

ON Tuesday, Ivan Polyukhovich was acquitted in the Supreme Court in Adelaide on charges of alleged involvement in Nazi war crimes. Mr Polyukhovich's trial was the first conducted under the war crimes legislation passed by Federal Parliament in 1988. It may well be the last.

So was it all worth it? After all the controversy, after all the years of investigations, after all the pain for both the accused and the accusers, what was in it for Australia? These crimes were committed across the other side of the world and half a century ago.

I think there was a lot in it for Australia. I think it said a lot about our system of justice, and it said a lot about what sort of people we are.

Justice in Australia and in any liberal democracy is not about history lessons. Nor is the justice system there to determine the collective guilt or otherwise of any group of people. Its role is to try individuals accused of specific crimes. That's the difference between liberal democracy and totalitarianism. In a totalitarian state, the justice system is subordinated to the interests of the governing elite.

As a result, trials are often carefully staged public meetings designed to reinforce a particular world-view. Stalin's show trials, for instance, were used to denounce those groups in the Soviet Union - Jews, non-communists, nationalists of every variety, non-ideologically correct writers, musicians, poets - who Stalin thought threatened his suprem-acy.

When the Federal Government first proposed legislation that would allow Australian courts to try alleged Nazi war criminals living in Australia, many people opposed to the legislation argued that if the legislation was passed, the war crimes trials would be show trials.

This was pretty ironic, because many of the people who opposed the bill were seasoned Cold War warriors who you would expect to be familiar with the history of show trials. It was certainly a curious suggestion - coming from them - that Stalinist trials were possible in Australia.

Mr Polyukhovich's trial probably cost several million dollars.

Certainly, the investigations unit cost taxpayers more than \$20 million before it was closed last September. While there are still charges pending against another Adelaide man who has applied for a permanent stay of proceedings, it is likely that there will be no more trials in Australia.

Many people will argue that this is a lot of money that could have been better spent on other things. But I don't know how to measure what justice is worth, and when the cash price becomes too high.

I do know that the dire predictions from opponents of the war crimes legislation, that any investigation into alleged Nazi war criminals and any attempt to bring them to trial would stir up ethnic hatreds and anti-Semitism, proved to be greatly exaggerated. In fact, there is no evidence that there has been any perceptible increase in ethnic tensions or anti-Semitism in Australia in recent years.

The argument that war crimes trials would amount to a sort of miscarriage of justice because the evidence would come mainly from Eastern Europe and the former Soviet Union is not borne out by the trial of Mr Polyukhovich. The evidence against him was first presented to the federal director of public prosecutions, who decided there was enough evidence for the case to go to the courts.

A magistrate then committed Mr Polyukovich for trial, and at his trial the court proved perfectly capable of testing the evidence. The jury weighed that evidence and came up with a verdict. All of this adds up to a perfectly normal set of procedures under our justice system.

Nor would anyone now suggest that this trial was a show trial. Mr Polyukhovich was acquitted of the crimes for

which he was charged. No ethnic group was on trial or vilified - something many of the opponents of war crimes trials said would inevitably happen.

NOR, for that matter, was the trial in any sense a history lesson on the Holocaust, something that many Jewish people probably hoped it - and other trials - would be. But that hope, quite properly, was never going to be realised. A man was on trial, not history, not the Nazis, not anti-Semites in general, and not the revisionist historians who claim the Holocaust never happened.

As painful as it is for many people - and not only Jews - the obscene and mad conspiracy theories peddled by the revisionists about the Holocaust are often treated as a legitimate view of history. But the courts try people, not conspiracy theories, no matter how offensive or ridiculous these theories may be.

The question, for me, as far as war crimes trials were concerned, was always this: if there was evidence that people who committed terrible crimes against unarmed men, women and children during the Second World War had settled in Australia, could that be ignored? Could we just say that these crimes had nothing to do with us? I don't see how we could.

There was certainly a great deal of evidence to suggest that people who had committed war crimes had indeed made their homes in Australia.

No one who read the report of the Government-appointed Menzies inquiry in 1987 could doubt that.

What to do with evidence was a question about justice, not history.

Terrible crimes, surely, are not diminished by time. What is diminished is the reliability of witnesses, of memory, but I always thought the courts could deal with that problem. That is what courts do in our justice system. Under the supervision of a judge and set of rules, they test the reliability of evidence.

I think that what we should conclude from the way the war crimes issue has been handled in Australia is, firstly, that Australians are not easily sucked into ethnic conflicts and, secondly, that this is indeed a tolerant country.

We should also conclude that the Australian justice system is not as vulnerable to abuse as many conservative critics of the war crimes legislation insisted it was.

The war crimes legislation, in my view, should remain on the statute books. In fact, it should be extended to cover war crimes committed anywhere and at any time. That would send a signal to contemporary war criminals - and there are plenty of those around - that Australia will never be a safe haven for them. Here, they would be brought to justice.