be made with the Department of the Secretary of State.**
- 2- Other investigative avenues should be explored with a view to locating the subject in Canada.**
- 3- If the subject is not found in Canada, the file should be closed.**
- 4- If the subject is found in Canada, inquiries should be made in Canadian files and overseas as to the subject's wartime activities.**
- 5- The case should then be re-assessed and a final decision taken, depending upon the results of such inquiries.**

*CASE NO. S-62*

This individual was brought to the attention of the Commission as a result of research of documentation in Canada dealing with the admission to Canada of German scientists and technicians.

The Commission requested the departments of Employment and Immigration and External Affairs to conduct checks to ascertain whether the subject had entered Canada or applied for a passport. The Department of Employment and Immigration reported that the subject entered Canada in 1948 as a non-immigrant. The subject was destined for a particular firm for employment. The same department also reported that the subject was admitted as a landed immigrant in 1951, with the same firm being shown as the subject's destination. The Department of External Affairs reported negative search results.

The Commission also conducted searches of the United Nations War Crimes Commission files in New York which met with negative results.

The Commission investigation has resulted in locating the subject of this file residing in Canada.

It is to be noted that, due to time constraints, no overseas checks were done on the subject's wartime activities.

Accordingly, the Commission *RECOMMENDS* that:

- 1- Overseas checks should be made as to the subject's wartime activities.**
- 2- Should these checks reveal that the subject was involved in war crimes activities, the case should then be re-assessed and a final decision taken, depending upon the results of such inquiries.**

*CASE NO. S-63*

This individual was brought to the attention of the Commission as a result of research of documentation in Canada dealing with the admission to Canada of German scientists and technicians.

The Commission requested the departments of Employment and Immigration and External Affairs to conduct checks to ascertain whether the subject had entered Canada or applied for a passport. The Department of Employment and Immigration reported that the subject entered Canada in 1948 as a landed immigrant. The subject was destined for a government agency and a similar non-government institution, both in the same province. The same department also reported that the subject was admitted as a landed immigrant in 1951 with the same non-government institution shown as destination. The Department of External Affairs reported that the subject was subsequently granted a Canadian passport to visit a foreign country.

The Commission also conducted searches of the United Nations War Crimes Commission files in New York which met with negative results.

The subject's personal address in 1982 is given as a West European country.

**On the basis that the subject is a resident of Europe, it is recommended that the file be closed.**

*CASE NO. S-64*

This individual was brought to the attention of the Commission as a result of research of documentation in Canada dealing with the admission to Canada of German scientists and technicians.

The Commission requested the departments of Employment and Immigration and External Affairs to conduct checks to ascertain whether the subject had entered Canada or applied for a passport. The Department of Employment and Immigration reported that the subject entered Canada in 1949 as a non-immigrant and was destined to a major firm in a specific province. The same department also reported that the subject was given landed immigrant status in 1951 while still employed with the same firm. The Department of External Affairs reported negative search results.

The Commission also conducted searches of the United Nations War Crimes Commission files in New York which met with negative results.

Verifications were made at CPIC, MVB, and Vital Statistics with negative results. The firm where the subject was employed was dissolved over 25 years ago and its records have been destroyed.

In view of the limited time remaining before the closing of the Commission, no verifications were made with the Secretary of State for citizenship nor with the overseas agencies for war records.

Accordingly, the Commission *RECOMMENDS* that:

- 1- Checks against the subject should be made with the Department of the Secretary of State.**
- 2- Other investigative avenues should be explored with a view to locating the subject in Canada.**
- 3- If the subject is not found in Canada, the file should be closed.**
- 4- If the subject is found in Canada, inquiries should be made in Canadian files and overseas as to the subject's wartime activities.**
- 5- The case should then be re-assessed and a final decision taken, depending upon the results of such inquiries.**

*CASE NO. S-65*

This individual was brought to the attention of the Commission as a result of research of documentation in Canada dealing with the admission to Canada of German scientists and technicians.

The Commission requested the Department of Employment and Immigration to conduct checks to ascertain whether the subject had entered Canada. The reply to this request was negative.

The Commission also conducted searches of the United Nations War Crimes Commission files in New York which met with negative results.

In view of the limited time remaining before the closing of the Commission, no checks were made with the departments of the Secretary of State and External Affairs for citizenship and passport.

Accordingly, the Commission *RECOMMENDS* that:

- 1- Checks should be made against the subject with the departments of the Secretary of State and External Affairs for citizenship and passport.**
- 2- If one of these checks proves positive, other investigative avenues should be explored with a view to locating the subject in Canada.**
- 3- If the subject is not found in Canada, the file should be closed.**
- 4- If the subject is found in Canada, inquiries should be made in Canadian files and overseas as to the subject's wartime activities.**

- 5- The file should then be re-assessed and a final decision taken, depending upon the results of such inquiries.**

*CASE NO. S-66*

This individual was brought to the attention of the Commission as a result of research of documentation in Canada dealing with the admission to Canada of German scientists and technicians.

The Commission requested the departments of Employment and Immigration and External Affairs to conduct checks to ascertain whether the subject had entered Canada or applied for a passport. Both departments reported negative search results.

The Commission also conducted searches of the United Nations War Crimes Commission files in New York which met with negative results.

In view of the limited time remaining before the closing of the Commission, no checks were made with the Department of the Secretary of State for citizenship.

Accordingly, the Commission *RECOMMENDS* that:

- 1- Checks should be made against the subject with the Department of the Secretary of State for citizenship.**
- 2- If this check proves positive, other investigative avenues should be explored with a view to locating the subject in Canada.**
- 3- If the subject is not found in Canada, the file should be closed.**
- 4- If the subject is found in Canada, inquiries should be made in Canadian files and overseas as to the subject's wartime activities.**
- 5- The file should then be re-assessed and a final decision taken, depending upon the results of such inquiries.**

*CASE NO. S-67*

This individual was brought to the attention of the Commission as a result of research of documentation in Canada dealing with the admission to Canada of German scientists and technicians.

The Commission requested the Department of Employment and Immigration to conduct checks to ascertain whether the subject had entered Canada. The reply to this request was negative.

The Commission also conducted searches of the United Nations War Crimes Commission files in New York which met with negative results.

In view of the limited time remaining before the closing of the Commission, no checks were made with the departments of the Secretary of State and External Affairs for citizenship and passport.

Accordingly, the Commission *RECOMMENDS* that:

- 1- Checks should be made against the subject with the departments of the Secretary of State and External Affairs for citizenship and passport.**
- 2- If one of these checks proves positive, other investigative avenues should be explored with a view to locating the subject in Canada.**
- 3- If the subject is not found in Canada, the file should be closed.**
- 4- If the subject is found in Canada, inquiries should be made in Canadian files and overseas as to the subject's wartime activities.**
- 5- The file should then be re-assessed and a final decision taken, depending upon the results of such inquiries.**

*CASE NO. S-68*

This individual was brought to the attention of the Commission as a result of research of documentation in Canada dealing with the admission to Canada of German scientists and technicians.

The Commission requested the departments of Employment and Immigration and External Affairs to conduct checks to ascertain whether the subject had entered Canada or applied for a passport. Both departments reported negative search results.

The Commission also conducted searches of the United Nations War Crimes Commission files in New York which met with negative results.

In view of the limited time remaining before the closing of the Commission, no checks were made with the Department of the Secretary of State for citizenship.

Accordingly, the Commission *RECOMMENDS* that:

- 1- Checks should be made against the subject with the Department of the Secretary of State for citizenship.**
- 2- If this check proves positive, other investigative avenues should be explored with a view to locating the subject in Canada.**
- 3- If the subject is not found in Canada, the file should be closed.**

- 4- If the subject is found in Canada, inquiries should be made in Canadian files and overseas as to the subject's wartime activities.**
- 5- The file should then be re-assessed and a final decision taken, depending upon the results of such inquiries.**

*CASE NO. S-69*

This individual was brought to the attention of the Commission as a result of research of documentation in Canada dealing with the admission to Canada of German scientists and technicians.

The Commission requested the departments of Employment and Immigration and External Affairs to conduct checks to ascertain whether the subject had entered Canada or applied for a passport. The Department of Employment and Immigration reported that the subject entered Canada in 1947 as a non-immigrant. The subject was destined to a firm in a specific province. The same department also reported that the subject was admitted as a landed immigrant in 1951, with the same firm being shown as destination. The Department of External Affairs reported negative search results.

The Commission also conducted searches of the United Nations War Crimes Commission files in New York which met with negative results.

The Commission conducted CPIC, MVB, telephone directories, Vital Statistics and local police indices searches against the subject. All search responses were negative.

The Commission's investigation led to interviewing co-workers and friends of the subject while he was employed in Canada. They advised the subject left Canada approximately 30 years ago for a foreign country and they have not heard from him since.

In view of the foregoing, it strongly appears that the subject did not return to reside in Canada.

Accordingly, the Commission *RECOMMENDS* that:

- 1- Overseas checks should be made as to the subject's wartime activities.**
- 2- Should these checks reveal that the subject was involved in war crimes activities, consideration should be given to submitting the name of the subject under investigation to the relevant foreign authorities.**
- 3- If the inquiries respecting war crime activities prove negative, the file should be closed.**

*CASE NO. S-70*

This individual was brought to the attention of the Commission as a result of research of documentation in Canada dealing with the admission to Canada of German scientists and technicians.

The Commission requested the departments of Employment and Immigration and External Affairs to conduct checks to ascertain whether the subject had entered Canada or applied for a passport. The Department of Employment and Immigration reported that the subject entered Canada in 1951 as a non-immigrant. The subject was destined to a particular firm for a period of one year. The same department does not have any record of him receiving landed immigrant status. The Department of External Affairs reported negative search results.

The Commission also conducted searches of the United Nations War Crimes Commission files in New York which met with negative results.

The Commission conducted CPIC, MVB, telephone directories, Vital Statistics and local police indices searches against the subject. All search responses were negative.

Inquiries were conducted at the firm where the subject was supposed to have worked. The Manager was unable to confirm or deny that the subject ever worked with his firm as the employment records are disposed of after ten years.

While it could be reasonably presumed this individual left Canada at the end of his one year permit, the time constraints prevented the Commission from checking with the Secretary of State for citizenship and of conducting additional verifications with a view to confirming the departure as well as of conducting overseas checks on the subject's wartime activities.

Accordingly, the Commission *RECOMMENDS* that:

- 1- Checks against the subject should be made with the Department of the Secretary of State.**
- 2- Other investigative avenues should be explored with a view to locating the subject in Canada.**
- 3- If the subject is not found in Canada, the file should be closed.**
- 4- If the subject is found in Canada, inquiries should be made in Canadian files and overseas as to the subject's wartime activities.**
- 5- The case should then be re-assessed and a final decision taken, depending upon the results of such inquiries.**



*CASE NO. S-71*

This individual was brought to the attention of the Commission as a result of research of documentation in Canada dealing with the admission to Canada of German scientists and technicians.

The Commission requested the Department of Employment and Immigration to conduct checks to ascertain whether the subject had entered Canada. The reply to this request was negative.

The Commission also conducted searches of the United Nations War Crimes Commission files in New York which met with negative results.

In view of the limited time remaining before the closing of the Commission, no checks were made with the departments of the Secretary of State and External Affairs for citizenship and passport.

Accordingly, the Commission *RECOMMENDS* that:

- 1- Checks should be made against the subject with the departments of the Secretary of State and External Affairs for citizenship and passport.**
- 2- If one of these checks proves positive, other investigative avenues should be explored with a view to locating the subject in Canada.**
- 3- If the subject is not found in Canada, the file should be closed.**
- 4- If the subject is found in Canada, inquiries should be made in Canadian files and overseas as to the subject's wartime activities.**
- 5- The file should then be re-assessed and a final decision taken, depending upon the results of such inquiries.**

*CASE NO. S-72*

This individual was brought to the attention of the Commission as a result of research of documentation in Canada dealing with the admission to Canada of German scientists and technicians.

The Commission requested the departments of Employment and Immigration and External Affairs to conduct checks to ascertain whether the subject had entered Canada or applied for a passport. The Department of Employment and Immigration reported that the subject entered Canada in 1949 as a non-immigrant. He was destined to a specific province with employment in a specific field. The same department also reported that the subject was admitted as a landed immigrant in 1951, destined to the same employer. The Department of External Affairs reported that the subject was subsequently granted Canadian passports; all of these passports indicated a foreign address.

The Commission conducted searches at MVB, telephone directory and Vital Statistics, all with negative results. Long distance operator confirmed the foreign country address.

Inquiries at the subject's employer indicated that the subject was employed with it for two years. When the subject left this employment he gave the foreign country address mentioned by External Affairs.

The Commission also conducted searches of the United Nations War Crimes Commission files in New York which met with negative results.

**In view of the foregoing, it strongly appears that the subject does not reside in Canada, but is a resident of a foreign country; it is accordingly recommended that this file be closed.**

#### 4) *Future action*

In 96 per cent of the cases which the Commission has investigated, it has not communicated with the suspects. The latter have not been made aware of the Commission's interest. There is no reason to alert now, especially, the 606 people, or their successors, whose files the Commission recommends should be closed.

A small number of suspects are, however, in a different situation. Twenty-nine have been summoned for interrogation by the Commission and several of them have expressed an interest, either personally or through their counsel, in the eventual recommendations of the Commission. This concern is understandable and legitimate. Those recommendations are all found in Part II of this Report. Where the government will agree that some proceedings be initiated against one suspect or another, these will of course be advised soon enough. But where the government will agree that a file should be closed, it is the Commission's view that word of that decision should be transmitted to the individual concerned and his counsel. There are nine such cases. The matter has lasted long enough: those individuals deserve to be advised that, insofar as Canada is concerned, they can finish their days in peace. The 20 other cases in Part II should be disposed of with all due dispatch.

The Commission accordingly *RECOMMENDS* that:

- 77- In the 9 cases where the Commission recommends, in Part II of its Report, that no prosecution be initiated and the file be closed, the Government of Canada, where it agrees with the recommendation, should so advise the individual suspect and his or her counsel.**
- 78- In the 20 other cases where the Commission recommends, in Part II of its Report, that steps be taken toward either revocation of citizenship and deportation or criminal prosecution, urgent attention should be given to implementing those recommendations and, if necessary for that purpose, to bringing the necessary amendments to**

**the law as well as actively seeking the co-operation of the interested foreign governments.**

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In spite of the cleaning up which the Commission is confident to have achieved, there remains work to be done:

*Part I of the Report:*

- 5 cases where the suspect should be interrogated;
- 8 cases where interrogation should be coupled with a search for evidence in France, Romania, U.S.S.R., and Yugoslavia (subject to a policy decision by the Canadian government);
- 83 cases where a search for evidence should be pursued in Hungary, Poland, Romania, U.S.S.R., West Germany and Yugoslavia (subject to the same policy decision);
- 6 cases where a search for evidence should be pursued in more than one country, including also Czechoslovakia, Israel and the U.S.A (subject to the same policy decision);
- 38 cases in the Addendum, where the investigation here and abroad has not or has barely begun;
- 55 cases on the List of German scientists and technicians where inquiries should be pursued both here and abroad.

*Part II of the Report:*

- 1 case where extradition should be considered with Czechoslovakia;
- 18 cases where witnesses should be examined or a search for evidence should be pursued in Czechoslovakia, Hungary, Poland, U.S.A., U.S.S.R. and West Germany.

Assuming a governmental decision to go ahead, it is clear that another monumental effort will be required to forge ahead with speed, organize work, assess the results and counsel the government as each case ripens.

Faced with a similar situation, the U.S.A. have set up within their Department of Justice an Office of Special Investigations, clothed with both investigative and prosecutorial authority. This formula presents undeniable advantages: acquisition of experience, centralization of decisions, streamlining of the whole process from denunciation to conviction. But serious difficulties have arisen which tend to outweigh those advantages; and they are growing out of the very fabric of the matter of Nazi war criminals. Without insisting more than necessary, the Commission only wishes to recall the noisy clashes between Jewish organizations and Eastern European groups as well as the never-ending debates over the reception of Soviet-supplied evidence and the alleged co-operation between the OSI and the KGB. The Commission has seen by itself that the same ingredients of dissention are at work in this country.

Creating an OSI in Canada would be courting dangers which must be avoided at all costs: internal peace between the various ethnic groups which form now such an important part of the population of Canada is more important, in the long run, for the good of this country than results which may be more spectacular in the short run, but are likely to inflict serious and possibly incurable wounds. Furthermore, the decision to prosecute ought to be left where it is now: in the hands of the Attorney General of Canada and this power should not be diluted.

This, however, does not mean that no special effort is required to achieve the results at which the Commission's recommendations are directed; quite to the contrary. But it means that a determined effort could achieve those results within the framework of the Canadian institutions as they exist. One condition is paramount: that there be a political will to act. The Department of Justice and the RCMP should be able to handle the job.

Two difficulties must, however, be tackled:

- i- Reference has been made earlier to the opportunity of carrying several interrogatories of suspects. A Commission of Inquiry has the power so to proceed; this Commission has indeed used repeatedly that power. Officials of the Department of Justice do not enjoy the same privilege. Should they so wish, they could invite an individual to submit to an interrogation; but this individual would be under no obligation to agree, he could not be forced to give evidence under oath and, should he consult a lawyer, it is highly probable that he would be advised not to accept the "invitation".

In order to benefit from the suspects' interrogatories, the only avenue would be to continue this Commission in existence and to renew its mandate.

- ii- Assuming that, in any event, the task would be entrusted to the Department of Justice and the RCMP, heavy resources should be resolutely put at their disposal. Both human and financial resources are, in this field of endeavour, an essential ingredient of success; witness the results both obtained and yet to be achieved by a Commission of Inquiry which employed during over twenty-one months:

- one full-time Commissioner;\*
- one full-time secretary;
- seven part-time lawyers;
- five full-time investigators;
- two full-time researchers and historians;
- one full-time director of administration and security;
- and a full-time clerical staff.

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\* Away, however, for three months due to illness and surgery.

The answer, therefore, does not lie in instructing one or two departmental lawyers and one or two police officers to follow-up the Commission's recommendations. One official of the Department of Justice must be given full authority over this particular job; this official must be able to rely on the full-time co-operation of a substantial team of lawyers, historians and police officers; this official must have access to ample financial resources, in view of the considerable tasks to be performed abroad as well as across the country; this official must be responsible for advice in matters of war crimes to the Attorney General of Canada, through his Deputy.

The Commission accordingly *RECOMMENDS* that:

- 79- In all cases which still appear as outstanding in both Parts of the Commission's Report, the Government of Canada should take the necessary steps in order to pursue the interrogatories and inquiries, in Canada and abroad, which the Commission has indicated, and to bring each case to a close.**
- 80- It should not be necessary nor indeed commendable to create for that purpose an organization similar to the Office of Special Investigations in Washington, D.C.**
- 81- The Government of Canada might consider one or the other of the following options:**
  - i) to give to the Department of Justice and to the RCMP a specific mandate bolstered by the following commitments:**
    - a) one official of the department to be given full authority;**
    - b) a full-time team of several lawyers, historians and police officers to be set up;**
    - c) ample financial resources to be supplied, in view of the considerable tasks to be performed across Canada and abroad;**
    - d) the responsible official to advise the Attorney General of Canada, through his Deputy, in matters of war crimes; or**
  - ii) to renew the mandate of this Commission which possesses the power, among others, to summon the suspects and other witnesses for interrogation.**
- 82- Should none of those options be retained, there would appear to be no other alternative but to close the whole matter of war criminals altogether.**

Chapter I-9

**POSTSCRIPTUM**

## Chapter I-9

### POSTSCRIPTUM

One of the questions asked of the Commission by the Order-in-Council of 7 February 1985 was "when and how they [war criminals] obtained entry to Canada".

In a sense, the Commission has answered the question in the present Report. In each one of the several hundred cases which are dealt with individually, the interested reader will find, in general terms in the Report, and with full particulars in the Commission's files, all relevant data: point of departure, means of transportation, point of arrival, date of landing, persons accompanying the immigrant, point of destination in Canada, etc. But the Commission is convinced that more than that was expected. Indeed, in public hearings, the Commission has heard evidence about the immigration policies which were in force during the immediate post-war years and, later, the conduct of visa control officers and security officers abroad and at home. This information was completed by secret evidence which was conveyed to the Commission during *in-camera* hearings concerning specific incidents.

Out of all that evidence, both general and particular, a grand picture could be drawn showing not only how individual suspects obtained entry into Canada, but what was the evolution of the policies which may have at times prevented, at other times favoured, such entry. Unfortunately, time did not permit the Commission to carry that study to fruition. There is no point in belabouring the issue now: the Report speaks for itself and shows where the Commission's efforts had to be concentrated.

The Commission feels, however, that it should not exaggerate in the direction of modesty. Among the various studies which it has mandated, there is one which deals directly with this aspect of the Commission's terms of reference: "Nazi War Criminals in Canada: the Historical and Policy Setting from the 1940s to the Present", by Mrs. Alti Rodal. This substantial study no doubt constitutes an outstanding contribution to the knowledge of this particular question and deserves wide distribution.

Should the Canadian government wish still a more complete examination of the matter, it ought then to appoint a professional historian to make a thorough study of the question: the evidence and the material gathered by the Commission would prove of considerable help and interest towards this task.

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Since this Report went to press, some further information has reached the Commission from abroad in cases 194 and 540. Opinions in these two cases are therefore appended to this concluding chapter.

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*CASE NO. 194*

This individual was brought to the attention of the Commission by the RCMP, whose source of information was a newspaper article. It was alleged that the subject had been a Nazi collaborator in an Eastern European country. Investigation by the Commission revealed some ambiguous documentation that the subject may either have been a guard or an inmate in an Eastern European camp.

The Commission requested the departments of Employment and Immigration, the Secretary of State and External Affairs to conduct checks to ascertain when the subject had entered Canada and whether he applied for citizenship or a passport. The Department of Employment and Immigration reported that the subject entered Canada in 1957. The Department of the Secretary of State reported that the subject was granted Canadian citizenship in 1964. The Department of External Affairs reported that it had no record of the subject.

The Commission conducted CPIC and MVB searches against the subject. Though the CPIC search response was negative, the MVB search produced positive results. The Commission determined the subject to be resident in Canada in 1986.

Commission reviewed materials available from RCMP files and CSIS files, and determined that the subject had made a statement describing his service in the military, his capture by opposing forces and his treatment in their concentration camps, from which he was released and returned to Western Europe in 1956.

Commission confirmed that neither the Central Information Office of the Federal Archives in Aachen-Kornelimünster, the German Military Service Office for notifying the next of kin of members of the former German Wehrmacht (WASt) in Berlin, nor the Berlin Sick Book Depository had any record of the subject.

The Berlin Document Center reported however, that the subject served in the Waffen-SS and reached a particular rank. Its records confirm the subject's statement regarding being captured and subsequently released.

The Central Office of Land Judicial Authorities for the Investigation of National-Socialist Crimes in Ludwigsburg, West Germany, reported it has a record of a person with a similar name being a watchman in a certain



concentration camp, but no evidence of any violent crimes. It concluded its investigation which, indeed, would seem to concern a different person. The alleged camp is nowhere near where this Waffen-SS member would have served. Other documentation with regard to the subject merely confirms his membership in the Waffen-SS.

On the basis of the available evidence, there is no *prima facie* case of war crimes against the subject. Furthermore, it seems unlikely that the relevant authorities have any interest in the subject, otherwise they would not have been prepared to release him from their detention camp in 1956. Under those circumstances, the Commission did not inquire from the relevant authorities whether they might possess some evidence in support of the allegations of war crimes against the subject. That possibility nevertheless exists and should not be discounted.

The Commission accordingly *RECOMMENDS* that:

- 1- Should the Government of Canada not wish, due to the circumstances particular to this case, to submit the name of the subject to the relevant Eastern Bloc government or to the appropriate archival centres, the file ought to be closed.**
- 2- Should, however, the Government of Canada decide to submit the subject's name to the relevant government, or to the appropriate archival centres, the matter ought then to be re-assessed and a final decision taken, depending upon the results of such inquiry.**

*CASE NO. 540*

This individual was brought to the attention of the Commission by the RCMP, whose source of information was a private citizen. The private citizen had reported that this individual was born in an Eastern European country of parents of another nationality and had immigrated to a West European country following the commencement of hostilities in 1939. It was alleged that this individual was a member of the SS, and had executed civilians during a specific ghetto incident. This individual was reported to be resident at a specified address in Canada.

The Commission requested the departments of Employment and Immigration, the Secretary of State and External Affairs to conduct checks to ascertain when the subject had entered Canada, and whether he had applied for citizenship or a passport. The Department of Employment and Immigration reported that the subject entered Canada in 1970. The Department of the Secretary of State reported that the subject was granted Canadian citizenship in 1976. The Department of External Affairs reported negative search results.

The Commission conducted an MVB search against the subject with positive results. The Commission also conducted local inquiries and confirmed the subject to be resident at the address specified in Canada.

The Commission conducted checks at the Berlin Document Center, the Central Office of Land Judicial Authorities for the Investigation of National-Socialist Crimes in Ludwigsburg, West Germany, the German Military Service Office for notifying the next of kin of members of the former German Wehrmacht (WASSt) in Berlin, the Central Information Office of the Federal Archives in Aachen-Kornelimünster, West Germany, and the Berlin Sick Book Depository. All searches produced positive responses.

The Berlin Document Center reported specific registration details involving the subject.

The Central Office of Land Judicial Authorities for the Investigation of National-Socialist Crimes in Ludwigsburg, West Germany, reported specific details about the subject's wartime history and that the subject had been investigated concerning a particular event. There was no evidence to establish the subject's participation in the event.

The German Military Service Office for notifying the next of kin of members of the former German Wehrmacht (WASSt) in Berlin, confirmed certain wartime facts concerning the subject.

The Central Information Office of the Federal Archives in Aachen-Kornelimünster, West Germany, confirmed certain wartime data about the subject as well.

The Berlin Sick Book Depository also reported certain details about the subject's war experiences.

The Commission determined that the United Nations War Crimes Commission files had records in respect of a number of individuals with the same surname as the subject. It appeared that only one record may have related to the subject, that of an individual of unknown rank who was accused by an Eastern European government of pillage while acting in a certain capacity in a specific region in the period between 1939 and 1944. The charges specified that the Jewish population of the region was exterminated by the Nazis in a particular concentration camp. In addition, the government charged that the Jewish population was ghettoized, and subjected to other atrocities including beatings, starvation, property confiscation, and deportation. Although the region was the birthplace of the subject, there is insufficient evidence to conclude whether or not he was the individual described in the United Nations War Crimes Commission files.

The Commission inquired of a foreign police force as to whether they had any information in respect of the subject. It reported that an individual with the same surname as the subject held a certain position in a particular concentration camp, was a guard in a certain prison, and was wanted for murder by another West European country. Upon reviewing the available evidence, the Commission was unable to determine whether or not he was the individual described by the foreign police force contacted by the Commission.

On the basis of the available evidence, there is no *prima facie* case of war crimes against the subject. However, for the reasons noted in chapter I-5 of this report: "Methodology", the Commission did not inquire from the relevant Eastern Bloc authorities whether they might possess some evidence in support of the allegations against the subject.

The Commission accordingly *RECOMMENDS* that:

- 1- Should the Government of Canada not wish, as a matter of policy, to submit the name of the subject to the relevant Eastern Bloc government or to the appropriate archival centres, the file ought to be closed.**
- 2- Should, however, the Government of Canada decide to submit the subject's name to the relevant government, or to the appropriate archival centres, the matter ought then to be re-assessed and a final decision taken, depending upon the result of such inquiry.**

## **APPENDICES**

## APPENDICES

- I-A Order-in-Council P.C. 1985-3642, 12 December 1985
- I-B Order-in-Council P.C. 1986-1333, 5 June 1986
- I-C Rules of practice and procedure
- I-D Applications for standing before the Commission
- I-E Outside counsel in public hearings
- I-F Public hearings of the Commission
- I-G Witnesses in public hearings
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- I-I List of studies done at the request of the Commission
- I-J Departments and agencies of Government of Canada which have supplied information to the Commission
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- I-L Order-in-Council P.C. 1985-1206, 4 April 1985
- I-M Decision concerning foreign evidence, 14 November 1985
- I-N Oral decision concerning case number 276, 25 March 1986
- I-O Oral decision concerning case number 689, 4 July 1986
- I-P **Narvey and the Commission of Inquiry on War Criminals**, the Federal Court of Canada, Trial Division, (Cullen, J.), 30 January 1986
- I-Q **League for Human Rights of B'nai Brith Canada and the Commission of Inquiry on War Criminals**, the Federal Court of Canada, Trial Division, (Cullen, J.), 10 February 1986
- I-R **League for Human Rights of B'nai Brith Canada and the Commission of Inquiry on War Criminals**, the Federal Court of Appeal, 9 May 1986
- I-S **The Privacy Commissioner and the Minister of National Health and Welfare**, 30 May 1986
- I-T Order-in-Council P.C. 1986-2255, 30 September 1986

APPENDIX I-A  
**ORDER-IN-COUNCIL P.C. 1985-3642**

P.C. 1985-3642



PRIVY COUNCIL

Certified to be a true copy of a Minute of a Meeting of the Committee of the  
Privy Council, approved by Her Excellency the Governor General  
on the 12th day of December, 1985.

WHEREAS the Commission of Inquiry on War Criminals was directed to submit a report to the Governor in Council embodying its findings, recommendations and advice on or prior to December 31, 1985;

AND WHEREAS the Commission will not be in a position to submit its report on or prior to December 31, 1985.

Therefore, the Committee of the Privy Council, on the recommendation of the Prime Minister, pursuant to Part I of the Inquiries Act, advise that a commission do issue amending the Commission issued pursuant to Orders in Council P.C. 1985-348 of 7th February, 1985, and P.C. 1985-635 of 28th February, 1985, by deleting therefrom the following paragraph:

"And We Do Further direct Our said Commissioner to submit a report to the Governor in Council embodying his findings and recommendations and advice on or prior to December 31, 1985 and to file with the Clerk of the Privy Council his papers and records as soon as reasonably may be after the conclusion of the inquiry;"

and by substituting therefor the following paragraph:

"And We Do Further direct Our said Commissioner to submit a report to the Governor in Council embodying his findings and recommendations and advice on or prior to June 30, 1986 and to file with the Clerk of the Privy Council his papers and records as soon as reasonably may be after the conclusion of the inquiry;"

CERTIFIED TO BE A TRUE COPY - COPIE CERTIFIÉE CONFORME

A handwritten signature in cursive script, appearing to read 'P. Leduc'.

CLERK OF THE PRIVY COUNCIL - LE GREFFIER DU CONSEIL PRIVÉ

## APPENDIX I-B

### ORDER-IN-COUNCIL P.C. 1986-1333

P.C. 1986-1333



PRIVY COUNCIL

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by Her Excellency the Governor General on the fifth day of June, 1986.

WHEREAS the Commission of Inquiry on War Criminals was directed to submit a report to the Governor in Council embodying its findings, recommendations and advice on or prior to June 30, 1986;

AND WHEREAS, due to the delays induced in the Commission's work by the health of the Commissioner, the necessity has arisen to provide the Commission with additional time to prepare and submit its final report;

Therefore, the Committee of the Privy Council, on the recommendation of the Prime Minister, pursuant to Part I of the Inquiries Act, advise that a commission do issue amending the Commission issued pursuant to Orders in Council P.C. 1985-348 of 7th February, 1985, P.C. 1985-635 of 28th February, 1985, and P.C. 1985-3642 of 12th December, 1985, by deleting therefrom the following paragraph:

"And We Do Further direct Our said Commissioner to submit a report to the Governor in Council embodying his findings and recommendations and advice on or prior to June 30, 1986, and to file with the Clerk of the Privy Council his papers and records as soon as reasonably may be after the conclusion of the inquiry;"

and by substituting therefor the following paragraph:

"And We Do Further direct Our said Commissioner to submit a report to the Governor in Council embodying his findings and recommendations and advice on or prior to September 30, 1986, and to file with the Clerk of the Privy Council his papers and records as soon as reasonably may be after the conclusion of the inquiry;"

CERTIFIED TO BE A TRUE COPY - COPIE CERTIFIÉE CONFORME

CLERK OF THE PRIVY COUNCIL - LE GREFFIER DU CONSEIL PRIVÉ

## APPENDIX I-C

### ***RULES OF PRACTICE AND PROCEDURE***

1. There are no contesting parties before the Commission.
2. The Commission shall sit in public or *in camera*, at its sole discretion.
3. Attendance at sittings *in camera* shall be restricted to the Commission, its counsel and personnel and relevant witnesses. The Commission may allow the presence of other persons, at its sole discretion.
4. The Commission shall hear only its own witnesses, who shall be examined by Commission counsel. Interested persons may, however, suggest to the Commission the names of other relevant witnesses; the Commission shall decide.
5. A witness who is not conversant with either English or French may avail himself of the services of an interpreter, upon reasonable notice to the Commission. The Commission shall supply such interpreter, at its own expense.
6. There shall be two lists of exhibits, numbered consecutively: one for public sittings, marked "P", the other for sittings *in camera*, marked "C".
7. Access to list P and its exhibits shall be open during daytime office hours in the presence of a Commission representative. Access to list C and its exhibits shall be restricted to the Commission, its counsel and personnel, saving written authorization by the Commission.
8. Transcripts of the proceedings in public sittings shall be available upon payment of the usual reporting fee. Transcripts of proceedings *in camera* shall not be made available, and their access or distribution shall be prohibited other than to the Commission, its counsel and personnel, saving written authorization by the Commission.
9. The Commission may grant standing to outside parties or their counsel, at its sole discretion and for such sittings or purposes as it may decide. Once granted standing, such party or counsel may cross-examine witnesses on matters relevant to their interest.
10. Where a person appears before the Commission for the purpose of submitting observations or suggestions, the Commission shall decide in its sole discretion when it has been sufficiently informed.

Ottawa, 10 April 1985.



## APPENDIX I-D

### ***APPLICATIONS FOR STANDING BEFORE THE COMMISSION***

Association of Survivors of Nazi Oppression

Brotherhood of Veterans of the 1st Division of the Ukrainian National Army in  
Canada\*

Canadian Holocaust Remembrance Association

Canadian Jewish Congress\*

Canadian League for the Liberation of the Ukraine

Canadian Serbian National Committee

Croatian Committee for Human Rights

Jewish Defence League

League for Human Rights of B'nai Brith Canada\*

North American Jewish Students' Network – Canada

Simon Wiesenthal Center

Ukrainian Canadian Committee\*

Ukrainian National Federation of Canada

Ukrainian Youth Association of Canada

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\* Granted.

## APPENDIX I-E

### *OUTSIDE COUNSEL IN PUBLIC HEARINGS*

Fraser Berrill	Brotherhood of Veterans of the 1st Division of the Ukrainian National Army in Canada
Ian Binnie, Q.C.	Government of Canada
Y.R. Botiuk, Q.C.	Ukrainian National Federation of Canada <i>and</i> Brotherhood of Veterans of the 1st Division of the Ukrainian National Army in Canada
Susan Charendoff	League for Human Rights of B'nai Brith Canada
Professor Irwin Cotler	Association of Survivors of Nazi Oppression <i>and</i> Canadian Jewish Congress
Charles Dalfen	Canadian Jewish Congress
Sean Dumphy	Ukrainian Canadian Committee
Alexander Epstein	Marika Bandera
Laurence Greenspan	Sol Littman
John Gregorovich	Civil Liberties Commission of Ukrainian Canadian Committee
Paul Jewell	Canadian Serbian National Committee
Jules Kronis	League for Human Rights of B'nai Brith Canada
Marvin Kurz	League for Human Rights of B'nai Brith Canada
Stephen LeDrew	Honourable Robert Kaplan, P.C.
Israel Ludwig	League for Human Rights of B'nai Brith Canada
Professor Joseph Magnet	Canadian Jewish Congress
Ms. Judith McCann	Government of Canada
Morris Manning, Q.C.	Canadian Jewish Congress
David Matas	League for Human Rights of B'nai Brith Canada
Myles O'Bradovich	Canadian Serbian National Committee
Clay Powell, Q.C.	Brotherhood of Veterans of the 1st Division of the Ukrainian National Army in Canada
Bert Raphael	League for Human Rights of B'nai Brith Canada
M.J. Silverstone	Canadian Jewish Congress
John Sopinka, Q.C.	Ukrainian Canadian Committee
I.G. Whitehall, Q.C.	Government of Canada

## APPENDIX I-F

### *PUBLIC HEARINGS OF THE COMMISSION*

<i>HEARING #</i>	<i>LOCATION</i>	<i>DATE</i>
		<i>1985</i>
1	Ottawa	10 April
2	Ottawa	11 April
3	Toronto	24 April
4	Toronto	25 April
5	Ottawa	1 May
6	Ottawa	3 May
7	Montreal	6 May
8	Ottawa	8 May
9	Ottawa	9 May
10	Hull	13 May
11	Hull	14 May
12	Hull	15 May
13	Winnipeg	22 May
14	Hull	10 June
15	Hull	9 July
16	Hull	10 July
17	Hull	11 July
18	Hull	23 September
19	Hull	2 October
20	Hull	3 October
21	Hull	9 October
22	Hull	10 October
23	Hull	3 December
24	Hull	4 December
25	Hull	5 December
26	Hull	6 December
		<i>1986</i>
27	Hull	5 May
28	Hull	6 May

## APPENDIX I-G

### *WITNESSES IN PUBLIC HEARINGS*

<i>WITNESS</i>	<i>ORGANIZATION OR DEPARTMENT</i>
Marc Baudouin	Department of External Affairs
George Melvin Bailey	Royal Canadian Mounted Police, Retired
Susan Bertrand	Department of Employment and Immigration
Eldon Black	Department of External Affairs
Harvey Blythe	Royal Canadian Mounted Police
Marcel Bourgault	Department of Employment and Immigration
Maurice Hamilton Brush	Department of Employment and Immigration
Angus Alexander Cattanach	Justice of the Federal Court of Canada, Retired
Terence Gordon Cook	Public Archives of Canada
William Howard Corbett	Department of Justice
Gérald de la Durantaye	Centre of Forensic Sciences, Ontario
William Alexander Binny Douglas	Department of National Defence
Gordon Francis Frazer	Privy Council Office, Retired
Lois Gile	Department of Secretary of State
Albert Lloyd Greening	Royal Canadian Mounted Police, Retired
Robert J. Hayward	Public Archives of Canada
Peter Hoffmann	Professor, McGill University
Robert Kaplan, P.C.	Member of Parliament
Frank Karwandy	Judge Advocate General, Department of National Defence
Anthony Keenleyside	Barrister and Solicitor
George Joseph Kelly	Canadian Security Intelligence Service
William H. Kelly	Royal Canadian Mounted Police, Retired
Catherine Joan de Wolfe Lane	Department of Secretary of State
Gordon Lebeau	Department of Employment and Immigration

**WITNESS****Sol Littman****Martin Low****Jim Mallen****Bruce J.S. MacDonald****John McCordick****James McLaughlin****John McPherson****Alfred C. Naylor****George O'Leary****Gilles Pommerville****Joseph Roland Robillard****Louis Sabourin****Randolf Roland Schramm****Cyril Angus Webster****Daniel Webster****Keith Wellstead****William John Wylie****Wayne Frederick Yetter****ORGANIZATION OR DEPARTMENT****Friends of the Simon Wiesenthal Center for  
Holocaust Studies****Department of Justice****Department of Employment and  
Immigration****Judge of the District Court of Ontario,  
Retired****Department of External Affairs****Department of External Affairs****Ontario Provincial Police, Retired****External Affairs Foreign Service****Department of Employment and  
Immigration****Public Archives of Canada****Department of Employment and  
Immigration****Department of Employment and  
Immigration****Royal Canadian Mounted Police****Department of Transport****Royal Canadian Mounted Police, Retired****Ontario Provincial Police****Royal Canadian Mounted Police****Royal Canadian Mounted Police**

## APPENDIX I-H

### *SUBMISSIONS IN PUBLIC HEARINGS*

Berkowitz, Alex

Brotherhood of Veterans of the 1<sup>st</sup> Division of the Ukrainian National Army in  
Canada

by Y.R. Botiuk

Canadian Holocaust Remembrance Association

by Sabina Citron

Canadian Jewish Congress

by Alan Rose, Irwin Cotler

Information and Anti-Defamation Commission of the Ukrainian Canadian  
Committee (Montreal Branch)

by Roman Serbyn

Committee of Canadian Ukrainian Prisoners

by Michael Marunchak

Dutka, Bohdana

Estonian Central Council in Canada

by Lass Leivat

Jewish Defence League

by Meir Halevi

Latvian National Federation of Canada

by Linard Lukss

League for Human Rights of B'nai Brith Canada

by Frank Dimant, David Matas and Bert Raphael

North American Jewish Students' Network – Canada

by Kenneth Narvey and Naomi Jacobs

Riwash, Joseph

Simon Wiesenthal Center

by Archie Rabinowitz and Sol Littman

Ukrainian Canadian Committee

by John Sopinka

Vastokas, Ron

**Weiss, Philip**

**Working Group on the Deschênes Commission  
by Vida Zalnieriunas**

APPENDIX I-I

**LIST OF STUDIES DONE AT THE REQUEST OF THE  
COMMISSION**

*La poursuite des criminels de guerre nazis en vertu du droit canadien actuel*  
Jacques Bellemare (avec Louise Viau et Daniel Turp)

*Denaturalization and Deportation of War Criminals*  
Donald P. Bryk

*Bringing Nazi War Criminals to Justice? A Comparative Analysis of the  
Policies Used by Selected National Governments in Europe and North  
America to Bring to Justice Those Nazis or Their Collaborators Accused of  
Committing War Crimes, 1939-1945*  
Donald M. Caskie

*New Legislation concerning war crimes - Part I: 8 October 1985, Part II:  
29 October 1985*  
Gowan T. Guest, (with Messrs. Festinger, Redmond, Chesman and  
Kirkham).

*Action Against War Criminals under Existing Law*  
John I. Laskin

*Extradition in the Absence of Treaty*  
E. Neil McKelvey

*Nouvelle législation relative aux crimes de guerre*  
Michel Proulx

*Nazi War Criminals in Canada: The Historical and Policy Setting from the  
1940s to the Present*  
Alti Rodal

*Deportation and Denaturalization of War Criminals in Canada*  
Sharon A. Williams



## APPENDIX I-J

### ***DEPARTMENTS AND AGENCIES OF GOVERNMENT OF CANADA WHICH HAVE SUPPLIED INFORMATION TO THE COMMISSION***

Public Archives of Canada

Department of Employment and Immigration

Department of External Affairs

Department of Justice

Department of National Defence

Department of the Secretary of State (Citizenship Branch)

Department of the Solicitor General

Canadian Police Information Centre

Canadian Security Intelligence Service

Privy Council Office

Royal Canadian Mounted Police

## APPENDIX I-K

### ***DEPARTMENTS AND AGENCIES OF FOREIGN GOVERNMENTS AND FOREIGN QUASI-PUBLIC VOLUNTARY ORGANIZATIONS WHICH HAVE SUPPLIED INFORMATION TO THE COMMISSION***

- United Nations War Crimes Commission Archives (New York)
- International Refugee Organization (Geneva)
- Ministry of Justice of the Netherlands (The Hague)
- The Procurator General of the U.S.S.R. (Moscow)
- Chief Prosecutor's Office, Main Commission for Investigation of Nazi War Crimes in Poland (Warsaw)
- U.K. Ministry of Defence and British Public Records Office (London)
- Ministère de la défense* (Paris)
- Direction des services d'archives* (Toulouse, France)
- Office of Special Investigations (Department of Justice - Washington)
- Central Information Office of the Federal Archives (Aachen-Kornelimünster, F.R.G.)
- Berlin Sick Book Depository (Berlin)
- Central Office of Land Judicial Authorities for the Investigation of National-Socialist Crimes, (Ludwigsburg, F.R.G.)
- German Military Service Office for notifying the next of kin of members of the former German Wehrmacht (WASSt, Berlin)
- Berlin Document Center (Berlin)
- National Unit of Criminal Investigations, Section for Investigation of Nazi Crimes, Israel Police (Tel Aviv)
- Yad Vashem, The Holocaust Martyrs' and Heroes' Remembrance Authority (Jerusalem)
- Simon Wiesenthal – *Dokumentationszentrum* (Vienna)
- Centre de documentation juive contemporaine* (Paris)

APPENDIX I-L

ORDER-IN-COUNCIL P.C. 1985-1206



P.C. 1985-1206  
4 April, 1985

PRIVY COUNCIL • CONSEIL PRIVÉ

HER EXCELLENCY THE GOVERNOR GENERAL IN  
COUNCIL, on the recommendation of the Minister of  
Justice, pursuant to paragraph 77(1)(d) of the  
Privacy Act, is pleased hereby to amend the  
Privacy Regulations, made by Order in Council  
P.C. 1983-1668 of 2nd June, 1983, in accordance  
with the schedule hereto.

REGISTRATION - ENREGISTREMENT	
No	DATE
50R/85-345	9 April, 1985
<i>Stacia Canale</i>	
REGISTRAR OF STATUTORY INSTRUMENTS CANADA	
REGISTRAIRE DES TEXTES RÉGLEMENTAIRES	

CERTIFIED TO BE A TRUE COPY - COPIE CERTIFIÉE CONFORME

*Gordon F. Chalkley*

CLERK OF THE PRIVY COUNCIL - LE GREFFIER DU CONSEIL PRIVÉ

1985-550  
(SOR/DORS)

SCHEDULE

1. Schedule II to the Privacy Regulations is amended by adding thereto, immediately after item 8 thereof, the following item:

"9. Commission of Inquiry on War Criminals"

1985-550  
(SOR/DORS)

EXPLANATORY NOTE

(This note does not form part of the Regulations.)

This amendment adds the Commission of Inquiry on War Criminals to the list of investigative bodies for the purposes of paragraph 8(2)(e) of the Privacy Act.

## APPENDIX I-M

### *DECISION CONCERNING FOREIGN EVIDENCE*

Ottawa, 14 November 1985.

On 13 September 1985 the Commission sent to counsel a memorandum which, in its relevant part, read as follows:

The Commission is currently considering, out of its list of suspects, the cases of eight persons who are residing in Canada and against whom serious allegations of war crimes have been made. It appears that evidence concerning those persons is available in the Netherlands, the United Kingdom, the U.S.A., Poland and the U.S.S.R.

Before reaching a decision, the Commission wishes to hear your views as to the legality and advisability of collecting such evidence abroad.

Counsel were heard on September 23 and October 3 and 10.

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The Commission is fully conscious of the emotions which a discussion of this question is bound to stir, especially among the Canadians who have known in their own flesh the crimes on account of which the Commission was created.

For instance, the Commission has heard, among others, Professor Ron Vastokas, 49, anthropologist, who spent three years in a Displaced Persons camp in Germany, under and after Hitler;<sup>1</sup> Mr. Alex Berkowitz, 54, telecommunications engineer, who survived the Berkonow ghetto, the Anina coal mine and four concentration camps;<sup>2</sup> Mr. Phillip Weiss, 63, manufacturer of industrial furniture, who survived three concentration camps;<sup>3</sup> Dr. Michael Marunchak, 71, graduate in law and social worker, who spent three years in five concentration camps.<sup>4</sup> Those gentlemen were deeply marked by their experience. They, and their relatives and friends, have not forgotten.

They are, however, but examples of large sectors of the Canadian population where quite conflicting views are most vigorously expressed as soon as the possibility of this Commission hearing foreign evidence, especially Soviet-supplied, is raised.

Yet the crimes which are alleged against certain individuals residing in Canada were committed abroad, documents and eyewitnesses are scattered in many countries, and the question of "foreign evidence" cannot be avoided.

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<sup>1</sup> Evidence, p. 1549, pp. 1564-1565.

<sup>2</sup> *Ibid.*, pp. 1390-1391.

<sup>3</sup> *Ibid.*, p. 1403.

<sup>4</sup> *Ibid.*, p. 1414.

This is especially true in light of the international obligations which Canada has undertaken in its quality of member of the United Nations Organization.

As early as 1946 the General Assembly of the United Nations devoted its third resolution to *Extradition and Punishment of War Criminals*,<sup>5</sup> recommending:

that Members of the United Nations forthwith take all the necessary measures to cause the arrest of those war criminals who have been responsible for or have taken a consenting part in the above crimes, and to cause them to be sent back to the countries in which their abominable deeds were done, in order that they may be judged and punished according to the laws of those countries;

In 1947 the General Assembly again<sup>6</sup>

[r]ecommends Members of the United Nations to continue with unabated energy to carry out their responsibilities as regards the surrender and trial of war criminals;

At least five further resolutions to the same effect were adopted by the General Assembly from 1969 to 1973.<sup>7</sup>

On 11 November 1970 there entered into force the 1968 *Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity*,<sup>8</sup> which provides for the lifting of statutory limitations with respect to war crimes and crimes against humanity.

Finally, on 3 December 1973, the General Assembly adopted its *Principles of international co-operation in the detection, arrest, extradition and punishment of persons guilty of war crimes and crimes against humanity*.<sup>9</sup> More particularly, principles 1 and 6 provide:

1. War crimes and crimes against humanity, wherever they are committed, shall be subject to investigation and the persons against whom there is evidence that they have committed such crimes shall be subject to tracing, arrest, trial and, if found guilty, to punishment.
6. States shall co-operate with each other in the collection of information and evidence which would help to bring to trial the persons indicated in paragraph 5 above and shall exchange such information.

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<sup>5</sup> Resolution 3(I), 13 February 1946.

<sup>6</sup> Resolution 170(II), 31 October 1947.

<sup>7</sup> Resolution 2583(XXIV), 15 December 1969.  
Resolution 2712(XXV), 15 December 1970.  
Resolution 2840(XXVI), 18 December 1971.  
Resolution 3020(XXVII), 18 December 1972.  
Resolution 3074(XXVIII), 3 December 1973.

<sup>8</sup> Canada is not a party to that *Convention*, which had been ratified by 29 states as of 31 December 1984. It is nonetheless indicative of a trend of thought in the international community.

<sup>9</sup> Resolution 3074(XXVIII), 3 December 1973.

Canada must of course honour those international obligations and commitments, albeit they must be read in parallel with the provisions of Canadian domestic law.

Keeping, therefore, in mind the Canadian situation, viewed in the light of applicable principles of international law, the Commission has now considered the arguments presented by counsel, together with the numerous submissions which it had received from various parties since the beginning of this inquiry. It now proposes to deal with them with all possible equanimity and it hopes that its decision will be received in the same spirit.

The Commission will first discuss the question of legality; then the question of advisability.

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### 1) On legality

Nobody has directly challenged the power of this Commission to hear and collect foreign evidence; quite the contrary.

During the course of his testimony, the Honourable Robert P. Kaplan, P.C., former Solicitor General of Canada, was led to consider the use of Soviet evidence in U.S. proceedings; he answered: "The evidence is legally admissible, of course."<sup>10</sup>

Then, turning to the work of this Commission, Mr. Kaplan added:<sup>11</sup>

I think it [the Commission] should decide on the basis of normal judicial principles, and such evidence is admissible.

On behalf of the Attorney General of Canada, Mr. Ian Binnie, Q.C. stated:<sup>12</sup>

... it is the view of the Attorney General that the terms of reference are broad enough to support the collection of evidence outside the country, if the Commissioner concludes that it is expedient to do so.

On behalf of the League for Human Rights of B'nai Brith Canada, Mr. David Matas took the same position: "...the power is there..."<sup>13</sup>

Mr. Y.R. Botiuk, Q.C., counsel for the Brotherhood of Veterans of the First Division of the Ukrainian National Army in Canada, in turn took the following position:<sup>14</sup>

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<sup>10</sup> *Ibid.*, p. 2757.

<sup>11</sup> *Ibid.*, p. 2758.

<sup>12</sup> *Ibid.*, p. 2156.

<sup>13</sup> *Ibid.*, p. 2160.

<sup>14</sup> *Ibid.*, p. 2133.



Mr. Commissioner, on the question of whether it is legal for this Commission to go abroad to take evidence, I would submit that having heard the argument of Mr. Binnie on this point, I totally agree with him that this Commission has the power to go abroad and take such evidence as it may consider necessary to enable it to carry out its mandate.

On behalf of the Canadian Jewish Congress, Professor Irwin Cotler expressed the same opinion and, after a detailed consideration of the law, concluded:<sup>15</sup>

In this instance, under this particular Order in Council setting up this Commission, a very literal reading of the mandate of the Order in Council discloses expressly that authority.

The Commission is of the opinion that, in law, those views are unimpeachable, on the following grounds:

- a) The Commission has been set up by the Governor-in-Council<sup>16</sup> under s. 2 and s. 3 of the *Inquiries Act*,<sup>17</sup> which provide as follows:
  2. The Governor in Council may, whenever he deems it expedient, cause inquiry to be made into and concerning any matter connected with the good government of Canada or the conduct of any part of the public business thereof.
  3. Where an inquiry as described in section 2 is not regulated by any special law, the Governor in Council may, by a commission in the case, appoint persons as commissioners by whom the inquiry shall be conducted.

Nothing in the Act purports to limit the investigative powers of the Commissioners.

- b) From a strictly constitutional point of view, there existed no impediment to the Governor-in-Council creating this Commission. The subject matter of this inquiry falls squarely within the exclusive field of competence of the federal authority: it is not a matter "of a merely local or private Nature in the Province";<sup>18</sup> it rather concerns "the Peace, Order and good Government of Canada"<sup>19</sup> and, more especially, "Naturalization and Aliens"<sup>20</sup> and "Criminal law"<sup>21</sup> as well as the exercise of the federal jurisdiction in matters of "Immigration".<sup>22</sup>
- c) The Order-in-Council authorizes the Commissioner "... to conduct such investigations ... as in the opinion of the Commissioner are necessary in order to enable him to report ...".

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<sup>15</sup> *Ibid.*, p. 2274.

<sup>16</sup> Order-in-Council 1985-348, 7 February 1985.

<sup>17</sup> 1970 R.S.C., c. I-13.

<sup>18</sup> *The Constitution Act*, 1867, 30 and 31 Vict., c. 3, s. 92(16).

<sup>19</sup> *Ibid.*, s. 91.

<sup>20</sup> *Ibid.*, s. 91(25).

<sup>21</sup> *Ibid.*, s. 91(27).

<sup>22</sup> *Ibid.*, s. 95.

- d) The Order-in-Council further authorizes the Commissioner “. . . to adopt such procedures and methods as he may from time to time deem expedient for the proper conduct of the inquiry and *to sit* at such times and *at such places within or outside of Canada* as he may decide from time to time.” (emphasis added)
- e) Nothing in the *Canada Evidence Act*<sup>23</sup> bars a Commission of Inquiry from so acting.
- f) There are several recent precedents where commissions of inquiry have either travelled or sent deputies to receive evidence outside of Canada: Manpower and Immigration in Montreal, Bilingualism in Air Traffic Control, Air Canada Incident at Gimli, the Ocean Ranger Disaster, to name but a few.

Thus, the power of this Commission to hear foreign evidence appeared to be firmly imbedded in the fabric of Canadian law and practice. But some parties have now raised the *Canadian Charter of Rights and Freedoms*<sup>24</sup> as an obstacle to the further exercise of such a power by a commission of inquiry, at least with respect to evidence supplied in a country under Soviet dominance.

Mr. David Kilgour, M.P., has based his submission<sup>25</sup> on s. 15 of the *Charter*. Mr. John Sopinka, Q.C., counsel for the Ukrainian Canadian Committee, has stressed s. 7 and s. 24 of the *Charter*.<sup>26</sup> The Commission will examine those submissions in the same order.

#### a) Section 15 of the *Charter*

In its paragraph (1) — which alone is relevant to this discussion — s. 15 of the *Charter* provides that

Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

The matter of discrimination “based on race, etc.” does not arise here and one might, therefore, question the applicability of s. 15 to the present circumstances. But the Commission will follow Mr. Kilgour on his own ground; he puts the matter as follows:

- (2) Article 15 of our Charter of Rights and Freedoms guarantees to Canadians both equality before and under the law and the equal protection and benefit of our law. If you travel to a jurisdiction where judicial independence, the presumption of innocence and the rule of law are not current features of the legal system, are you not thereby denying the application of article 15 to any Canadian against whom assertions are made there by spokesmen for the Soviet government? Does a

<sup>23</sup> 1970 R.S.C., c. E-10.

<sup>24</sup> *Canada Act 1982*, 1982 (U.K.) c. 11, Schedule B, Part I.

<sup>25</sup> Exhibit P-93, 18 September 1985.

<sup>26</sup> Evidence, p. 2454.

commission of inquiry such as yours have the right to adopt rules and procedures which are in effect contrary to our Charter? I submit that it does not unless you wish to take to yourself the right to opt out of our Charter as the highest law of the land for the purposes of your inquiry.

Let it be made clear: this Commission does not pretend to have the right nor does it have the intention "to opt out of our Charter as the highest law of the land".

Let also an unfortunate and serious misunderstanding be corrected: there has never been any question of this Commission lending an ear to "assertions. . . made. . . by spokesmen for the Soviet government". What is at issue is simply the hearing of people who are alleged to have been witnesses to crimes perpetrated by suspects now living in Canada.

That much being said, a strong argument could be made under s. 15 if one were considering a trial against a Canadian in the Soviet Union under Soviet rules of evidence: this might indeed be "to adopt rules and procedures which are in effect contrary to our Charter". But such is not the case; such is not the purpose of the procedure which is now being contemplated. One must keep in mind that:

- i) this is an inquiry, not a trial;
- ii) this is a Canadian, not a Soviet, inquiry;
- iii) this is an inquiry conducted under Canadian, not Soviet, law;
- iv) whatever evidence may be collected shall be tested, accepted or rejected on the strength of the Canadian rules of evidence;
- v) should a trial eventually take place on Canadian soil, it shall be governed exclusively by Canadian law.

By no stretch of the imagination can it therefore be contended that, by hearing evidence on Soviet territory, the Commission would infringe a Canadian's equality rights under s. 15 of the *Charter*.

**b) Sections 7 and 24 of the *Charter***

These two sections read as follows:

7. Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice.
- 24.(1) Anyone whose rights or freedoms, as guaranteed by this Charter, have been infringed or denied may apply to a court of competent jurisdiction to obtain such remedy as the court considers appropriate and just in the circumstances.
- (2) Where, in proceedings under subsection (1), a court concludes that evidence was obtained in a manner that infringed or denied any rights or freedoms guaranteed by this Charter, the evidence shall be excluded if it is established that, having regard to all the circumstances, the admission of it in the proceedings would bring the administration of justice into disrepute.

Mr. Sopinka has given a long list of the defects which render Soviet evidence alien to our concept of justice, e.g., no presumption of innocence, restriction on cross-examination, curtailment of defence evidence, bias of translators, etc. Assuming those defects to exist, he argues that Soviet rules are in breach of our concept of "fundamental justice" and that evidence so obtained would of necessity be excluded since its admission "would bring the administration of justice into disrepute". Hence, to use Mr. Sopinka's own words, "taking that evidence would be pointless".<sup>27</sup>

The whole argument is of course predicated on the existence of the defects which have been alleged. That is the Achilles' heel of the argument: the defects cannot be shown to affect the evidence before the evidence has actually been taken. Assuming respect for the Canadian rules, such defects would *never* arise; assuming their disregard, they *may* arise. Either way the argument is *now* premature.

Indeed, with our neighbours to the South the point has been raised at least a dozen times in attempts at blocking the gathering of evidence against suspected war criminals: never have the courts agreed. The accuracy of the following statement in the OSI's brief of May 1983 in **U.S.A. v. Artishenko**<sup>28</sup> has not been challenged:

Since 1980, about a dozen district courts have ruled on motions for protective orders similar to the one at bar. In each case, the Office of Special Investigations noticed Soviet depositions in denaturalization cases against alleged Nazi war criminals and defense moved to prevent the depositions. Without exception, the motions have been denied and the depositions ordered to go forward.\*

\* Of course, the admissibility *vel non* of the depositions is not now before the court. That question can be decided once the depositions have been taken and they are offered into evidence at trial.

In Canada, two cases involving war crimes should be briefly quoted on the same question.

In **Federal Republic of Germany v. Rauca**<sup>29</sup> a material piece of evidence in support of the extradition request consisted of a report by one Karl Jaeger, who had been the superior officer of respondent Rauca in Lithuania. The report was under Soviet control. It was admitted into evidence by the Ontario court.

Five months ago in a libel suit in Toronto arising out of an allegation of war crimes against the plaintiff,<sup>30</sup> the Supreme Court of Ontario appointed commissioners to take the evidence of several witnesses in Israel, in Austria and — of special interest here — in Hungary. The Commission has been informed that those examinations have actually taken place.

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<sup>27</sup> *Ibid.*, p. 2474.

<sup>28</sup> Submitted by Mr. David Matas, 2 October 1985.

<sup>29</sup> (1982) 38 *O.R.* (2d) 705, conf. by (1983) 41 *O.R.* (2d) 225.

<sup>30</sup> **Finta v. The C.T.V. Television Network Limited et al.**, 24 May 1985.

The Commission has been unable to find examples in Canada where an objection would have been considered to a request for examination of witnesses in an Eastern Bloc country, on the basis of a violation of the fundamental principles of justice. But two such examples in the U.S.A., dismissing the objection, are quoted in the OSI's above-mentioned brief (pp. 5 and 6), as follows:

For example, in **Danisch v. Guardian Life Insurance Co.**, 19 F.R.D. 235 (S.D.N.Y. 1956), attorneys for plaintiffs, Polish citizens who were claimants against an insurance company, sought to take plaintiffs' depositions by letters rogatory in Poland. The defendant insurance company objected on the grounds "such testimony would be without value since plaintiffs were residents of a police state which would not permit plaintiffs to testify freely and truthfully." *Id.* at 237. The district court rejected this argument and granted the motion for the taking of depositions by letters rogatory: "It may well be true that the testimony thereby obtained will be of little or no value because it was taken in a police state. This is something for the trier of the facts to consider; it does not make the testimony inadmissible."

(...)

In **Bator v. Hungarian Commercial Bank of Pest**, 275 A.D. 826, 90 N.Y.S. 2d 35 (1st Dept't 1949), plaintiff sued a bank controlled by the government of Hungary, and the bank moved to take the testimony of two of its officers in Hungary by written interrogatories. The trial court refused to order the taking of testimony by written interrogatories in Hungary on grounds that the judicial process in Hungary was suspect. The Appellate Division reversed, stating:

"[W]e see no reason why the interests of justice in this case cannot be properly served by an examination of the defendant's officers on written interrogatories in Hungary. The fact that the interrogatories are taken in Hungary will be a matter for consideration by the triers of the facts."

For all those reasons, the Commission holds that the objections raised against its jurisdiction, by virtue of ss. 7, 15 and 24 of the *Canadian Charter of Rights and Freedoms*, are ill-founded.

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The Commission accordingly concludes that it is empowered by Canadian law to hear and collect evidence in any foreign country.

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## 2) On advisability

This is the question to which the parties have devoted the bulk of their energies. But even those who were less than enthusiastic agreed that a distinction ought to be made between evidence available in Western countries and that available in Eastern bloc countries: no objection was raised against the former; only the latter was objected to. By way of example, Mr. Botiuk stated:<sup>31</sup>

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<sup>31</sup> Evidence, p. 2233.

My clients, consequently, Mr. Commissioner, have no objection to this Commission going to to such countries as the Netherlands, the U.S.A. or the United Kingdom. It is my respectful submission, however, that no useful purpose can be served and, indeed, only harm can result from this Commission collecting evidence in the East Bloc countries.

The problem therefore boils down to the following: should the Commission consider hearing evidence which might be available in countries under Soviet dominance?

Quite contradictory views have been pressed forward. Each side has marshalled a considerable array of arguments: factual, historical, legal, even sentimental. There is no point in enlarging upon a detailed analysis: the positions are irreconcilable, the parties are set to argue for eternity. But an overview is necessary in order to convince the interested parties that the Commission has taken their views into careful consideration.

The arguments against Eastern bloc evidence have been developed mainly by the following:

The Baltic Federation in Canada (P-21)

Information and Anti-defamation Commission of the  
Ukrainian Canadian Committee (Montreal Branch) (P-39)

Committee of Ukrainian Political Prisoners (P-58)

The Ukrainian Canadians Students' Union (P-90)

The Ottawa Estonian Society (P-91)

Yuri Shymko, M.P.P., Ontario (P-92)

David Kilgour, M.P. (P-93)

Lass Leivat (25 April 1985)

Roman Serbyn (6 May)

Bohdana Dutka (P-57; 22 May)

Michael Marunchak (22 May)

Ron Vastokas (10 June)

Vida Zalnieriunas (10 June)

Linards Lukss (10 June)

Y.R. Botiuk, Q.C. on behalf of the Brotherhood of Veterans of the First  
Division of the Ukrainian National Army in Canada (23 September)

John Sopinka, Q.C. on behalf of the Ukrainian Canadian Committee  
(3 October)

Those submissions have raised various objections which can be fairly summarized as follows:

- a) Soviet-supplied evidence cannot be trusted, because of fabrication, intimidation, denial of right to independent counsel, lack of full cross-examination and general disregard for the principles of fundamental justice;
- b) Access to Soviet archives is severely limited, when it is not totally prevented;
- c) The same observation applies to access to sites of crimes and to potentially exculpatory witnesses;
- d) The use of Soviet-supplied evidence would constitute a mockery of justice and would represent the worst form of McCarthyist witch hunts;
- e) The U.S.S.R. places no value on the rights of the individual; it is intent on attacking any ethnic group which opposes the Soviet State;
- f) By travelling to the U.S.S.R., the Commission would legitimize the political claims of the U.S.S.R. on the Baltic States and the Ukraine;
- g) By the same token, the Commission would give legitimacy to the Soviet legal system, which is but a pawn in the hands of the Soviet government;
- h) It would be ludicrous to foresee trials in Canada which would depend on a wholesale obtaining of Soviet evidence.

As could be expected, quite contrary views have been expressed in other quarters; their main proponents were:

The League for Human Rights of B'nai Brith Canada (P-59, P-61, P-69)

The Anti-Defamation League of B'nai Brith New York (P-66)

Sol Littman - Simon Wiesenthal Center (P-18; 24 April)

David Matas (P-64; 22 May and 23 September; text of 3 October 1985)

Kenneth Narvey - North American Jewish Students' Network - Canada (10 June)

Irwin Cotler - Canadian Jewish Congress (23 September).

The arguments put forward in those submissions can in turn be summarized as follows:

- a) The Commission must go where the evidence is;
- b) Documents are in Soviet archives, or German archives seized by the Soviets;

- c) Eyewitnesses are for the most part in the countries where crimes were allegedly committed;
- d) Victims of the Holocaust should not be deliberately excluded as witnesses and thus doubly victimized;
- e) Soviet motives should not invalidate Eastern European evidence;
- f) Soviet-supplied evidence was used and accepted by the courts at Nürnberg and in the **Rauca** case in Canada;
- g) There is no known instance in Europe or in North America of a Soviet-supplied document having been falsified or of an Eastern bloc witness having perjured himself;
- h) Use of evidence from Eastern Europe will not legitimize the Soviet political or legal systems;
- i) Opposition to the use of Soviet-supplied evidence is a declaration of non-confidence in the Canadian judicial system and its ability to sort out good evidence from bad.

Thus the lines are drawn. In the middle stands the Attorney General of Canada, on whose behalf Mr. Ian Binnie, Q.C. stated:<sup>32</sup>

... my instructions are that the issue as to the advisability is to be left firmly in the hands of the Tribunal. . . .

The expediency for the Commission of hearing foreign evidence is of course a pure question of fact which is left to the Commission's judgment; but the possibility was obviously foreseen when the Order-in-Council saw fit expressly to authorize the Commissioner "... to conduct such investigations . . . as in the opinion of the Commissioner are necessary in order to enable him to report . . ." and "... to adopt such procedures and methods as he may from time to time deem expedient for the proper conduct of the inquiry and to sit at such times and at such places within or outside of Canada as he may decide from time to time."

Now it should be a trite statement that, in the discharge of its duties, the Commission ought to inquire fully and, in so doing, to look for, bring forward, or go to and listen to, all available relevant evidence. This includes evidence which may exist in Eastern Europe. Once it is heard, this evidence will of course be scrutinized and weighed by the Commission, taking into consideration all the factors which usually enter into play in that kind of an exercise: our legal system is used to it.

There remain, therefore, only to be considered reasons of policy why Soviet-supplied evidence should be excluded altogether, irrespective of its objective merits. We are thus led to consider the alleged legitimization of the legal and political systems of the Soviet Union, through the active presence of

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<sup>32</sup> *Ibid.*, p. 2158.



the Commission on Soviet soil. The Commission does not think that this two-fold objection is final and insuperable.

As to the Soviet legal system: no more than in any other case would hearing evidence in the U.S.S.R. mean putting a stamp of approval on its legal institutions. Courts do it all the time and if they had to examine on each occasion the credentials of the foreign system whose assistance they are seeking, the course of justice would oftentimes be impeded. For instance:

- a) A few years ago, the Superior Court of Quebec ordered the taking of the evidence of a witness in Libya. This did not mean that Canada recognized the value of the legal system of Khadafi Libya;
- b) Last year a French expert was called as a witness in the trial of the Argentinian Generals. This did not infer a recognition by France of the value of the Argentinian legal system;
- c) In the previously quoted cases of **Bator** and **Danisch** and **Finta**, the American and Canadian courts ordered evidence to be taken in Hungary. This did not mean, either, a recognition of the value of an Eastern European legal system.

The same conclusions should avail concerning the Soviet legal system. The U.S.S.R. has never boasted of an enhancement of its legal system because the OSI has gone and examined over 100 witnesses abroad. There is no danger that a different situation would arise as a result of the work of this Commission.

As to the Soviet political system: the fear has been expressed that, should this Commission hear witnesses (e.g., in one of the Baltic States), the Canadian policy of non-recognition of the Soviet sovereignty over those States might be put in jeopardy. This fear, in the opinion of the Commission, is without foundation, especially in light of two impressive precedents.

The first precedent is the 1962 judgment of the House of Lords in **Schtraks v. Government of Israel**.<sup>33</sup> This involved a request by Israel for the extradition of appellant as a result of an offence committed in Jerusalem, but in that part of Jerusalem over which, at the time, Israel exercised *de facto* authority without enjoying recognition by the United Kingdom of *de jure* authority; in other words, Israel's sovereignty over that parcel of territory was not acknowledged by the United Kingdom. The five members of the House of Lords unanimously dismissed the plea that extradition would not lie under those circumstances and expressed no qualms that their judgment might entail "legitimization" of the Israeli occupation of Jerusalem.

The other precedent is the 1983 judgment of the Court of Appeal of Ontario in **Rauca** (see note 29). Extradition was sought by the Federal

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<sup>33</sup> 1964 A.C. 556.

Republic of Germany on the basis of crimes committed in Lithuania, which was then occupied by, and under *de facto* authority of, Nazi Germany. The Court of Appeal concluded that its co-operation with the government of West Germany would not entail the "legitimization" of the 1941 political situation in Eastern Europe (p. 249):

In recognizing that the requesting party had jurisdiction under the treaty to seek extradition of this fugitive from Canada, Canada does not recognize the Government of Germany of those days or that it was sovereign where those offences are said to have taken place.

The reasons of policy against the advisability for this Commission to hear evidence from Eastern Europe do not resist a critical examination.

The Commission might put an end here to its consideration of the issue, but it appears useful to look at the position which has been taken by the courts in other jurisdictions where the same problem had to be solved, namely the Federal Republic of Germany and the United States of America.

Two West German decisions have been drawn to the attention of the Commission by Mr. Matas, who has supplied the Commission with translations into English.

The case against **Arajs**<sup>34</sup> was decided in Hamburg in October 1980. Arajs was sentenced to life imprisonment after having been convicted of "the joint murder of at least 13,000 persons" in Riga, Latvia. At the request of the German court, several witnesses were examined in the U.S.S.R.. The court made a detailed assessment of their evidence which it found "reliable and admissible for the conviction of the defendant" (p. 52). The German court also stated (p. 44):

The court has based significant findings on the read testimony of the witnesses, who were deposed by Soviet District Attorneys in June 1978 and in January 1979 pursuant to the petition of the court.

The other German case, against **Christmann**,<sup>35</sup> was decided in Munich in December 1980. Christmann was sentenced to ten years in jail after his conviction for the murder of 60 Soviet citizens. Some 15 witnesses had been heard in the U.S.S.R.. Here again the court made a long and detailed assessment of this evidence and concluded (p. 61):

The Court could not accept the assertion by the defendant that all Russian witnesses, including those already deceased, were not credible because, in the course of their testimony, they had been influenced, guided and coerced by the Soviet Secret service, the "KGB" to unjustly incriminate him.

(...)

The Assize Court's conviction that all Russian witnesses testified without influence, control, or compulsion by the "KGB" rests on the following circumstances:

[a twelve-page analysis follows].

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<sup>34</sup> State Court of Hamburg, re **Victor Bernhard Arajs**, 27 October 1980.

<sup>35</sup> State Court of Munich, re **Dr. Kurt Christmann**, 19 December 1980.

In the U.S.A., it is common knowledge that the OSI has several times resorted to evidence from Eastern Europe. The fate of this evidence before the American courts has been diverse. Without claiming to be exhaustive — much of this jurisprudence is not reported — the Commission suggests that the following broad, but fair, picture emerges from an admittedly rough summarizing of the various decisions (the importance of intermediate reversals and dissenting opinions has been, of necessity, minimized; the Commission apologizes to their authors). Those decisions were rendered between 25 July 1978 and 23 September 1985.

The Commission will divide its analysis of those decisions into three categories:

Cases where the question of Soviet evidence played no part in the final result;

Cases where Soviet evidence was assessed negatively;

Cases where Soviet evidence was assessed positively.

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**Cases where the question of Soviet evidence played no part in the final result:**

**Fedorenko<sup>36</sup>**

**Trifa<sup>37</sup>**

**Dercacz<sup>38</sup>**

**Schellong<sup>39</sup>**

**Kulle<sup>40</sup>**

**Artukovic<sup>41</sup>**

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**Cases where Soviet evidence was assessed negatively:**

**Detlavs<sup>42</sup>**

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<sup>36</sup> 25 July 1978; 21 January 1981; 25 February 1983; 17 April 1984.

<sup>37</sup> 3 November 1981, 7 October 1982.

<sup>38</sup> 8 February 1982.

<sup>39</sup> 547 F. Supp. 569 (1982); 717 F. 2d 329 (1983); 1984 11 July 1985.

<sup>40</sup> 20 November 1984.

<sup>41</sup> 30 January 1985.

<sup>42</sup> 15 October 1981.

Deportation proceedings based in part on Latvian documents.

The Board of Immigration Appeals, confirming the dismissal of the proceedings by the immigration judge, wrote (p. 28):

The immigration judge additionally did not find the documentary evidence obtained from the Soviet Union to be persuasive in this regard.

The Board added (p. 36):

... we cannot find that this document obtained from the Soviet Union establishes by clear, convincing, and unequivocal evidence the charges of deportability relating to the respondent's activities before March 1943.

### **Laipeniaks<sup>43</sup>**

Deportation proceedings based, in part, on the foreign depositions of nine Latvian witnesses.

The immigration judge wrote (p. 58):

In evaluating the weight to be given to the deposition testimony, we have been mindful of the prejudicial language used by the Soviet officials, the restricted right of cross-examination which limited the opportunity to expose faults in the perception and memory of the witnesses and the intimidating atmosphere. Accordingly, we have, to a large extent, discounted this testimony. Considering the totality of surrounding circumstances, we find that the depositions do not meet the fundamental fairness test of *Martin-Mendoza*.

The Board of Immigration Appeals, its five members unanimous, reversed. On Latvian evidence, it wrote (p. 10):

Much of the testimony which these witnesses provided with regard to identifying the respondent and his actions and conduct as a member of the LPP at RCP is the subject of controversy and great dispute by the respondent. However, in the summaries which follow, we do not find it necessary to rely on this disputed testimony. Rather, the testimony of these witnesses — all but two of whom were prisoners at RCP — generally will be used only insofar as it illustrates the type of persons who were incarcerated at RCP and what happened to them, or is otherwise not inconsistent with the respondent's testimony.

The U.S. Court of Appeals (9th Circuit) reversed by a majority of 2 to 1. The majority said (p. 13):

In the instant appeal, we are again faced with a cooperative effort among the Office of Special Investigations and the Soviet authorities. We agree with the IJ [immigration Judge] that Soviet involvement in the procurement of the deposition testimony seriously undermined its trustworthiness. Therefore, we find that the IJ properly discounted the deposition testimony in his fact finding determinations.

But the dissenting judge commented (p. 4):

That the depositions were taken in Soviet-occupied Latvia may be reason for caution in evaluating the testimony. In this case, however, the manner of conducting these depositions does not warrant their exclusion.

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<sup>43</sup> 9 June 1982; 8 September 1983; 9 January 1985.

## Maikovskis<sup>44</sup>

Deportation proceedings based in part on the depositions at trial of Israeli witnesses and on the foreign depositions of seven Latvian witnesses.

The immigration judge dismissed the government's case. He wrote sharply critical comments on the foreign witnesses (p. 13):

The Government's case places total reliance on the Soviet prosecution witnesses to establish the factual allegations of participation in proscribed activity. Initially, it had relied on witnesses brought from Israel to testify in support of cruel or inhuman treatment of individuals. The witnesses from Israel and Latvia were apparently procured and identified by prosecution authorities in their respective countries to provide the Justice Department with witnesses against the respondent. The testimony elicited through both sources is not radically different in any way. In each case, the witnesses are relatively old; they are describing events remote in time and place; memory is disoriented as to the sequence of events.

In other respects there are sharp differences. The Israeli witnesses were alert, in most instances, responsive to questions, to the questioner, to the Court. Although, it now appears all of those Israeli witnesses were giving false testimony, it was not obvious at the time that these personal identifications were without any basis in fact. I have no reason to believe that the Israeli government procured the testimony of those witnesses, knowing the testimony to be false. However, I am now called upon to accept testimony taken under the eye and supervision of the prosecutor installed by the Soviet invaders of the Republic of Latvia.

Beyond the obvious infirmities which are dramatized by the inevitable contrast between Israel and the enslaved Latvian state, the transcripts and videotapes are unconvincing as testimonial evidence on their face. The picture that emerges is of craven victims acting out a badly scripted scenario. There is a total lack of spontaneity. The picture quality is poor. The sweep of the camera's eye is confined and unvarying. Except for the names, the other participants are faceless inquisitors. The spark of life and truth is absent. Such testimony cannot support the burden the Government must bear.

In reaching my conclusion on the weight to be accorded the Soviet witnesses, I have not accepted respondent's contention that the accusations against the respondent, were part of a Soviet campaign to smear and discredit activist emigre individuals living in the West as a counterploy against charges of antisemitism and other human rights violations in the U.S.S.R.

(p. 16):

In order to fix personal culpability, the Government necessarily relies on the three Soviet prosecutor witnesses, to involve the respondent in the shooting of prisoners in the Anchupani Hills. The Trial Attorney cites twenty pages of testimony by Zhukousis, Miglieniks and Shalayeve taken in May 1981 as being probative of allegation number 14.

I find the cited testimony and the record as a whole unpersuasive of the proposition urged. I, therefore, find that the truth of allegation number 14 has not been established.

The Board of Immigration Appeals maintained the government's appeal, but stayed away from the particular issue of Soviet evidence:

Before beginning our analysis of the charges made against the respondent, we find it appropriate to comment on an issue which has been the subject of considerable attention both at the hearings below and on appeal. This is the issue of the seven videotaped

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<sup>44</sup> 30 June 1983; 14 August 1984; 17 September 1985.

depositions taken in Riga, Latvia in May of 1981. The Government has placed considerable reliance on six of these depositions in order to prove certain aspects of its case. The immigration judge gave virtually no weight to the videotaped depositions, finding them "unconvincing as testimonial evidence on their face." Immigration judge's decision at 13. The Government, which presented witnesses at the hearing to show that the depositions were reliable, argues at some length on appeal that the Soviet witnesses were credible, that the depositions as a whole were reliable, and that the Board should view and consider the videotapes independently. Counsel for the respondent also presented a witness on the issue of the reliability of the depositions, to show that the Soviet-controlled conditions under which they were taken rendered them inherently unreliable. He asserts that the immigration judge gave the depositions the weight they deserved.

We find it unnecessary to decide the thorny question of what weight these depositions should be given, since we have been able to make determinations of deportability without relying in any way on that disputed evidence.<sup>8</sup> Since we have not relied on these depositions, it is also unnecessary for us to address those arguments made by the respondent which relate to the depositions, such as his assertions that he was given an inadequate time to prepare for the depositions, and was denied the right to cross-examination.

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<sup>8</sup> We have not viewed the videotapes.

The Court of Appeals (2nd Circuit) dismissed the appeal. The particular issue of Soviet evidence was not discussed.

#### **Kowalchuk<sup>45</sup>**

Denaturalization proceedings based, in part, on the foreign depositions of several Ukrainian witnesses.

Although revocation of citizenship was finally ordered, Soviet-supplied evidence was not favourably considered.

The trial judge wrote (p. 19):

The testimony of the Soviet witnesses must be viewed with even greater skepticism. While I do not believe this testimony can be simply dismissed as fabrication instigated by a hostile government and while there was nothing in the demeanor of the witnesses (so far as this can be assessed by videotape through an interpreter), or in the conduct of the depositions, to suggest that this evidence is unworthy of belief the fact remains that these witnesses were all selected and made available by the Soviet government and were under its control; they could scarcely be expected to testify except in support of the charges originally aired by the Soviet government for its own reasons.

Finally, considerations of basic fairness to the defendant militate against accepting the testimony of the government witnesses as "clear and convincing" proof of charges as serious as those leveled against this defendant. Neither the Government nor the defendant was permitted to interview other persons in Soviet-controlled territory having knowledge of the facts, or even to visit Lubomyl, where a great many persons familiar with the events still reside. The notion that only selected witnesses favorable to the government have been permitted to testify (and with the opportunity for informed and meaningful cross-examination severely restricted) is not easily squared with accepted concepts of due process of law.

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<sup>45</sup> 1 July 1983; 23 September 1985.

In the Court of Appeals (3rd Circuit), the judgment was affirmed by a majority of 8 to 4. The majority wrote (p. 20):

The defendant also contends that he was denied due process. He asserts that when his counsel was in the Soviet Union for the depositions of the government witnesses, the Soviet Union denied him the opportunity to visit Lubomyl to investigate or interview potential witnesses. However, as the district court observed, Soviet Russia also imposed the same limitations upon Government counsel. The defendant does not make any claim that he was deprived of any specific evidence or testimony. He makes no showing that any testimony has been excluded that "would have been material and favorable to his defense." *United States v. Valenzuela-Bernal*, 458 U.S. 858, 867 (1962).

The four dissenting judges wrote, however, a long and scathing opinion containing a most severe indictment of Soviet-supplied evidence.

### **Kungys<sup>46</sup>**

Denaturalization proceedings based in part on the foreign depositions of six Lithuanian witnesses.

The trial judge wrote (p. 44):

For the reasons set forth below, however, I have concluded that these depositions, insofar as they purport to inculcate defendant, are unreliable and were taken under such circumstances that their use against defendant would violate fundamental considerations of fairness. No single factor compels this conclusion, but the circumstances in their totality permit no other conclusion.

(p. 45)

The Soviet authorities are outside of the jurisdiction of the United States judicial system. Consequently it is impossible to provide the usual safeguards of the trustworthiness of the evidence having its source in the Soviet Union. This becomes a matter of grave concern for two reasons. First, the Soviet authorities have a strong motive to ensure that the government succeeds in this case. Second, the Soviet criminal and judicial system is structured to tailor evidence and produce results which will further the important political ends of the Soviet state at the expense, if need be, of justice in a particular case.

(p. 54)

Many aspects of the deposition procedures cast doubt upon the reliability of the testimony concerning defendant and give rise to concern that this testimony may have been affected by the Soviet Union's interest in this case and by undue pressures brought to bear upon the witnesses.

### **Sprogis<sup>47</sup>**

Denaturalization proceedings based in part on the foreign depositions of two Latvian witnesses.

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<sup>46</sup> 28 September 1983; in appeal.

<sup>47</sup> 31 May 1985.

The Court of Appeals (2nd Circuit) wrote (p. 10):

For completeness, and to illustrate the difficulties in judging events over forty years in the past, we summarize the depositions of Alfred Sietnieks and Feliks Ermiks, which the government also introduced at trial. However, we give them no weight because the government does not rely on them on appeal and because Judge Altimari declined to give them any weight, finding them unworthy of belief.

(p. 12)

In reaching that decision, Judge Altimari (. . .) discounted the videotaped depositions of Ermiks and Sietnieks. After viewing those videotapes, he concluded that the testimony was entitled to no weight because it was uncorroborated, inconsistent and equivocal. In addition, Judge Altimari expressed concern that the depositions were conducted under potentially coercive conditions and that the Soviet official present sought to limit Sprogis' cross-examination of the witnesses.

On appeal, the government (. . .) does not contest the district court's decision to discount the videotaped deposition testimony of Ermiks and Sietnieks.

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### Cases where Soviet evidence was assessed positively:

#### **Osidach<sup>48</sup>**

Denaturalization proceedings based in part on the foreign depositions of several Ukrainian and Jewish witnesses.

The trial judge commented at great length on the credibility which he attached to that evidence. He referred to "substantial and credible eye-witness testimony" (p. 92) and to "the credible and overwhelming testimony of the Government's witnesses" (p. 95).

#### **Demjanjuk<sup>49</sup>**

Denaturalization and deportation proceedings based in part on Soviet documentary evidence and the foreign deposition of a German witness.

The first trial judge wrote (pp. 1366 and 1368):

Throughout the trial, defendant contended that Government's Exhibits 5 and 6 were not authentic and suggested the possibility of forgery. However, at no time during the entire course of the trial was any evidence introduced to substantiate these speculations.

On the basis of all the evidence reviewed above, the Court concludes that Government's Exhibits 5 and 6 are authentic and clearly show that defendant was at the German SS training camp of *Trawniki*.

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<sup>48</sup> 513 F. Supp. 51 (1981).

<sup>49</sup> 23 June 1981; 8 June 1982; cert. denied: 459 U.S. 1056 (1982); 23 May 1984; 14 February 1985; 15 April 1985.



The Court of Appeals (6th Circuit) agreed (p. 2):

We further conclude that the District Court's findings of fact are not clearly erroneous under a "clear and convincing" standard and the evidence properly admitted.

The U.S. Supreme Court refused leave to appeal.

Subsequently the Board of Immigration Appeals reached the same conclusion (pp. 5 and 9):

The respondent contends that the evidence used to link him to the atrocities at Treblinka was a forgery. He contends that the Soviet government provided excludable altered evidence in the form of the Trawniki identity card and that the United States government engaged in affirmative misconduct by using this evidence against him.

(. . .)

In any event, we are not persuaded by the respondent's allegations that the Trawniki card was manufactured false evidence. (. . .) The respondent's contentions that the government is estopped from deporting him because it engaged in affirmative misconduct by introducing into evidence the Trawniki card are without merit.

**Linna**<sup>50</sup>

Denaturalization proceedings based in part on the foreign depositions of four Estonian witnesses.

The trial judge found (p. 433):

Each of the video-taped depositions was admitted into evidence. The defense refused to attend the depositions held in the Soviet Union because it contended that any such proceeding conducted there would be a sham. Evidence offered at trial through defense witnesses attempted to show that the Soviets, on many occasions, have manipulated and, at times, have manufactured evidence to convict innocent Soviet citizens for the purpose of attaining political objectives of the Soviet Communist party. In essence, defendant contends that we must adopt a per se rule excluding all evidence deriving from Soviet sources. In rejecting this contention, we simply note one of the fatal flaws in defendant's broadbrush attack on Soviet-source evidence. In the context of this case, the defense witnesses were unable to cite any instance in a western court in which falsified, forged, or otherwise fraudulent evidence had been supplied by the Soviet Union to a court or other governmental authority.

The defense was unable to come forward with any proof that any of the Government's evidence offered at trial, either testimonial or documentary, was incredible or unauthentic in any respect. We find that defendant's defense by innuendo is without any merit. Having forsaken its right of cross-examination at the depositions taken in the Soviet Union, the defense cannot now claim foul play.

The Court of Appeals (2nd Circuit) wrote unanimously (p. 2):

Finally, any alleged procedural deficiencies in taking the depositions and any inconsistencies in the deponents' testimony went to the weight rather than the admissibility of the evidence. Judge Mishler adequately took these factors into account in reaching his decision.

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<sup>50</sup> 527 F. Supp. 426 (1981); 25 January 1982; 19 May 1983; 31 July 1984.

The Board of Immigration Appeals finally confirmed the deportation order issued by an immigration judge and wrote in part (p. 5):

Fourthly, he contends the district court improperly relied upon false evidence contained in four taped depositions of Soviet citizens, in which the deponents identify the respondent as chief of the guards at Tartu concentration camp and place him in charge of several mass executions of Jews and non-Jews. The Second Circuit has already rejected the respondent's arguments, concluding . . . that the Soviet depositions and documentary evidence were properly admitted and considered by the district court.

### **Koziy<sup>51</sup>**

Denaturalization proceedings based in part on the foreign depositions of seven witnesses in Poland and the U.S.S.R.

The trial judge found (p. 31):

Evidence concerning seven witnesses' photographic identifications of Mr. Koziy support the finding that the defendant was a Ukrainian policeman. This evidence was presented by video-taped depositions that were taken in Poland and the U.S.S.R. The defendant elected to waive his right to be present at the overseas depositions and was unable to cross-examine these witnesses. Thus the defendant was limited in his ability to challenge the identification evidence.

The subsequent judgments added no useful comments on this question.

### **Palciauskas<sup>52</sup>**

Denaturalization proceedings based in part on the foreign depositions of an undisclosed number of Lithuanian witnesses.

The trial judge wrote (p. 5):

The defendant also contests the admissibility of the Lithuanian depositions. However, the defendant's attorney was offered the opportunity to attend the depositions at government expense and he refused. As the videotaped depositions were properly conducted in Lithuania pursuant to Rule 26 and 28(b) Fed.R.Civ.P., the Lithuanian depositions are properly admitted.

The judge added (p. 17):

All video tapes and transcripts of depositions received in evidence subject to objections stated at the trial were admissible for the purpose and to the extent offered and are so received in evidence.

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<sup>51</sup> 540 F. Supp. 25 (1982); 27 February 1984; 9 April 1985.

<sup>52</sup> 559 F. Supp. 1294 (1983); 5 September 1984.

Denaturalization proceedings based in part on Lithuanian documents.

The trial judge found (p. 1258):

The so-called Lithuanian documents, Government's Exhibits 40, 41, 42, 43, 44, 45 and 50, are all admissible as ancient documents, as self-authenticating and, for the most part, as public records. Indeed, no one has seriously questioned their authenticity and defendant testified that the newspaper announcement of the grant of citizenship, containing virtually all the information previously described, was an announcement in a Lithuanian publication.

This overview of the American jurisprudence in the last few years puts in sharp relief the importance of the distinction which the Commission recalled in the preceding chapter between admissibility and weight of evidence. Not once have the American courts questioned, subject to its relevancy, the admissibility of foreign evidence, more especially Soviet-supplied evidence. The weight that it would be given at trial depended however on a score of factors which varied from case to case: this comes as no surprise.

The German and American experience is applicable to Canada. Here also Soviet-supplied evidence is admissible on the basis of our standard well-known criteria; but here also its weight will depend on the judicial appreciation of the factual situation in each case.

It is worth recalling that this Commission is not trying anybody. It is inquiring into allegations of war crimes and, for that purpose, it must hear and collect evidence, wherever it may be. That process cannot and should not be prevented.

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So there is no reason in fact why evidence should not be sought and heard, even in Eastern Bloc countries. There is no reason of policy why this evidence should be automatically excluded. There is no support in jurisprudence why this effort should be stopped *à priori*. Thus the law, the facts and the jurisprudence point to the advisability of the Commission pursuing its efforts, even on foreign soil.

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Given the positive conclusions which the Commission has reached on the questions of legality and advisability, it must be stressed that the Commission is mindful of the following circumstances:

- a) The parties are all agreed that some basic precautions must be taken, for instance:
  - i) protection of reputations through confidentiality;
  - ii) independent interpreters;

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<sup>53</sup> 600 F. Supp. 1254 (1984).

- iii) access to original documents;
- iv) access to witnesses' previous statements;
- v) freedom of examination of witnesses in agreement with Canadian rules of evidence;
- vi) videotaping of such examinations.

The Commission concurs in those conditions and will insist that they be accepted and observed. Failure to agree ought then to be considered as a refusal to co-operate with Canadian justice.

- b) It must be recalled — though it was so stated earlier — that this is an inquiry, not a trial. There are allegations, some more serious than others, but no charge against anybody. To use the very words of the *Inquiries Act*, the Commission has not yet resolved to allege any “charge of misconduct” against anybody; s. 13 of the Act is not invoked at this time. The Commission is merely pursuing its investigative work through examining documents and witnesses. The action remains the same: it only moves from one theatre to another.
- c) The submissions which the Commission has heard have however convinced it that the Commissioner himself should not take part in the hearing of evidence abroad. In spite of the spirit of co-operation which the community of nations would no doubt instill into the minds of the foreign authorities who would agree to help Canada in this venture, there could arise difficulties or differences of opinion during the examination of witnesses due to incompatibilities of legal systems or unavoidably contrary approaches to a given situation. The Commissioner, a member of the Canadian Judiciary, is answerable to the law alone; acting under the *Inquiries Act*, he should not run the risk of a confrontation with a foreign official on foreign soil, nor should he subvert a Canadian inquiry under Canadian law to the alleged authority of the law of the foreign land where the Commission would be sitting.

The *Inquiries Act*, by its ss. 11(2), (3), and (4), authorizes the Commissioner to “depute. . . qualified persons” in order “to take evidence” and “report to the Commissioner”. This provides for a flexible tool of which the Commission would propose to avail itself. There is no doubt that Commission counsel could perform this task quite satisfactorily.

- d) All of this process is of course subordinated to the severe constraints of time within which this Commission must always work.

Outside of numerous and difficult questions of law, the Commission must deal with literally several hundred files of alleged war criminals, in connection with which evidence is spread and must be sought over three continents and in several languages. The enterprise is colossal; its success depends on the resources and the time that are allocated to it. The

Commission is well aware that the time clock is running out for the suspects, but it is not responsible for the 40 years that have elapsed since the end of World War II.

The quality of the work of the Commission and the soundness of its conclusions should not be threatened by unrealistic time constraints. But the possibility for the Commission to gather available evidence abroad should, of course, be viewed in light of that particular predicament.

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### *CONCLUSIONS*

The Commission is of the opinion that it is both legal and advisable for it to hear and collect evidence available in foreign countries, whichever these may be.

This conclusion is subject to the following provisos:

- a) That the basic conditions enumerated in this decision be observed;
- b) That, barring unforeseen circumstances, the evidence be elicited by deputy-commissioners;
- c) That time constraints not defeat the Commission's plans.

Hon. Jules Deschênes  
Commissioner

Ottawa, 14 November 1985.

## APPENDIX I-N

### ***DECISION CONCERNING CASE NUMBER 276 25 MARCH 1986***

THE COMMISSIONER: Well, gentlemen, the Commission has heard earlier this morning the motion which has been made by Maître ——— on behalf of his client, Mr. ——— who is in attendance this morning. The motion is essentially directed at obtaining from the Commission that Mr. ——— be not called upon to testify in connection with the acts which are or have been alleged against him.

Now, we are all aware, of course, of the main object of the work of this Commission, and I don't think that I need recite again the Order-in-Council. Within the framework of this Inquiry on War Crimes during the last war, Mr. ——— has been summoned before the Commission, after having been advised by letter over the signature of Mr. Yves Fortier, Q.C., Commission counsel, of 26 February 1986 that, I quote:

The Commission has received allegations that you (meaning Mr. ———) committed war crimes to wit: torture of Hungarian Jews detained in forced labour camps at Kursk and Korosztzen in the U.S.S.R. during the period from June, 1942 to December, 1943.

In support of his motion which has been made just as Commission counsel was on the point of calling Mr. ——— as a witness before the Commission, Mr. ——— has alleged essentially the age-old principle against self-incrimination, as well as the basic principles of fundamental justice, which are at the very foundation of the administration of justice in our country. And Mr. ——— has mentioned more especially articles 7 and 24 of the Canadian Charter of Rights and Freedoms.

Let me say immediately that I do not very well see how article 24 could be called in aid by Mr. ———, and I don't intend therefore to deal with article 24 any further.

Now, this inquiry is proceeding under the Canadian Inquiries Act, and I would recall more particularly sections 2 and 4 of the Inquiries Act. Section 2 says that:

The Governor in Council may, whenever he deems it expedient, cause inquiry to be made into and concerning any matter connected with the good government of Canada or the conduct of any part of the public business thereof.

There is no doubt that the subject matter of this inquiry falls squarely within the terms of this section 2, and therefore the inquiry cannot be attacked under that particular aspect.

Now then, section 4 says that:

The Commissioners have the power of summoning before them any witnesses and of requiring them to give evidence on oath, or on the solemn affirmation if they are persons entitled to affirm certain matters, and orally or in writing, and to produce such documents and things as the Commission has deemed requisite to the full investigation of the matters into which they are appointed to examine.

This is essentially the provision under which the witnesses whom we have heard yesterday had been summoned, and Mr. ——— has also been summoned as a witness.

Now, the provision is surely wide enough to allow the Commission to call Mr. ——— as a witness and to ask him all and any questions that are relevant to the inquiry which has been entrusted with the Commission. The witness raises, however, the point that in light of the evidence which was adduced yesterday, and of the notice that was given him, it is possible, it is even likely, that questions might be put to him by Commission counsel, the answers to which might tend to incriminate him.

The Canada Evidence Act has foreseen that kind of a situation. And section 5 of the Evidence Act deals with this very matter.

Paragraph 1 of section 5 provides that:

No witness shall be excused from answering any question upon the grounds that the answer to such question may tend to criminate him. . .

et cetera.

That appears to be a direct answer to the motion that has been made before this Commission. But paragraph 2 of section 5 of the Evidence Act goes further and, without it being necessary for me to quote the paragraph in full, let me just recall that towards the end it provides that should a witness answer that kind of question, I quote:

The answer so given shall not be used or receivable in evidence against him in any criminal trial or other criminal proceeding against him thereafter taking place, other than a prosecution for perjury in the giving of such evidence.

We, of course, are all working here on the basis that should Mr. ——— give evidence, he will give evidence according to the truth. Therefore, that being so, section 5 of the Evidence Act appears to offer to the witness — and more particularly to Mr. ——— — a full protection against the fear that he has been alleging of future criminal prosecutions against him on the basis of the evidence he would be called upon to give before the Commission.

I think that the basic confusion in the motion comes from the fact that the petitioner has forgotten the distinction between an accused and a witness. The distinction is clear, and the position in law is clear too. We all know that an accused cannot be compelled to give evidence, but a witness can be compelled. However, he can rely on the protection provided to the witness by the Canada Evidence Act. And even if we were to look at the Canadian Charter of Rights and Freedoms, as we have been invited to do by Mr. ———'s counsel, we would see that the same distinction has been clearly made again by the Charter itself and therefore the Charter itself does not provide grounds in support of the motion.

What do we find in the Charter? If we look at article 11, paragraph (c), which provides for the non-compellability, one has to stop at that article and read it carefully. What does it say?

Any person charged with an offence . . .

And I stop here. Article 11 is not speaking of witnesses. It is speaking of an accused. And I quote again:

Any person charged with an offence has the right not to be compelled to be a witness in proceedings against that person in respect of the offence.

I would say that I prefer the French text which if at all is still clearer.

*Tout inculpé a le droit de ne pas être contraint de témoigner contre lui-même dans toute poursuite intentée contre lui pour l'infraction qu'on lui reproche.*

Well, that is essentially what is alleged by the motion, that Mr. ——— should not be compelled to be a witness against himself. But that is raised and can be raised only under section 11 of the Charter, which refers and provides for the protection of any person charged with an offence, and we are not in presence of that kind of a case. There is no charge against anybody before this Commission. We are not — it has been said repeatedly, but it is worth being repeated, in the course of a trial — this is an inquiry and there is no person charged with any offence as of the moment of speaking.

Therefore, this provision in article 11(c) as to non-compellability cannot be raised and used before the Commission, but pursuing in line of that distinction between accused and witnesses, one finds in the Charter article 13, which this time speaks clearly of — it begins by saying, "A witness . . ." and then what happens and what has the Charter provided for? Thirteen says,

A witness who testifies in any proceedings has the right not to have any incriminating evidence so given used to incriminate that witness in any other proceedings except in a prosecution for perjury or for giving of contradictory evidence.

Well, that is a clear echo of section 5 of the Canada Evidence Act, and that is the furthest point which can be reached under the Canadian Charter, and we find therefore, in this article 13, the same protection against incrimination of a witness as we had already seen in the Canada Evidence Act. And I think that that is all the protection that Mr. ——— can claim, but he



cannot claim any more than what is provided for in our system of law, which I think is very logical, whether we look on one hand at the Inquiries Act and the Canada Evidence Act, or, on the other hand, at the Canadian Charter of Rights and Freedoms; we find the same principles enshrined in the two sets of texts; we find the same distinction between the accused and the witness; we find the same protection for an accused against compellability as a witness, and we find the same protection for the witness against incriminating evidence being used against him.

So, under those circumstances, I must come to the conclusion that Mr. \_\_\_\_\_'s motion is ill-founded, and is therefore hereby denied, and the Commission orders at this point Mr. \_\_\_\_\_ to take the stand, be sworn in and answer the questions of Commission and Commission counsel.

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N.B.: See Judgment to the same effect in *R. v. Wooten*, (1984) 9 C.C.C. (3d) 513 (B.C. Supreme Court, Macdonald, J., 9 December 1983).

## APPENDIX I-O

### ***DECISION CONCERNING CASE NUMBER 689 4 JULY 1986***

THE COMMISSIONER: Well, gentlemen — and ladies, I should add — the Commission has considered the objection which has been raised by Mr. \_\_\_\_\_ a few moments ago this morning to the effect that his client, \_\_\_\_\_ should not be compelled to answer questions from Commission Counsel on behalf of the Commission.

The Order-in-Council which has set up this Commission has in its second WHEREAS defined the phrase “War Criminals” as follows: “Persons responsible for war crimes related to the activities of Nazi Germany during World War II.”

On the basis of that definition, the Order-in-Council has empowered and instructed this Commission to investigate:

- (1) Whether any such persons — meaning war criminals — are now resident in Canada;
- (2) When and how they obtained entry to Canada; and
- (3) What further action might be taken in Canada to bring them to justice.

In the course of discharging its mandate, the Commission has heard a number of witnesses and has felt that it should call as a witness Mr. \_\_\_\_\_. With that purpose in mind Commission Counsel, Mr. Meighen, first wrote to Mr. \_\_\_\_\_ on 9 April 1986.

I quote from the second paragraph of that letter: “In the conduct of its inquiry, the Commission has received allegations that you may have committed war crimes, to wit . . .” and there follow the particulars.

Then on 23 April 1986, Mr. Meighen further wrote to, this time, Mr. \_\_\_\_\_’s counsel Mr. \_\_\_\_\_, and more particularly sent him copies of a number of depositions which had come into the possession of the Commission, and those lengthy depositions have been filed before the Commission as exhibit C-113.

By and large — and I am not pretending to go into any particulars at this time about those depositions — by and large they mention Mr. \_\_\_\_\_, and in the words of one or the other of those numerous witnesses, tend to connect him with certain actions that might fall within the purview of the definition of war crimes.

The first objection of Mr. \_\_\_\_\_ — indeed, it is a threefold objection, if I may — so the first facet of that objection is that there is no evidence before this Commission in connection with Mr. \_\_\_\_\_, that the witnesses' statements which I just referred to have not been established before this Commission; therefore, the Commission having no evidence before it, there would be on the part of Mr. \_\_\_\_\_ no case to meet. Hence, the reasoning follows, this Commission would have no jurisdiction to inquire into the conduct of Mr. \_\_\_\_\_.

This first facet, so to call it, of the objection is, in the opinion of the Commission, without legal foundation. Section 4 of the Inquiries Act under which this Commission is operating says, "The Commissioners have the power of summoning before them any witnesses and of requiring them to give evidence on oath or solemn affirmation if they are persons entitled to affirm in civil matters, and orally or in writing, and to produce such documents and things as the Commissioners deem requisite to the full investigation of the matters into which they are appointed to examine."

I wish to underline the latter part of this provision with respect to the production of such documents and things as the Commissioners deem requisite. This, of course, covers the statements of witnesses which the Commission has already received and which have been filed as exhibit C-113.

There is no rule as to the order in which relevant witnesses may or should be heard by a commission of inquiry. At the end, the Commission, of course, will have to assess the evidence, the various statements, written or oral, the depositions of witnesses, including that of Mr. \_\_\_\_\_, but the Commission is not bound to hear one witness before another or to require one part of the evidence to be made before another part of the evidence is entered into.

The assessment of the witnesses' statements, however they come into the possession of the Commission, is not a prerequisite to further evidence, for instance, that is to be obtained through the testimony of Mr. \_\_\_\_\_.

So, in short on this first facet, I am of the view that there is indeed — to use the words of Mr. \_\_\_\_\_, if I understood him well — there is indeed a case to be met; there is indeed evidence before this Commission; there is, therefore, jurisdiction in this Commission to inquire further into those facts, and to that effect to summon other witnesses, including Mr. \_\_\_\_\_.

The second facet of the objection has raised an alleged violation of natural justice in the proceedings of this Commission. May I say that this Commission has gone as far as it could in order to observe the basic dictates of natural justice, and that I see no reason why or how one could come to the conclusion

that there would have been any violation of natural justice in the proceedings of this Commission up to now. For particulars have been supplied to him through his counsel; he is accompanied by counsel from whose advice he does benefit today. And I would even go further: Mr. \_\_\_\_\_ had been summoned first to be heard on the first of May 1986; for reasons that his counsel explained at the time, his counsel withdrew from the hearing. Mr. \_\_\_\_\_ then requested a postponement in order to enable him to get counsel, and the Commission did accept his request and grant him the postponement which he had been asking for. So I do not think that under any aspect of the matter, Mr. \_\_\_\_\_ can complain of a violation of natural justice and that second facet of the objection is completely devoid of any merit.

There remains the third aspect of the argument, which is based essentially on section 11, paragraph (c) of the Canadian Charter of Rights and Freedoms. If I may quote that short part of section 11, it reads as follows: "Any person charged with an offence has the right not to be compelled to be a witness in proceedings against that person in respect of the offence." So this is the essential objection that Mr. \_\_\_\_\_ would not be a compellable witness before and by the Commission.

It must, however, first be kept in mind that the section is applicable to — and I quote again — "Any person charged with an offence." These words must be placed back in the context of the full section which they are the beginning of. Now, when one reads the full section 11, one finds that very clearly it refers to the circumstances of a trial, not of an inquiry. We see, for instance, that in paragraph (b) the section does use the very words, "to be tried." In paragraph (e), it refers to bail. In paragraph (f) it refers to trial by jury. In paragraphs (g), (h) and (i), it refers to either a finding of guilty or an acquittal. It could not be more clear that the whole of section 11 has been thought of, conceived and written in light of the charge of an offence, having the effect of bringing the person charged before a court of law for the purposes of that person's trial, and it is there and then that under paragraph (c) that person has the right not to be compelled to be a witness.

This is far away indeed from a commission of inquiry, and more especially from the proceedings of this Commission.

Now, Mr. \_\_\_\_\_'s counsel has referred to the judgment of the Federal Court's Trial Division rendered in 1984 in the matter of Gaw and Yeomans, 14 Canadian Criminal Cases, 3rd Series, page 134. Here again, a careful reading of the judgment shows that it was rendered under circumstances material to the issue and which were quite foreign to the proceedings in which we are involved. For instance, one sees that the inquiry in that case had been launched at the decision of the Commissioner of Corrections under the provisions of the Penitentiary Act. Now, here is what the Federal Court of Canada had to say in connection with that proceeding, and I am quoting from page 141:

In constituting the Commission purportedly to hear evidence, investigate and make a determination of the applicant's innocence or otherwise in regards to allegations . . .

— so and so and so and so —

... the respondent exceeded his statutory power.

And then at page 143,

Individuals have a right not to be subjected to non-authoritative, non-constitutional proceedings held in camera at the behest of state officials acting beyond their legal authority.

And I could go on and quote several other passages to the same effect, where the Federal Court speaks of a parody of justice and so forth.

Well, it is not necessary to dwell much longer on those circumstances to come to the conclusion that quite obviously they are completely foreign to the situation with which we are dealing. Nobody has questioned the power of Parliament to pass the Inquiries Act; nobody has questioned the power of the Government of Canada under that act to appoint this Commission of Inquiry to investigate the matters that are detailed in that Order-in-Council; so the circumstances under which the inquiry had to be considered in Gaw and Yeomans had absolutely nothing to do with the circumstances under which this Commission is operating, and the testimony of Mr. \_\_\_\_\_ is requested, and the objection of his counsel has to be considered.

I would not wish, however, to belabour the point any more than necessary. Let me add, therefore, for the benefit of Mr. \_\_\_\_\_ and his counsel, that the question of the applicability to this inquiry of paragraph (c) of section 11 of the Charter has been raised earlier before this Commission, namely on 25 March 1986, in connection with another case which this Commission was investigating — in connection, of course, with its mandate. After argument, a detailed decision was rendered by the Commission outlining the reasons why in the Commissioner's opinion section 11 (c) could not be used in support of an objection like the one which has been raised in its so-called third facet by Mr. \_\_\_\_\_ today.

I will instruct the Commission Secretary to hand over to Mr. \_\_\_\_\_ a copy of that decision rendered on 25 March 1986; that decision should be considered as being here and now incorporated into the decision which I am rendering at this very moment. You will find, Mr. \_\_\_\_\_, that there are blanks in that text, inasmuch as we have deleted the name of the party who had been summoned and the name of his counsel so as to try and avoid the possibility of an identification which, all along in its proceedings, this Commission has done its best to avoid.

So for those reasons, the objections raised by Mr. \_\_\_\_\_ to the questioning of Mr. \_\_\_\_\_ by Commission Counsel is hereby dismissed, and Mr. \_\_\_\_\_ is ordered to answer here and now the questions which Commission Counsel had begun putting to him at the time the objection was made.

**APPENDIX I-P**  
**NARVEY AND THE COMMISSION OF INQUIRY ON WAR**  
**CRIMINALS**



Court File No.: T-2500-85

Division de première instance de  
 la Cour fédérale du Canada

Ottawa, Ontario, this 30th day of January, 1986.

P R E S E N T : The Honourable Mr. Justice Cullen

B E T W E E N :

KENNETH M. NARVEY, on his own behalf and  
 as representing himself and the other members  
 of the North American Jewish Students'  
 Network-Canada,

Applicant,

- and -

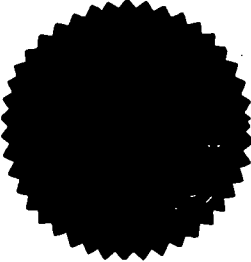
THE COMMISSION OF INQUIRY ON WAR  
 CRIMINALS and THE PRIME MINISTER OF CANADA  
 and HER EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL,

Respondents.

Upon an application by Kenneth M. Narvey, on his own behalf and as representing himself and the other members of the North American Jewish Students' Network-Canada, for an Order or Orders of Mandamus directed to the Commission of Inquiry on War Criminals ("the Commission"), requiring the Commission to make available to the public, and particularly to the Applicant, forthwith, the reports or opinions it has received as to the existing or potential future law with regard to the bringing to justice of alleged Nazi war criminals.

O R D E R

For reasons delivered from the Bench indicating the applicant had no status before this Court, the application is dismissed.



J.F.C.C. Justice S. Cullen

I HEREBY CERTIFY that the above document is a true copy of the original filed of record in the Registry of the Federal Court of Canada the 30<sup>th</sup> day of January A.D. 19 86.  
 Dated this 30<sup>th</sup> day of January 19 86.

Peter J. Sylvester  
 Registry Officer

FEDERAL COURT OF CANADA COUR FÉDÉRALE DU CANADA		P R O D U I T
JAN 30 1986		
PETER J. SYLVESTER <small>REG. STAFF OFFICER - PARALÈGUES DU CRÉDIT</small>		8
OTTAWA, ONT.		



Court No. T-2500-85

**Federal Court of Canada**  
**Trial Division**

BETWEEN:

KENNETH M. HARVEY, on his behalf and  
as representing himself and the other members  
of the North American Jewish Students'  
Network-Canada,

Applicant,

- AND -

THE COMMISSION OF INQUIRY ON WAR CRIMINALS and  
THE PRIME MINISTER OF CANADA and  
HER EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL,

Respondents.

**REASONS FOR ORDER**

(Delivered from the Bench at Ottawa, Ontario  
on the 30th day of January, 1986.)

**CULLEN, J.:**

Significant discretionary authority has been given to Mr. Justice Jules Deschênes. There is a duty to act fairly and reasonably in fulfilling his mandate. The very first evidence of this was his decision to give certain parties "standing" and the opportunities that go with that status. It is obvious from the transcript produced that most careful consideration was given to the subject, i.e. who will get standing. The parties had an opportunity to put their case directly to the Commission - decisions were made concerning who and who would not receive standing; reasons for these decisions were also given and this seems to have been accepted by all the parties who made representation - and so far as I know no appeal from these decisions has been taken. There may be several reasons, but I suspect all accepted the decisions, as well within Mr. J. Deschênes' discretionary authority and no motion for mandamus would probably have been successful because he acted fairly and all interested parties were heard, and reasons given for the decision.

There is a difference between those with standing and other persons with an interest who make submissions. Actually one has to be impressed with the latitude allowed parties such as Mr. Narvey and/or his group - who can submit any number of briefs, who can suggest witnesses that should be heard and who can submit briefs counter to anything written or said by witnesses. If, for example, I should order that these opinions solicited by the Commission be made public, then it's obvious Mr. Narvey or his group will be in a position to make further written submissions if they disagree with the tone or content.

To allow standing here today to Mr. Narvey and his group would in my view unravel the discretionary authority already exercised by Mr. Justice Deschênes - who did so in a fair and open fashion. In my view the Commission has determined a more direct interest in the subject is held by the people given standing. The interest of Mr. Narvey and/or his group is not denied and in fact it is significant because the members are of the Jewish faith, who want to see justice done, as a result of the war crimes. "Interested parties" as mentioned in the transcript covers a very wide area. MP's, MPP's, other individuals, are interested parties and their interest may be as significant as Mr. Narvey/Network.

The general public is invited by notice to send briefs - not specifically confined to interested parties who attend all or most of the hearings.

Remedies sought here are primarily certiorari and mandamus. As a person or group without standing before the Commission they would have a difficult task establishing standing here for the purposes of these remedies.

Accordingly I have determined that Mr. Narvey or his organization cannot be heard by this Court for the reasons stated above.

OTTAWA  
February 20, 1986.

B. Cullen  
\_\_\_\_\_  
J.F.C.C.



APPENDIX I-Q

**LEAGUE FOR HUMAN RIGHTS OF B'NAI BRITH CANADA  
AND THE COMMISSION OF INQUIRY ON WAR  
CRIMINALS**

Federal Court of Canada

Court No. T-2488-85

BETWEEN

LEAGUE FOR HUMAN RIGHTS OF  
B'NAI BRITH CANADA  
Applicant,

-- and --

COMMISSION OF INQUIRY ON WAR  
CRIMINALS  
Respondent.

REASONS FOR ORDER

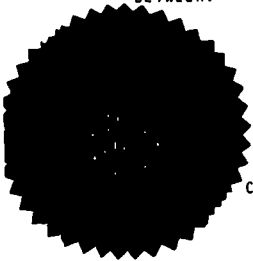




Court No. T-2488-85

Federal Court of Canada  
Trial Division

BETWEEN:



LEAGUE FOR HUMAN RIGHTS OF  
B'NAI BRITH CANADA

Applicant,

- AND -

COMMISSION OF INQUIRY ON WAR CRIMINALS

Respondent.

REASONS FOR ORDER

CULLEN, J.:

This is an application for certiorari quashing the determination of the respondent not to release the reports of the respondent's working group of legal experts in advance of the completion of the report of the respondent, and mandamus ordering the respondent: (a) to release the reports of the respondent's working group of legal experts in advance of the completion of the report of the respondent; and (b) to allow the applicant an opportunity to respond to those reports.

BACKGROUND

The respondent, Commission of Inquiry on War Criminals, was created by Order-in-Council which appointed the Honourable Mr. Justice Jules Deschênes to be a Commissioner under Part I of the Inquiries Act.

Many applications were made for "standing" before the respondent Commission and the applicant was among those given standing.

On June 25, 1985 a news release was issued stating, inter alia:

The Commission's terms of reference require it "...to report to the Governor in Council (its) 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."

The discharge of this mandate raises complex legal problems in various areas: criminal law, international law, immigration, citizenship, naturalization, extradition, deportation and so on.

To assist in its task, the Commission has set up a working group of eight professors and practitioners from across Canada; in alphabetical order they are:

Professor Jacques Bellemare (Montreal)  
Mr. Donald P. Bryk (Winnipeg)  
Mr. Gowan T. Guest (Vancouver), with:  
Mr. Jonathan B. Festinger and  
Mr. Michael P. Redmond  
Mr. John I. Laskin (Toronto)  
Mr. E. Neil McKelvey (St. John, N.B.)  
with: Miss Barbara E. Bonham and  
Mr. Stephen J. Hutchison  
Professor J. George Neuspiel (Ottawa)  
Mr. Michel Proulx (Montreal)  
Professor Sharon A. Williams (Toronto)

Those experts are to report to the Commission by September 1, 1985.

On June 11, 1985, counsel for the applicant requested of the respondent, "...that once these particular legal counsel have produced their reports, without contact from the intervenants, the request we would make is that these reports be made available to the intervenants for the possibility of comment on them to the Commission". The Commissioner's response at that time was, "We will see. I will not commit myself in advance either way."

On September 23, 1985, counsel for the applicant repeated his request. Earlier Mr. Justice Deschênes had ruled against counsel being allowed to approach such lawyers or academics who had been entrusted with the task of furnishing opinions to the Commission and had, as he puts

it, "to the extent that I would not only discourage but prohibit that kind of approach."

Counsel for the applicant put their position this way:

I suggest that we have had the experience of the filing of the government memorandum that was introduced through testimony of Martin Low, and that was not made public until some five years after it was written. There were many responses that could have been made at the time, but no one had an opportunity to respond at the time. The fact that there was no response made at the time may have had an influence on what the government did in intervening years.

You have many more materials before you than the government did at the time when it was considering this interdepartmental committee memorandum, but I think there is an analogy here that it is useful when there is material before the Commission, unless it is of the sort that incriminates individuals and should not be made public, that that material be made public so that in any case where there is a comment that is opposite and relevant and has not been covered, it could be brought to your attention before you make your report.

Mr. Martin Low had been the author of a memorandum, and chairman of a Government interdepartmental committee. The memorandum was written in 1980 but not made public until July 1985 when Mr. Low appeared before the respondent Commission. The theme of the memorandum was that technically nothing could be done to bring Nazi war criminals in Canada to justice either through existing law or new legislation. Needless to say, the applicant took strong exception to that position and one of the counsel for the applicant wrote what can be described as a scathing analysis of the memorandum. Counsel for the applicant maintains no action against war criminals was taken in Canada because of the conclusion of that report which, as indicated earlier, was not made public where individuals and groups might attack its conclusions. Counsel is suggesting that we might very well have a repeat of the process. An affidavit filed in support of the motion by Ms. Linda Johnson shows positions taken by one of the legal experts Ms. Sharon Williams, which counsel for the applicant

maintains are erroneous, and if those "errors" find their way into her report or legal opinion there will be no opportunity to rebut if the reports are not made public.

Certainly making reports public, before a Commission hands in its report, has taken place, e.g. the Commission of Inquiry Concerning Certain Activities of the R.C.M.P.

On September 23, 1985, Mr. Justice Deschênes stated: "I will see, Mr. Matas, though I must say that I do not feel inclined." (to release the reports). He continued:

It is a bad day for you today insofar as requests are concerned. However, I do not feel inclined to agree to your request.

There were, as you know, over the years a number of various legal opinions that were supplied by government officials; material has been put before this Commission in that respect. Then, various counsel have been invited and allowed to file their own views and briefs, which has been done, on behalf of various parties, as you know. There is already a considerable amount of material available in that respect.

I felt outside of that material, I should try and obtain so-called independent views from legal experts, which I have done. I think a line has to be drawn somewhere where the debate must be closed. I am just wondering whether it is advisable that these opinions that I am in the process of obtaining in turn be submitted to outside analysis and in turn be the object of comments either by yourself or by others who have already had the opportunity of filing very substantial briefs before the Commission. In all fairness, then, to the authors of those opinions, I suppose that I would have to return to them and tell them, "Here is the criticism that you have been submitted to" and give them an opportunity to answer that. As I say, there would be no end to it, especially when one knows the talent of counsel and academics to rebut whatever argument may be put against the opinions that they have been putting forward.

Actually, it was only as kind of a discharge of what I felt was some kind of public duty of information that a release was issued last spring saying that the Commission was seeking outside independent opinions and giving the names of those

professionals who had been hired by the Commission for that purpose. Actually, I could well have done so without having advised anybody, and I could well have sought those opinions without issuing any release of any kind.

I felt that it was an information which the public was entitled to, that the names of those advisors and consultants be divulged. But, that this, in turn, should get into the topic of a new and another debate I think is another question. I may change my mind. If so, I will, of course, tell you. For the time being, I am not inclined to put these opinions on the table for purposes of further discussions.

I feel that I have received enough advice in legal fields to be able to use up much of my time between now and the target date that has been given to this Commission. I think I have all the material I need, including, Mr. Matas, your own numerous briefs and speeches and so on. I do not think that I would need any additional legal literature.

The applicant, in its argument, states:

According to the Inquiries Act, the inquiry is a public inquiry.

...

A public inquiry must be arranged in such a way as to provide members of the public with a reasonable opportunity to know the subject matter of the inquiry, what it involves from the point of view of the public. What the statute contemplates is a meaningful inquiry that would be calculated to aid the Respondent to reach a conclusion that reflects a consideration of the public interest. It does not contemplate an inquiry at which members of the public are merely given an opportunity to blow off steam.

(Underlining is mine)

It is clear from the transcript that the respondent Commission has been correctly arranged.

With respect to these reports from the legal experts, I am satisfied there is no solicitor-client privilege. I accept without question the submission of the counsel for the applicant. The mere fact that the person speaking is a solicitor and the person to whom he speaks is his client affords no protection. The advice, to be protected, must be concerned with rights and liabilities enforceable in law by or against the client. The privilege is confined to communications either connected with suits

begun, intended, expected or apprehended by or against the client or connected with precautions as might eventually render any proceeding by the client successful or all proceedings by or against the client superfluous.

The reports for which disclosure is sought by this motion do not deal with suits begun, intended, expected or apprehended by or against the respondent. The reports do not deal with precautions as might eventually render any legal proceedings by the respondent successful. The reports are not concerned with precautions as might render all legal proceedings by or against the respondent superfluous.

The rationale of solicitor-client privilege is to protect confidences of the client communicated to his solicitor relating to the client's legal rights and liabilities. The privilege is that of the client, not that of the solicitor. It covers communications from the solicitor to the client, as well as communications from the client to the solicitor, because communications from the solicitor to the client may reveal confidences of the client, about the legal situation of the client.

There is no claim by the respondent that the release of the reports which this motion requests would reveal confidences of the respondent about its legal rights and liabilities. Nor, given the nature of the reports, could such a claim be made.

Although making reference to the Access to Information Act and what is subject to disclosure, the applicant concedes that the respondent is not one of the government institutions listed under that Act. The applicant suggests it can be used as a guide, but I am somewhat loathe to do so. The Government, for its own reasons, did not include inquiries under the Inquiries Act, indicating to me at least that some other consideration be used as a basis to determine what should or should not be made public.

In any event I have indicated there is no solicitor-client privilege here and to so find would broaden that concept beyond its appropriately limited scope.



A strong argument was advanced that a duty of fairness is applicable here. In my reasons delivered from the Bench on January 30, 1985, in the case of Kenneth M. Narvey v. The Commission of Inquiry on War Criminals et al (unreported), I stated, "Significant discretionary authority has been given to Mr. Justice Jules Deschênes. There is however a duty to act fairly and reasonably in fulfilling his mandate." No question, then, that there is a general duty of fairness, not only to those given standing but to all who appear before the Commission. Can one reasonably or objectively argue that the general duty of fairness has not been followed by the Commission. Clearly not.

What then of the specific decision here, not to make the reports of the experts public before making the Commission's report, now due on June 30, 1986 (an extension of time from December 31, 1985). First it is clear that the reports will be made public when the Commission files its report. Next, it is clear from the press release that the experts will be asked to report on "complex legal problems in various areas: criminal law, international law, immigration, citizenship, naturalization, extradition, deportation and so on." Thus the public and the parties know the subject matter of the reports and indeed the myriad of written and oral submissions by the public are on those very subjects. Mr. Justice Deschênes so inferred at page 2856 of the transcript:

The opinions I have already received from various sides are all documents which, though well documented and after having been written after a long and thorough study of the matter, nevertheless may well be to some extent tainted by the interests which each writer is representing. That is quite normal,...I saw fit to seek outside views that would not be working under this difficulty to represent and defend interests of any client.

Thus, seeking help for these reasons clearly indicates it is on the subject matter where he already has "well documented views".

Again, although not available to the parties until January 27, 1986, when the affidavit of Karen Dale Logan, the secretary of the respondent Commission, was filed, we have letters showing "terms of each appointment as well as

the topics of opinions contained in letters sent to each of the lawyers by the respondent Commission." Thus 5 months before the Commission is to report the public and parties know specifically what is sought from each expert.

Next, one has to note that, in his attempt to meet a duty of fairness, Mr. Justice Deschênes says at page 2305 of the transcript, "I felt outside of that material (i.e. all submissions made) I should try and obtain so-called independent views from legal experts which I have done." and later at page 2306,

Actually, it was only as kind of a discharge of what I felt was some kind of public duty of information that a release was issued last spring saying that the Commission was seeking outside independent opinions and giving the names of those professionals who had been hired by the Commission for that purpose. Actually, I could well have done so without having advised anybody, and I could well have sought those opinions without issuing any release of any kind.

I felt that it was an information which the public was entitled to, that the names of those advisors and consultants be divulged.

One can visualize Mr. Justice Deschênes saying somewhat wistfully, "But that this in turn should get into the topic of a new and another debate I think is another question."

I can accept the following view from the applicant:

There is no question that the recommendations of the Respondent will influence the Government about what to do about Nazi war criminals in Canada, and may be decisive. The whole purpose of the establishment of the Respondent Commission was to create an independent body, bringing to its task a considerable and varied expertise of its own, and developing quickly even greater expertise with the problem assigned to it. It is inherent in the conception and operation of such a commission that its recommendations be influential.

(The underlining is mine).

The Commission is seeking independent opinions, and clearly by doing so is making itself an independent body.

I am entirely satisfied that Mr. Justice Deschênes has more than honoured the duty of fairness.

Does the Commission have a duty to disclose and if so does it include the legal opinions from the eight experts? The duty to disclose is part and parcel of the duty of fairness. The respondent Commission has been given an onerous task and a time limit. The Government of Canada clearly envisaged the necessity for a commission, the importance of its subject matter and the need to see the decisions expedited by setting a deadline. The deadline was extended for the reasons known by all, but the extension is quite brief - 6 months. Mr. Justice Deschênes has accepted his responsibilities, has indicated the voluminous material he has to consider and the complexities of the issues. Time is a very important factor he must consider and indeed says so in his reasons for not acceding to the applicant's request. We are told the reports will be made public. To suggest, as the applicant does, that this is really their last chance to comment is hardly accurate. Whether the Commission concludes nothing can be done or that five or ten options are open to the Government, the applicant and others will have several opportunities to present their comments on the report of the experts, albeit in different fora.

If I concluded that the reports must be produced would all parties say now the duty of fairness has been met? Clearly not. In a motion heard immediately after this one, counsel for another applicant, who incidentally had no standing before the Commission, would have this Court order that legal opinions and advice given by Commission counsel should also be made public, and I expect on and on it would go.

I have had the opportunity to read the views of my colleague Mr. Justice Rouleau in Electrohome Limited v. Deputy Minister of National Revenue, which is Federal Court No. T-2726-85 dated January 31, 1986. On February 3, 1986 this decision was forwarded to me by counsel for the respondent, with a copy to counsel for the applicant.

subsequent to the hearing. Counsel for the respondent made no comment other than, "This decision may be pertinent to the issues you are now considering and a copy is enclosed for your review. I read the case carefully, and concluded it was not "pertinent" to the facts of this case. Subsequently, on February 5, 1986, Counsel for the applicant drew to my attention several distinguishing features of the case. Mr. Justice Rouleau felt certain types of information must remain confidential and cited reasons for that proposition. He also wrote that the applicants failed to produce any evidence to indicate the Deputy Minister may have used or been provided with incorrect information in his investigation, and lastly, that the administrative process might come to a grinding halt if the disclosures sought were acceded to. The facts here are quite different and we do not have a commercial dispute to resolve. Also, the applicant has indicated how the government of the day may have been misled by "erroneous conclusions". Clearly the Commission would not come to a grinding halt, but the reasons are given above why I have not allowed the application. The reasons of my colleague Rouleau, J. and my own are different because of the different situation we had to deal with but we have come to similar conclusions for our individual reasons.

For the reasons stated above the application for certiorari and mandamus are dismissed, with no order as to costs.

OTTAWA  
February 10, 1986.

B. Cullen  
J.F.C.C.

APPENDIX I-R

**LEAGUE FOR HUMAN RIGHTS OF B'NAI BRITH CANADA  
AND COMMISSION OF INQUIRY ON WAR CRIMINALS**



Federal Court of Appeal  
OTTAWA, THE 9th DAY OF MAY, A.D. 1986.

Court No. A-87-86

CORAM: HEALD J.  
MAHONEY J.  
STONE J.

BETWEEN:

LEAGUE FOR HUMAN RIGHTS  
OF B'NAI BRITH CANADA,

Appellant,

- and -

COMMISSION OF INQUIRY ON WAR CRIMINALS,

Respondent.



J U D G M E N T

The appeal is allowed without costs. The Order of the Trial Division herein dated February 10, 1986 is set aside and the following is substituted therefor:

"An Order of Mandamus will issue requiring the respondent:

- (a) to make copies of the working group's reports available to the appellant and the intervenor, Canadian Jewish Congress; and
- (b) to afford them a reasonable opportunity to comment on those reports before it reaches its conclusion as to the advice and recommendations on those matters to be included in its report to the Governor in Council.

No order as to costs."

I HEREBY CERTIFY that the above document is a true copy of the original filed of record in the Registry of The Federal Court of Canada the 9th day of May A.D. 19 86  
Dated this 4th day of September 19 86

Danrel V. Heald  
J.F.C.C.

P.M.M.  
A.J.S.

F. J. ROACH  
REGISTRY OFFICER  
AGENT DU GREFFE



Federal Court of Appeal

A-87-86

CORAM: HEALD, J.  
MAHONEY, J.  
STONE, J.

B E T W E E N :

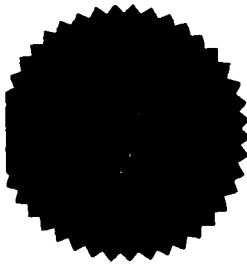
LEAGUE FOR HUMAN RIGHTS  
OF B'NAI BRITH CANADA

Appellant

- and -

COMMISSION OF INQUIRY ON  
WAR CRIMINALS

Respondent



Heard at Ottawa on Wednesday, the 7th day of May, 1986.

Judgment rendered at Ottawa on Friday, the 9th day of May 1986.

REASONS FOR JUDGMENT BY:

MAHONEY, J.

CONCURRED IN BY:

HEALD, J.  
STONE, J.

I HEREBY CERTIFY that the above document is a true copy of the original filed of record in the Registry of The Federal Court of Canada the 9th day of May A.D. 1986  
Dated this 4th day of September 1986

F. J. ROACH  
REGISTRY OFFICER  
AGENT DU GREFFE



Federal Court of Appeal

A-87-86

CORAM: HEALD, J.  
MAHONEY, J.  
STONE, J.

B E T W E E N :

LEAGUE FOR HUMAN RIGHTS  
OF B'NAI BRITH CANADA

Appellant

- and -

COMMISSION OF INQUIRY ON  
WAR CRIMINALS

Respondent

REASONS FOR JUDGMENT

MAHONEY, J.

This is an appeal from a decision of the Trial Division which refused to make orders in the nature of *certiorari* and *mandamus* requiring the Respondent Commission to release to the Appellant and other interested parties certain legal opinions in time to permit comment thereon prior to the Commission making its report. The time within which that report is required to be submitted is presently fixed at June 30, 1986.

The operative provision of Order in Council P.C. 1985-348 constituting the Commission provides:

THEREFORE, the Committee of the Privy Council, on the recommendation of the Prime Minister, advise that, pursuant to the Inquiries Act, a Commission do issue under the Great Seal of Canada, appointing the Honourable Mr. Justice

Jules Deschênes, of the Superior Court of Quebec, to be Commissioner under Part I of the Inquiries Act 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.

These proceedings are concerned only with the mandate to recommend and advise what further action might be taken to bring to justice alleged war criminals resident in Canada. Any recommendations and advice to that end will necessarily be predicated on a finding that one or more such persons are presently resident in Canada and this matter has been dealt with on the assumption that such will be found to be the case.

The Order in Council also provided that:

- (a) the Commissioner be authorized to adopt such procedures and methods as he may from time to time deem expedient for the proper conduct of the inquiry and to sit at such times and at such places within or outside of Canada as he may decide from time to time;

Pursuant to that authority the Commission made rules, including Rule No. 9:

The Commission may grant standing to outside parties or their counsel, at its sole discretion and for such sittings or purposes as it may decide. Once granted standing, such party or counsel may cross-examine witnesses on matters relevant to their interests.



The Appellant, on its application, was given standing in the following terms:

...The Commission wishes to stress this moment that the situation is not that the applicant would count among its members relatives or grandchildren of victims, but it does indeed have among its membership victims themselves of the Nazi persecutions.

On that basis, the Commission is of the view that the applicant has a special and direct interest in the object of this Inquiry. ...

The Appellant's interest is that of the victims of war crimes.

On June 25, 1985, by press release, the Commission announced:

The Commission's terms of reference require it "...to report to the Governor in Council (its) 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."

The discharge of this mandate raises complex legal problems in various areas: criminal law, international law, immigration, citizenship, naturalization, extradition, deportation and so on.

To assist in its task, the Commission has set up a working group of eight professors and practitioners from across Canada; in alphabetical order they are:

...

Those experts are to report to the Commission by September 1, 1985.

The report of an interdepartmental committee to the Government of Canada in 1980 was first made public at a Commission hearing on July 10, 1985. The burden of that report is that nothing could legally be done to bring war

criminals in Canada to justice. At the hearing on July 11, 1985, the Appellant requested the timely production to interested parties of the reports of the working group. The Commissioner declined to commit himself on the request. On September 23, 1985, the Appellant moved formally for production of the reports. That motion was refused in the following terms:

...I may change my mind. If so, I will, of course, tell you. For the time being, I am not inclined to put these opinions on the table for purposes of further discussions.

I feel that I have received enough advice in legal fields to be able to use up much of my time between now and the target date that has been given to this Commission. I think I have all the material I need, including, Mr. Matas, your own numerous briefs and speeches and so on. I do not think I would need any additional legal literature.

At the time, the Commission's report was required to be submitted to the Governor in Council on or before December 31, 1985.

In his decision, the learned trial judge dealt at some length with the question whether solicitor-client privilege attached to the reports. It is by no means clear from the record that such was claimed and it was not claimed by the Commission in this appeal. I should prefer not to express a settled opinion on that matter.

The Commission acknowledges that it owes a duty of fairness to the Appellant but takes the position that the duty has been discharged. The Appellant, and others granted status, have had and taken the opportunity to present their own views, both on what might be done under the existing law and what legislation might be adopted to bring war criminals

resident in Canada to justice, and have also commented on the views presented by the others. One gets the impression that the Appellant's input in this area has been voluminous.

The Commission submits that, when action is taken on its report, meaningful opportunities will arise for interested parties to take issue with its recommendations and advice. The Appellant points out that one possibility, clearly contrary to its interest, is that the Commission will conclude that there is no legal recourse, either under existing law or new legislation, to bring the alleged war criminals to justice and that, if the government accepts that conclusion, no such opportunity will, in fact, arise. The Appellant's apprehension is nourished by the fact of governmental inaction over the decades. That inaction, at least recently and in part, has been sustained by the inter-departmental legal opinion that there was no alternative.

In the particular circumstances of this Commission, the reports of the working group will not play the peripheral or incidental role which legal opinions usually play in the result of an inquiry. Instead, they are directed precisely to matters which the Commission is expressly required to address in its report. They are in the nature of expert evidence and to be dealt with accordingly. One would ordinarily expect the advice to a commission of any independent expert chosen by it to carry significant weight. The degree of an expert's interest, if any, in the outcome of the proceeding is always a criterion against which the validity of his opinion is to be measured. We do not, of course, know what the reports have concluded. They may, in greater or lesser measure, support the views already presented by the Appellant or by some other party granted status. What is clear is that, to the extent they favour

the position of one, they will militate against that of another. While there is, of course, no *lia* between the Commission and any of the parties granted standing before it, it is pure sophistry to suggest that the opinions of its working group are not certain to be a significant part of the case against the interests of one or more of the Appellant and others granted standing. It cannot be said that the opportunity afforded the Appellant and other interested parties to present their own views and comment on the views of others fulfils the duty of fairness absent the opportunity to comment on the opinions of the independent experts.

It is trite law that what is required to discharge the duty of fairness varies with the circumstances of each case. In the present circumstances, I am satisfied that the opportunity to comment on the working group's reports is required. Fairness does not, however, in my opinion, demand that opportunities be afforded for further comment on the comments others may make on those reports.

Finally, the time limit imposed on the delivery of the Commission's report will be a factor properly to be taken into account by the Commission in giving effect to the judgment herein. The need to meet that time limit cannot be permitted to deprive the parties entitled thereto of their meaningful opportunity to comment.

I would dismiss the appeal as to the refusal of *certiorari* but allow it as to the refusal of *mandamus*. I would order that the Commission make copies of the working group's reports available to the Appellant and the Intervenor, Canadian Jewish Congress, and that it afford them a reasonable opportunity to comment on those reports before it reaches its conclusion as to the advice and recommendations

on those matters to be included in its report to the Governor in Council.

No costs were awarded in the Trial Division. In my opinion, this is not a case for costs.

"P.M. MAHONEY"

J.F.C.C.

"I concur  
Darrel V. Heald  
J.F.C.C."

"I concur  
A.J. Stone  
J."

FEDERAL COURT OF CANADA

Names of counsel and solicitors of record

COURT FILE NO.: A-87-86

STYLE OF CAUSE: League for Human Rights of B'Nai  
Brith Canada v. Commission of Inquiry  
on War Criminals

PLACE OF HEARING: Ottawa, Ontario

DATE OF HEARING: May 7, 1986

REASONS FOR JUDGMENT BY Mahoney J.,  
CONCURRED IN BY Heald, Stone JJ.  
DATED May 9, 1986

APPEARANCES:

David Matas, Esq.  
&  
Martin Kurz, Esq. for the Appellant

Yves Fortier, Q.C.  
&  
William W. McNamara for the Respondent

SOLICITORS OF RECORD:

David Matas, Esq.  
Winnipeg, Manitoba for the Appellant

Ogilvy, Renault  
Montreal, Quebec for the Respondent

APPENDIX I-S

**THE PRIVACY COMMISSIONER AND THE MINISTER OF  
NATIONAL HEALTH AND WELFARE**



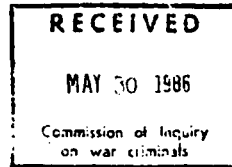
Privacy Commissioner  
of Canada

Commissaire à la protection  
de la vie privée du Canada

May 30, 1986

File: 5100-1684

Michael A. Meighen, Q.C.  
Commission of Inquiry on War Criminals  
P.O. Box 1992, Station "B"  
Ottawa, Ontario  
K1P 5R5



Dear Mr. Meighen:

I am writing further to my letter of May 7, 1986, in which I advised you that your complaint on behalf of Mr. L. Yves Fortier, Q.C., had been assigned to an investigator. The investigation is finished and I am now able to advise you of my findings.

I have carefully considered the facts of the matter. I have come to the conclusion that your complaint against the Department of National Health and Welfare is not justified and is, therefore, dismissed. My reasons for this decision are attached.

Yours sincerely,

A handwritten signature in cursive script, appearing to read "John W. Grace".  
John W. Grace  
Privacy Commissioner



Privacy Commissioner  
of Canada

Commissaire à la protection  
de la vie privée du Canada

CANADA ) IN THE MATTER OF a complaint  
by L. Yves Fortier, Q.C., pursuant to  
sections 29 and 30 of the Privacy Act

The complaint relates to the refusal of the Minister of National Health and Welfare, as head of a government institution, to provide certain requested information relating to a particular individual.

FACTS:

1. On July 4, 1985, L. Yves Fortier, Q.C., Counsel to the Commission of Inquiry on War Criminals ("the Commission"), wrote to the General Counsel of the Department of National Health and Welfare requesting that the department release information regarding an individual to his Commission. This letter states that the Commission has been designated as an "investigative body" by the Governor in Council and requests that certain information be disclosed to the Commission pursuant to paragraph 8(2)(e) of the Privacy Act for it to carry out its investigation.  
  
(Paragraph 8(2)(e) permits institutions to release personal information to "investigative bodies" to carry out lawful investigations.)
2. On September 6, 1985, the Director of Legal Services for the Department of National Health and Welfare acknowledged the request and one of the department's lawyers subsequently sent the information to Mr. Fortier.
3. The authority for an institution to disclose personal information pursuant to paragraph 8(2)(e) rests with the head of the institution, in this case, the Minister of National Health and Welfare. The Minister had not delegated this authority at the time the information was released.

..2

OTTAWA, CANADA  
K1A 1H3



4. On October 8, 1985, L. Yves Fortier, Q.C. made another request for personal information.
5. As a result of this second request, the Department of National Health and Welfare asked the Deputy Minister of Justice for an opinion about the legality of this type of release of personal information, citing concerns about subsection 19(2) of the Old Age Security Act, which restricts the release of information.

Ivan Whitehall, General Counsel of the Department of Justice, acting on behalf of the Department of National Health and Welfare, denied the Commission's second request.

#### FINDINGS

The Privacy Act requires the Privacy Commissioner to receive and investigate complaints about any matter relating to the use or disclosure of personal information under the control of a government institution. This complaint deals with the refusal to disclose personal information, although the information does not concern the individual who made the request. The Privacy Commissioner investigated the matter.

Subsection 8(1) of the Privacy Act defines the general principle applicable to the disclosure of personal information. The principle contemplates that the personal information under the control of a government institution shall not be disclosed without the consent of the individual concerned. However, exceptions are provided within that section of the Act. Paragraph 8(2)(e) provides that "Subject to any other Act of Parliament, personal information under the control of a government institution may be disclosed (e) to an investigative body specified in the regulations, on the written request of that body".

The Commission of Inquiry on War Criminals is an investigative body as specified in paragraph 8(2)(e) of the Privacy Act and, through the complainant, properly requested the personal information.

However, the Privacy Act is not an "access to information" statute except insofar as it guarantees an individual access to personal information about himself or herself. This is supported by the observation that while subsection 35(5) requires the Privacy Commissioner to inform the "complainant" of his right to appeal to the Federal Court, section 41 limits that right of appeal to "an individual" who has been refused access to personal information requested under subsection 12(1). Therefore, it would seem that the only persons who may bring complaints relating to refusals of access to personal information under section 29 are individuals seeking personal information about themselves.

In any event, even if there is a duty imposed on the Privacy Commissioner under section 29 to investigate, it is subject to other provisions of the Privacy Act. Thus, he must respect the direction of subsection 8(2) that the authority of a head of a government institution to disclose information to the Commission is subject to limitations found in other acts of Parliament. Subsections 19(1) and 19(2) of the Old Age Security Act, impose on their face such limitations in the matter before the Privacy Commissioner.

Moreover, subsection 8(2) of the Privacy Act enables a government institution to disclose, but does not require such disclosure. The head of a government institution is not obliged to comply with a request but may exercise his discretion to release.

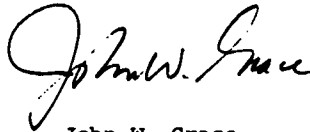
The Department of National Health and Welfare told the applicant that it was exercising its discretion to withhold the information relying on the provisions of subsections 19(1) and 19(2) of the Old Age Security Act in doing so.

Since the Privacy Commissioner's obligation to receive and investigate complaints is subject to other provisions of the Privacy Act, and since any information released under paragraph 8(2)(e) is released at the discretion of the head of the government institution, the Privacy Commissioner finds that the complaint is not one in which a report under subsection 35(1) of the Privacy Act could resolve the dispute between the two parties.

To the extent the dispute concerns the Minister of National Health and Welfare's obligation to provide information to L. Yves Fortier, Q.C., this involves an interpretation of section 19 of the Old Age Security Act, which might more appropriately be resolved by a court of law.

The Privacy Act gives the head of the government institution discretion to withhold information. He exercised this discretion.

It is the opinion of the Privacy Commissioner that the complaint of L. Yves Fortier, Q.C., against the Department of National Health and Welfare is not justified and is therefore dismissed.



John W. Grace  
Privacy Commissioner

Dated at Ottawa this 30<sup>th</sup> day of May 1986.

## APPENDIX I-T

### ORDER-IN-COUNCIL P.C. 1986-2255

P.C. 1986-2255



PRIVY COUNCIL

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by Her Excellency the Governor General on the 30th day of September, 1986.

WHEREAS the Commission of Inquiry on War Criminals was directed to submit a report to the Governor in Council embodying its findings, recommendations and advice on or prior to September 30, 1986;

AND WHEREAS, due to the delays induced in the Commission's work, the necessity has arisen to provide the Commission with additional time to prepare and submit its final report;

THEREFORE, the Committee of the Privy Council, on the recommendation of the Prime Minister, pursuant to Part I of the Inquiries Act, advise that a commission do issue amending the Commission issued pursuant to Orders in Council P.C. 1985-348 of February 7, 1985, P.C. 1985-635 of February 28, 1985, P.C. 1985-3642 of December 12, 1985, and P.C. 1986-1333 of June 5, 1986, by deleting therefrom the following paragraph:

"And We Do Further direct Our said Commissioner to submit a report to the Governor in Council embodying his findings and recommendations and advice on or prior to September 30, 1986, and to file with the Clerk of the Privy Council his papers and records as soon as reasonably may be after the conclusion of the inquiry;"

and by substituting therefor the following paragraph:

"And We Do Further direct Our said Commissioner to submit a report to the Governor in Council embodying his findings and recommendations and advice on or prior to November 30, 1986, and to file with the Clerk of the Privy Council his papers and records as soon as reasonably may be after the conclusion of the inquiry;".

CERTIFIED TO BE A TRUE COPY - COPIE CERTIFIÉE CONFORME

A handwritten signature in cursive script, likely belonging to the Clerk of the Privy Council.

CLERK OF THE PRIVY COUNCIL - LE GREFFIER DU CONSEIL PRIVÉ

## **CASES CITED**

## Cases Cited

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- Federal Republic of Germany v. Schumann* (1966) 39 I.L.R. 433.
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