

Table of Contents

PART I: Public

	Letter of Transmittal.....	iii
	Commission Personnel	v
Chapter I-1	Findings and Recommendations	3
Chapter I-2	The Commission	17
Chapter I-3	The factual background	25
Chapter I-4	The concept of war criminals	37
Chapter I-5	Methodology	47
	1 – Internal checks	47
	2 – Privacy and access to information	52
	3 – External checks	55
Chapter I-6	<i>The Mengele Affair</i>	67
	1 – Did Mengele enter Canada?	69
	2 – Did Mengele attempt to enter Canada?	77
Chapter I-7	The legal remedies	85
	1) Extradition	87
	a) Request from the Federal Republic of Germany	90
	b) Request from Israel	91
	i) obstacle as to time	92
	ii) obstacle as to territory	95
	c) Request from another country having a treaty with Canada	96
	d) Request from a country having no treaty with Canada	97
	e) <i>Addendum: offences of a political character</i>	108
	2) Prosecution in Canada	111
	a) under present law	113
	1. Canadian law	113
		vii

	i)	Criminal Code	113
	ii)	War Crimes Act	117
	iii)	Geneva Conventions Act	123
2.		International law	127
	i)	Conventional international law	127
	ii)	Customary international law....	128
b)		under amendments to the law	133
	1.	Retroactivity of legislation	133
	2.	Undue delay in prosecuting	148
	3.	Amendments to Canadian legislation.....	150
	i)	The Extradition Act	155
	ii)	The Citizenship Act	155
	iii)	The Immigration Act	156
	iv)	The War Crimes Act	156
	v)	The Geneva Conventions Act...	157
	vi)	The Criminal Code	157
3)		Denaturalization and Deportation.....	168
	a)	Introduction	168
	b)	Consolidation of procedures	171
	c)	Denaturalization	174
	1.	Which Act governs?	174
	2.	Grounds for denaturalization.....	177
	3.	Evidence.....	185
	i)	what was the extent of the duty of the applicant?	189
	ii)	is the relevant evidence available?	196
	iii)	is there a presumption of fact against the applicant?	215
	4.	Incidental questions	225
	i)	persecution	225
	ii)	statelessness	227

	d) Deportation	230
	1. Grounds for deportation	230
	2. Obstacles to deportation	232
	i) domicile and fraud on entry	233
	ii) domicile and deportation	235
	3. Country of deportation	237
	e) General observations	239
Chapter I-8	War criminals in Canada?	243
	1) Their alleged number	245
	2) The Galicia Division	249
	3) Individual assessment	261
	a) the Master List	262
	i. Confidential cases and foreign evidence	262
	ii. Cases to be closed	268
	iii. Cases to be further investigated	271
	iv. Miscellaneous cases	272
	b) the <i>Addendum</i>	273
	c) the list of German scientists and technicians	273
	d) 711 individual opinions on cases from the Master List	275
	e) 38 individual opinions on cases from the <i>Addendum</i>	752
	f) 71 individual opinions on cases from the list of German scientists and technicians ...	776
	4) Future action	827
Chapter I-9	Postscriptum	833

Appendices

I-A	Order-in-Council P.C. 1985-3642, 12 December 1985	843
I-B	Order-in-Council P.C. 1986-1333, 5 June 1986	845
I-C	Rules of practice and procedure	847
I-D	Applications for standing before the Commission	849

I-E	Outside counsel in public hearings.....	851
I-F	Public hearings of the Commission	853
I-G	Witnesses in public hearings	855
I-H	Submissions in public hearings	857
I-I	List of studies done at the request of the Commission.....	859
I-J	Departments and agencies of Government of Canada which have supplied information to the Commission.....	861
I-K	Departments and agencies of foreign Governments and foreign quasi-public voluntary organizations which have supplied information to the Commission.....	863
I-L	Order-in-Council P.C. 1985-1206, 4 April 1985.....	865
I-M	Decision concerning foreign evidence, 14 November 1985 ...	869
I-N	Oral decision concerning case number 276, 25 March 1986	893
I-O	Oral decision concerning case number 689, 4 July 1986.....	897
I-P	Narvey and the Commission of Inquiry on War Criminals, the Federal Court of Canada, Trial Division, (Cullen, J.), 30 January 1986.....	901
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	905
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	917
I-S	The Privacy Commissioner and the Minister of National Health and Welfare, 30 May 1986.....	927
I-T	Order-in-Council P.C. 1986-2255, 30 September 1986	933
	Table of cases cited	937
	Table of cases considered.....	945
	Bibliography.....	951

PART II: Confidential (in separate volume)

Chapter II-1 Findings and Recommendations

Chapter II-2 The *in-camera* proceedings

Chapter II-3 The Commission's Master List and two other Lists

Chapter II-4 Individual assessment of 29 cases

Appendices

- II-A** *In-camera* hearings of the Commission
- II-B** Outside counsel at *in-camera* hearings
- II-C** Witnesses at *in-camera* hearings
- II-D** Submissions at *in-camera* hearings
- II-E** Master List of alleged war criminals resident in Canada,
with list of sources (774 names)
- II-F** *Addendum* with list of sources (38 names)
- II-G** List of German scientists and technicians (71 names)