

SHOULD Australia hunt war criminals to the grave?

Are the horrific events of the concentration camps too long ago to be dredged up now?

Should the old men who lived through those terrible times be allowed to die in peace?

What wounds will be opened by such trials? What will be the enormous cost, both financial and emotional?

These questions hang over a controversial bill before Federal Parliament, and a Senate standing committee will report back this week.

The War Crimes Amendment Bill gives power to the Attorney-General or the Director of Public Prosecutions to put alleged war criminals on trial in Australia.

If found guilty they face spending the rest of their lives behind bars.

Under the bill, alleged war criminals will not be allowed the defence that they were simply following orders.

For an act committed overseas to be a war crime, it must have been such that if it had occurred in Australia it would have been an offence under Australian criminal law at that time.

Deportation or imprisonment of people in death or labour camps are classified as serious offences under the new law, liable to 25 years jail.

The law allows prosecution of any person who committed a war crime during World War II as an individual or member of an organisation.

The Federal Government's Special Investigation Unit is investigating 430 people in Australia for alleged war crimes.

The director of the unit, Mr Bob Greenwood, QC, has given top priority to 15 of the cases which involve alleged mass murderers.

On Tuesday the Senate standing committee on legal and constitutional affairs, which has been looking at the bill, will report back to Parliament.

The committee has been bombarded with hundreds of written submissions from the public and heard impassioned pleas both for and against the controversial bill.

Debate on the bill is heated, with claims that if we are to hunt down war criminals this is not the way to do it.

The Sun-Herald lets both sides of the argument have their say.

THE CASE FOR

ERNEST Morgan, 78, survivor of the Auschwitz death camp, clenched his fist and slammed it on the armrest of his chair as he sat in his Kings Cross apartment last week and told why Nazi war criminals must be pursued.

"These people have lived here for 40 years in the disguise of human beings," he said.

"It would spit in the eye of justice if these people were not pursued. They must not be allowed to die at peace in their beds for what they have done."

The moist, clear eyes of Ernest Morgan have seen a horror no human being should ever see.

Last week as the noise from busy Macleay Street drifted in through his window, the old man's eyes narrowed and glazed over with the memory as he told his terrible story.

Born Ernst Morgenstern in the Czechoslovakian town of Brno, Mr Morgan was rounded up by the Nazis with his mother Elsa and father Franz in January 1942. They were taken to the concentration camp at Theresianstadt.

The family survived the camp for two years before they were transported to the death camp at Auschwitz in December 1943.

"We did not know what was happening to us. When we arrived at Auschwitz we heard of the gas chambers. Smoke from the crematorium drifted over the camp,"he said.

"After six months they took my father and me to the gas chamber.

"My mother had been separated from us. I did not see her again. We were in the room where we were told to take our clothes off.

"We knew we were already dead. We knew what was going to happen.

"Suddenly these SS men marched in and pushed me and a few other younger men out of the chamber. We were thrown on to a cattle train and taken further west to work in a factory at Schwarzheide.

"My father and mother died that day in the gas chambers. I survived because they were short of slave labour in the factories because some had not arrived from the east."

Mr Morgan survived terrible beatings and disease in the factory, he survived the notorious Death March when SS guards marched thousands of prisoners from camp to camp as the Allies advanced, he survived a long lone march back to Brno after he was liberated by the Soviet troops.

In 1949 he and his new wife Gertrude, who was in the Czech resistance, migrated to Australia.

"There is no time limit for justice for what these people did," he said.

The president of the Australian Association of Holocaust Survivors, John Engelman, 61, said his 650 members were determined Nazi war criminals would be pursued.

Mr Engelman and his eldest brother survived Auschwitz. Both his parents, his grandfather, his three brothers and two sisters, the youngest seven years old, all died in concentration camps.

THE CASE AGAINST

MANY influential people have spoken out against the bill on various grounds -that it is too late; too expensive; that the wording is too loose; that it could include our own ANZACS; and that evidence from the Soviet Union would not be acceptable.

The most damning argument came from the man with responsibility for taking the war criminals to court - Mr Ian Temby, QC, the Director of Public Prosecutions.

Mr Temby warned the Senate committee that Australia would face the longest and most expensive trials in its history if charges were laid against suspected Nazi war criminals living in this country.

He said such trials could last for years and empty the legal aid coffers of some States.

* The president of the NSW Court of Appeal, Justice Michael Kirby, told a conference in Montreal last November that Australia may not have the right to prosecute Nazi war criminals because too much time had passed.

He said the principle of fairness might demand that prosecutions of war criminals be thrown out of court because of the delay.

* The national secretary of the RSL, Mr Ian Gollings, warned that Australian or Allied ex-servicemen in World War II would also be included in the new law.

"This would mean that if an Australian Digger decided something had occurred during the war and wanted to get even with an old officer of his, then he could make allegations against him," he said.

* Several East European ethnic groups said most of the evidence would have to come from the Soviet Union.

The president of the Australian Lithuanian Community of Adelaide, Mr J. Staciunas, said in newspaper advertisements that evidence from the Soviet Union must be ignored as it "is not and never was interested in justice."

* Senator John Stone, a National Party member of the senate committee examining the bill, said such trials would raise tensions among the ethnic communities.

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