



1 I am prepared to listen to you until 4.15 p.m.

2 MR. FORTIER: You give me 15 minutes now  
3 to speak, do you?

4 THE COMMISSIONER: Of course, Mr.  
5 Fortier... si vous croyez qu'il n'est pas utile  
6 d'entreprendre le témoignage de votre prochain témoin  
7 pour quinze minutes, je vous laisse le soin de le décider.

8 Me FORTIER: Je crois que ça serait  
9 utile de commencer.

10 LE PRESIDENT: Parfait.

11  
12 MR. FORTIER: If Brigadier-General  
13 Karwandy would step forward I think in 15 minutes  
14 we can initiate his evidence.

15 FRANK KARWANDY SWORN

16 THE CLERK: Please state your name.

17 A. Frank Karwandy.

18 Q. Your age, please?

19 A. Fifty-seven.

20 Q. Your profession?

21 A. I am a legal officer in the  
22 Canadian Forces.

23 Q. And place of residence?

24 A. Ottawa.

25 EXAMINATION BY MR. YVES FORTIER

26 Q. General Karwandy, you have described  
27 yourself as being a legal officer, Canadian Armed  
28 Forces. Could you please tell the Commission what  
29 rank you hold in the Armed Forces?  
30



1 KARWANDY, ex. (Fortier)

2 A. I am a Brigadier-General in the  
3 Canadian Forces.

4 Q. How long have you been legal  
5 officer for the Armed Forces?

6 A. In my present appointment, since  
7 the 10th of November, 1982.

8 Q. What does your position consist of,  
9 sir?

10 A. As the Judge Advocate General,  
11 I really have three jobs.

12 THE COMMISSIONER: I have not understood  
13 that. You are the Judge Advocate General?

14 THE WITNESS: Yes, I am, sir.

15 THE COMMISSIONER: Do not be too modest.  
16 That was a reproach which was made to the preceding  
17 witness, as you know.

18 I am just wondering, Mr. Commission  
19 Counsel, what you have told your witnesses in advance  
20 that they all be so modest.

21 MR. FORTIER: It is my mistake for  
22 not having posed to the witness the question which  
23 I should have posed.

24 Q. As legal officer of the Canadian  
25 Armed Forces, what different positions do you  
26 occupy and what roles do you discharge?

27 A. In my present position, I really  
28 have three separate and distinct roles. One of  
29 the most important roles that I have is to supervise  
30



1 the disciplinary system that applies in the Canadian  
2 Forces to officers and men serving in the Canadian  
3 Forces and, in very limited circumstances, to  
4 civilians when they are subject to the Corps  
5 service discipline.

6 I am also the legal adviser to the  
7 Canadian Forces, that is, I perform the normal  
8 solicitor type of service to the Canadian Forces.  
9 Lastly, I am the departmental legal adviser as  
10 well, because in the Canadian Forces or in the  
11 department, we have two separate organizations;  
12 one, the department and the other organization is  
13 the Canadian Forces. They are separate organizations.

14 Q. You are also the Judge Advocate  
15 General? How do you come by that position?

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Karwandy, ex. (Fortier)

A. The National Defence Act requires that the Governor-in-Council appoint a barrister or advocate of not less than 10 years standing to be the Judge Advocate General of the Canadian Armed Forces. I have been so appointed by the Governor-in-Council.

Q. In 1982?

A. Effective 10th of November, 1982.

Q. Could you tell the Commission what the role of the Judge Advocate General or the JAG, as he is known in the Department, consists of?

A. In the Department as opposed to the Canadian Forces?

Q. No, within the Armed Forces?

A. Well, as I said, I have the three functions.

Q. Yes, I am now addressing your position or your role as Judge Advocate General.

A. Well, it includes three functions. Of course, I have a large office comprising approximately 63 lawyers to assist me in those three functions. The overseeing of the disciplinary system involves the provision of prosecutors, defence counsel to preside at Courts Martial and the appointment of Judge Advocates at Courts Martial. In addition to that, we provide ordinary legal advice respecting the laying of charges, the drafting of charges and that sort of thing to commanding officers, to those authorities responsible for the initiation of disciplinary proceedings within



1 Karwandy, ex. (Fortier)

2 the Canadian Forces.

3 In the case of Courts Martial, my  
4 responsibility includes the review of all Courts  
5 Martial, and to deal with any appeals that may arise  
6 from the conviction of members of the Canadian Forces  
7 by Court Martial, and ultimately, to appear before  
8 the Court Martial Appeal Court of Canada as counsel  
9 for the Respondent, which would be the Crown.

10 That, in a nutshell, is the responsibility  
11 that I have in respect of the disciplinary system that  
12 exists in the Canadian Forces.

13 Q. So, you are the Senior Legal  
14 Officer for the Canadian Armed Forces?

15 A. That is correct.

16 Q. Did that position of Judge  
17 Advocate General exist during the last war, World War  
18 II?

19 A. Yes, to my knowledge it did.

20 Q. Did you, at the request of counsel  
21 for this Commission consult records of the Department of National  
22 Defence, as well as the Public Archives of the  
23 Government of Canada, the DND historian and other  
24 sources in order to determine the role played by the  
25 Department of National Defence in the investigation of  
26 crimes committed by Nazis during World War II and  
27 the prosecution thereof?

28 A. Yes, I have, to a limited extent,  
29 I must add that qualification.  
30



1 Karwandy, ex. (Fortier)

2 Q. Could you please tell the  
3 Commission, before we come to the actual investigation  
4 by the DND of crimes allegedly committed by Nazis  
5 during the last war, whether or not you came across  
6 a declaration entitled "St. James Declaration, January  
7 1942"?

8 A. I have.

9 MR. FORTIER: I would like to file as  
10 P-5 a copy of the St. James Declaration, January 1942.  
11 It will be Exhibit P-5.

12 I give a copy to my friend here and I  
13 will even give a copy to Mr. Narvey. See how  
14 co-operative we are.

15 ---EXHIBIT NO. 5: Document entitled "St. James  
16 Declaration, January 1942".

17 MR. FORTIER: Q. Could you, please, in  
18 a few words, explain to the Commission what is the  
19 pith and substance of this St. James Declaration?

20 A. The St. James Declaration was the  
21 first time that an attempt was made to put in concrete  
22 language political statements that had been made ever  
23 since 1940 concerning atrocities, alleged atrocities  
24 committed by the Nazis in Europe, in northwest Europe  
25 and in occupied territories.

26 Prior to the St. James version, there  
27 had been a number of oral pronouncements or denouncements  
28 by nations in exile in London concerning the activities  
29 of Nazi forces in occupied countries, primarily Poland  
30



1 Karwandy, ex. (Fortier)

2 and Czechoslovakia. Those initial declarations or  
3 denunciations were followed up by declarations emanating  
4 from the leaders of the great powers, primarily  
5 Churchill and Roosevelt in 1941. References to the  
6 Polish and Czechoslovakian denunciations occurred  
7 about a year before that, about 1940, right after the  
8 commencement of the war. This was followed up by the  
9 oral pronouncements of Roosevelt and Churchill, that  
10 culminated in this St. James Declaration, to which  
11 counsel has referred.

12 It attempted, for the first time, to put  
13 in concrete material terms a system that would -- I  
14 am not sure that vengeance is the right word, that  
15 would ensure that at some stage or other war crimes  
16 be investigated, and those responsible be brought to  
17 justice.

18 Q. And the signatories to this  
19 Declaration, as we know, were the Governments of  
20 Belgium, Czechoslovakia, the Free French National  
21 Committee, the Government of Greece, the Government  
22 of Luxembourg, the Government of the Netherlands,  
23 the Government of Norway, the Government of Poland and  
24 the Government of Yugoslavia.

25 THE COMMISSIONER: Do I understand that,  
26 then, neither the United Kingdom nor the United States  
27 of America were party to this Declaration, though it  
28 appears to have been signed in London?

29 THE WITNESS: They were present, Mr.  
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Commissioner. They were not signatories.

MR. FORTIER: And interestingly, the Commissioner will notice in paragraph 2 of the Declaration that note is taken of the Declaration made earlier by the President of the United States of America and by the British Prime Minister. We see that the signatories to this Declaration went on record as placing, and I quote:

"...amongst their principle war aims the punishment, through the channel of organized justice, of those guilty and responsible for these crimes, whether they have ordered them or in any way participated in them."

Q. Now, General Karwandy, was there created by the then United Nations, so-called, the subsequent year, in October of 1943, a body called the UN War Crimes Commission?

A. That is correct, there was.

Q. Could you please explain to His Lordship, the Commissioner, the genesis of the UN War Crimes Commission?

A. Well, the genesis included the items we were just speaking about. That is part of the genesis.

But subsequent to the Declaration of St. James, and again, if you pardon me, I have to use my notes in this because my recollection is not that





1 Karwandy, ex. (Fortier)

2 good, there was a debate in the United Kingdom House  
3 of Lords concerning the establishment of a Commission  
4 to investigate war crimes and to bring to justice  
5 those persons considered responsible for them. Lord  
6 Simon initiated a statement or a proposal in the House  
7 at that time, and one aspect of his proposal included  
8 the establishment of the United Nations War Crimes  
9 Commission.

10 Q. What was meant by the "United  
11 Nations" in those days?

12 A. The term "United Nations" in those  
13 days included the allies. It had a different term  
14 than it has today. So, whenever the term "United  
15 Nations" is used in my presentation, it will refer  
16 to the allies of the last war.

17 That debate in the House occurred on the  
18 7th of October, 1942. Approximately one year later,  
19 the Diplomatic Conference at the Foreign Office in  
20 London took place. An exact date for that Conference  
21 was the 20th of October, 1943. At that particular  
22 Diplomatic Conference, it was agreed, amongst the  
23 delegates there, that the United Nations War Crimes  
24 Conference would be an international body established  
25 for two primary purposes: one, to investigate and  
26 record the evidence of war crimes, identifying,  
27 where possible, the individuals responsible; and  
28 secondly, to report to the governments concerned  
29 cases in which it appeared that adequate evidence  
30



1 Karwandy, ex. (Fortier)

2 might be forthcoming.

3 At the conclusion of that Diplomatic  
4 Conference, of course, an interim Chairman was  
5 appointed and a secretariat was brought into being;  
6 pay and important matters of that nature were  
7 determined, and the Commission began its work.

8 Q. Who was the Chairman of the  
9 Commission, sir?

10 A. I have forgotten the first  
11 Chairman. The Chairman of longstanding was Lord  
12 Wright.

13 Q. And was Canada represented on that  
14 Commission?

15 A. Yes, it was.

16 Q. Who was its representative?

17 A. Vincent Massey, who was the High  
18 Commissioner to London, Canadian High Commissioner to  
19 London, was the initial member. Whether he remained  
20 with the Commission throughout its life, I am not  
21 certain. Perhaps one of the other witnesses could  
22 clarify that.

23 Q. So, we have now reached October  
24 of 1943, and the United Nations War Crimes Commission  
25 is set up. In the course of your research, did you  
26 come across another declaration, this one by the  
27 members of the allied nations, in November 1943,  
28 which is commonly referred to as "The Moscow  
29 Declaration"?  
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Karwandy, ex. (Fortier)

A. Yes, I have. My date indicates 30 October, 1943, but it could very well be an error.

MR. FORTIER: I have here a copy of the Moscow Declaration of November 1, 1943, General, which I would like to offer in evidence as Exhibit P-6, Mr. Commissioner.

---EXHIBIT NO. 6: Document entitled "Moscow Declaration" of November 1, 1943.

essentially the substance of the Moscow Declaration, the Charter and Guide. It also, for the first time, provided for a return of war criminals to the places where the crimes were alleged to have taken place and to be tried in those places. That is the essential aspect of the Moscow Declaration.

Q. And the signatories were Marshal Stalin, President Roosevelt and Prime Minister Churchill?

A. To my knowledge, yes.

Q. Do you see the statement by these three that leaders of their respective countries that ---

A. Can I interject, I am sorry. My recollection is that it was the meeting of the foreign ministers, so it would have been Molotov, I guess.

Q. I am sorry for your ---  
A. I would like to see the ---  
Q. I am sorry for your ---



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Karwandy, ex. (Fortier)

MR. FORTIER:

Q. Could you tell us, please, in essence, what the Moscow Declaration was all about and who were the signatories?

A. It came into being as a result of a meeting of the United States, the United Kingdom and the USSR foreign ministers. It became essentially the guide for the United Nations War Crimes Commission, the Charter and Guide. It also, for the first time, provided for a return of war criminals to the place where the crimes were alleged to have taken place and to be tried in those places. That is the essential aspect of the Moscow Declaration.

Q. And the signatories were Marshal Stalin, President Roosevelt and Prime Minister Churchill?

A. To my knowledge, yes.

Q. We see the statement by these three then leaders of their respective countries that ---

A. Can I interject, I am sorry. My recollection is that it was the meeting of the foreign ministers, so it would have been Molotov, Eden, I guess.

Q. I am sorry for interrupting you, sir, but I invite you to see the introductory words to the Declaration on the document which I just



Karwandy, ex. (Fortier)

gave to you:

1  
2 "... the declaration made at the  
3 Moscow meeting of Marshal Stalin,  
4 President Roosevelt and Prime Minister  
5 Churchill."

6 A. Oh, I see.

7 Q. And we note the following paragraph:

8 "At the time of the granting of any  
9 armistice of any Government which may  
10 be set up in Germany, those German  
11 officers and men and members of the  
12 Nazi Party who have been responsible for  
13 or have taken a consenting part in the  
14 above atrocities, massacres and  
15 executions will be sent back to the  
16 countries in which their abominable  
17 deeds were done in order that they may  
18 be judged and punished according to the  
19 laws of these liberated countries and  
20 of the Free Governments which will be  
21 erected therein. Lists will be  
22 compiled in all possible detail from  
23 all these countries, having regard  
24 especially to the invaded parts of the  
25 Soviet Union, to Poland and  
26 Czechoslovakia, to Yugoslavia and Greece,  
27 including Crete and other islands, to  
28 Norway, Denmark, the Netherlands,  
29 Belgium, Luxembourg, France and Italy."  
30



1        Karwandy, ex. (Fortier)

2                        This, Mr. Commissioner, may be now  
3        the convenient time, if I am not imposing on the  
4        Commission, to adjourn until tomorrow morning.

5                        THE COMMISSIONER: Fine, so we will.  
6        Would you and everybody, however, take note that  
7        tomorrow morning the Commission will start earlier.  
8        We will begin our sitting tomorrow morning at 9:30 in  
9        this same room; tomorrow morning at 9:30.

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--- The hearing adjourned at 4:15 p.m.

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1 COMMENCING AT 9:30 A.M.

2 FRANK KARWANDY: Resumed

3 CONTINUED EXAMINATION BY MR. FORTIER

4 LE PRESIDENT: Maître Fortier.

5 ME FORTIER: Plaise à La Commission,  
6 when we resumed yesterday evening, General Karwandy,  
7 you were informing the Commission about the Moscow  
8 Declaration and I bravely attempted to correct  
9 you by suggesting that the Declaration was signed  
10 on November 1, 1943, by the then heads of state of  
11 the USSR, the USA and the UK. I believe that  
12 mine was a very bold and unfounded suggestion.  
13 Would you like to clarify the record, please.

14 A. My additional research reveals  
15 that, in fact, the Declaration was signed on  
16 the 30th of October and issued on the 1st of  
17 November, 1943. Again, my research would indicate  
18 that it was, in fact, the Foreign Ministers of  
19 the three nations who actually participated in  
20 the meeting in Moscow that led to the agreement.

21 Q. After the Proclamation of the  
22 Moscow Declaration in October and November of 1943,  
23 what was the next significant official pronouncement  
24 by the Allies, by the United Nations, concerning  
25 the issue of war criminals.

26 A. The first significant announcement  
27 was the very cumbersome title, "The Declaration  
28 Regarding the Defeat of Germany and the Assumption  
29 of Supreme Authority with respect to Germany".  
30



Karwandy, ex. (Fortier)

1 This is otherwise known as "The Unconditional  
2 Surrender of Germany" and that occurred on the 5th  
3 of June, 1945. It was issued by the four, what later  
4 came to be known as the occupying powers, Great  
5 Britain, the United States, the USSR and France.

6 A significant aspect of that  
7 particular Declaration required the apprehension  
8 and surrender of principal Nazi leaders specified  
9 by the Allied representatives and all persons who may  
10 may from time to time be named or designated by  
11 those representatives, and to be turned over to the  
12 Allied representatives.

13 THE COMMISSIONER: What was the date  
14 of the Declaration?

15 THE WITNESS: The 5th of June, 1945,  
16 approximately a month after hostilities ceased.

17 That particular aspect, the  
18 obligation to hand over Nazi leaders and other  
19 war criminals was again stressed in a document  
20 termed "The Protocol of the Proceedings of the  
21 Berlin Conference" otherwise known as the Potsdam  
22 Conference. That occurred on the 2nd of August,  
23 1945.

24 Q. Is there another significant  
25 and very pertinent agreement which followed the  
26 Potsdam Conference, to wit, on August 8, 1945?

27 A. Yes. That is the London  
28 Agreement and again it has one of those ponderous  
29 titles that is perhaps more descriptive than the  
30





1 Karwandy, ex. (Fortier)

2 London Agreement. It is "The Agreement for the  
3 Prosecution and Punishment of Major War Criminals  
4 of the European Axis". That is otherwise known  
5 as the London Agreement.

6 MR. FORTIER: I would like to offer as  
7 Exhibit P-7, a copy of the London Agreement of August  
8 8, 1945, Mr. Commissioner.

9 ---EXHIBIT NO. P-7: Copy of the London Agreement  
10 dated August 8, 1945.

11 Q. Could you explain to the Commission,  
12 please, who the signatories to this Agreement were  
13 and what the purpose of the London Agreement was?

14 A. It had its genesis in a number  
15 of meetings prior to the actual formation of this  
16 particular agreement. It was primarily the  
17 responsibility of Mr. Justice Jackson, who later  
18 became the chief United States prosecutor at  
19 the Nuremberg trials. He was given the task by  
20 President Roosevelt to look into this matter.  
21 He organized the committee consisting of the  
22 British Attorney-General and appropriate French  
23 and Soviet authorities and after a considerable  
24 amount of work they formulated the Charter of  
25 the International Military Tribunal, subsequently  
26 more commonly referred to as the Nuremberg  
27 Tribunal which formed a significant part of this  
28 particular Agreement. The London Agreement, and  
29 incidentally include the Charter--the two have  
30 to be read together.

Q. The London Agreement includes



Karwandy, ex. (Fortier)

1 the Nuremberg Charter?

2  
3 A. Yes, the Charter of the International  
4 Tribunal. It set out the organization and jurisdiction  
5 of the International Military Tribunal. I think the  
6 significant aspect of the jurisdiction of the Tribunal  
7 includes the power to try and punish persons whether  
8 as individuals or as members of organizations who  
9 had committed either crimes against peace or war  
10 crimes or crimes against humanity.

11 I think it is also significant to  
12 note that the Agreement preserves the principle of  
13 the Moscow Declaration that major war criminals  
14 whose crimes had no particular geographic location  
15 would be punished by joint decision of the governments  
16 of the Allies. That is, of course, what the Nuremberg  
17 Tribunal eventually did, tried those major war  
18 criminals. The Agreement, itself, preserved the  
19 right of national courts to try those lesser war  
20 criminals that I mentioned in my testimony yesterday.

21 Q. So we have a categorization--

22 A. We have a distinction between  
23 major war criminals and lesser or minor war criminals.

24 Q. The major to be entrusted to  
25 or turned over to the International Nuremberg  
26 Tribunal and the lesser to be left to the  
27 jurisdiction of individual countries.

28

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1 Karwandy, ex. (Fortier)

2 that is the Supreme Headquarters of the Allied  
3 Expeditionary Forces in Europe, the title of  
4 the western Allies in Europe, had the responsibility  
5 of sort of funneling this information that was  
6 coming in to the various national groups, national  
7 military groups in the military organizations.  
8 They soon realized that unless that some sort of  
9 a central pooling agency was developed chaos  
10 would result.

11 Q. Was such a central agency created?

12 A. Yes.

13 Q. What was it?

14 A. The agency that was eventually  
15 created was known as the Central Registry of  
16 War Criminals and Security Suspects.

17 Q. Did it have an acronym.

18 A. It had an acronym. The acronym  
19 was CROWCASS.

20  
21 MR. FORTIER: CROWCASS, Mr. Commissioner,  
22 is a word that we will be using extensively during  
23 the hearing today.

24 Q. So who set up CROWCASS, again,  
25 General?

26 A. CROWCASS was essentially set up  
27 by SHAEF, the British and American forces, early  
28 in 1945, in the early months of 1945.

29 THE COMMISSIONER: What is CROWCASS?

30 THE WITNESS: It is the Central



1 Karwandy, ex. (Fortier)

2 Registry of War Criminals and Security Suspects.

3 THE COMMISSIONER: Thank you.

4 THE WITNESS: The initial duties  
5 that were sort of imposed on this central agency  
6 were extensive, and again, I will have to refer  
7 to my notes because the duties consisted of  
8 six rather detailed functions, and I think it is  
9 important that the Commission be aware of that.

10 Q. Please do, and if you would be so  
11 kind as to list the duties--the intended purpose  
12 of CROWCASS, or the mission.

13 A. Initially, the first duty was  
14 the reception of wanted reports from Allied nations.

15 Q. Wanted in the sense of--

16 A. War criminals that were being  
17 sought for trial, together with, of course, data  
18 that would serve the purpose of identifying  
19 those particular individuals in order to make the  
20 tracing and apprehension possible because most of  
21 these people were not incarcerated at that time,  
22 they were still at large.

23 The second duty was the reception  
24 of detention reports and the finger-print cards.  
25 Again, from all the authorities that had people  
26 under detention and that were suspected of possible  
27 involvement in war crimes, again, from the point  
28 of view of somehow preparing an exhaustive  
29  
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1 Karwandy, ex. (Fortier)

2 survey of the problem.

3           The third duty was the processing  
4 of information regarding persons detained as  
5 security suspects by the Allied authorities.  
6 Security suspects were those people that the  
7 Allies were concerned about as risky to the  
8 members of the Occupation Forces, so they were not  
9 technically war criminals in the sense that we  
10 are looking at war criminals. They were people  
11 who posed a risk to the occupying powers' troops  
12 in Germany and other occupied areas.

13           The fourth task was the processing  
14 of information regarding prisoners of war, and  
15 that is all prisoners of war.

16           The next duty was the publication  
17 of wanted lists compiled from wanted reports and  
18 their distribution to detaining authorities for  
19 the purpose of determining whether criminals  
20 were among detained persons and for the purpose  
21 of obtaining detention reports. It gets a bit  
22 complicated because of the terminology that  
23 the Agency adopted.

24           Finally, the publication of detention  
25 lists compiled from detention reports, and their  
26 distribution to all Allied nations concerned in  
27 the prosecution of war criminals.

28  
29           Q. So these were the objects, if  
30 you will, of CROWCASS, its intended mission.



1 Karwandy, ex. (Fortier)

2 In fact, did your survey and examination of  
3 historical data and official documents confirm  
4 that CROWCASS carried out its mission?

5 A. Yes. Initially CROWCASS had  
6 the difficult job of establishing liaison and  
7 contact with the various national groups and of course it  
8 took some time. Initially the only information  
9 they were getting was from the United States  
10 Forces European Theatre and from the British,  
11 and, to a lesser degree, from the French military  
12 authorities.

13 Q. Were the USSR part of CROWCASS?

14 A. No, the USSR was never part of  
15 CROWCASS.

16 Q. Were you able to satisfy yourself  
17 as to why that was?

18 A. There apparently were some  
19 political difficulties. I would be hesitant to  
20 indicate what those difficulties were. Throughout  
21 this period the Western Allies were hopeful  
22 that eventually the Soviet authorities would  
23 co-operate with CROWCASS and I gather there was  
24 some formal contact with the Soviet authorities  
25 by the Western Allies, but for official purposes,  
26 no, they was no regular contact with the Soviets.

27 Q. Do you know, General, if I may  
28 ask you an ancillary question, do you know whether  
29 the USSR had its own CROWCASS.  
30



1 Karwandy ex. (Fortier)

2 A. I cannot ask that. They had  
3 their own commission and with a bit of time--I  
4 have the name of that commission somewhere in my  
5 notes. But they had their own equivalent to our  
6 United Nations War Crimes Commission.

7 Q. Maybe during the pause-repos  
8 later this morning you can search your files  
9 and produce the name of that commission, General.  
10 We would appreciate that.

11 I interrupted you. So the Soviets  
12 were not officially part of CROWCASS. Is Canada  
13 mentioned in the CROWCASS document?

14 A. Yes, Canada was one of the national  
15 entities that received reports from CROWCASS. Just  
16 to finish off CROWCASS--

17 Q. Yes, please.

18 A. ---after the dissolution of SHAEF,  
19 that is after the surrender of Germany, of course,  
20 the quad-partite Allied Control Council for  
21 Germany assumed control in Germany. Those four  
22 countries were, of course, the four occupying  
23 powers, United States, Great Britain, the Soviet  
24 Union and France. CROWCASS, the office of which  
25 was initially in Paris was then moved to  
26 Berlin and that move took place some time in  
27 June, 1946.

28  
29 However, as CROWCASS attempted to  
30 carry out its mandate it soon found out that there



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2 were certain of its tasks that were just impossible  
3 to perform.

4 The first of those tasks was the  
5 recording of the prisoners of war. They soon  
6 found out that there would be approximately  
7 eight million prisoners of war eventually detained  
8 by the Allied Forces in Europe and that in order  
9 to process that number alone would take CROWCASS  
10 ten years. We had no computers at the time.

11 Q. That was before the age of  
12 computers.

13 A. Strangely enough, they did have  
14 a newly designed mechanical system that eventually  
15 proved to be not effective and they had to go back  
16 to the old card index system. That proved to be  
17 effective. So they did have something, not a  
18 computer but something--

19 Q. Some mechanical device.

20 A. Yes, for those days. Again,  
21 the finger-print cards proved to be of little use  
22 because they did not have finger-prints of the  
23 persons wanted so they had no way of reconciling  
24 those cards.

25  
26 Finally, the publication of the  
27 security suspects as "wanted" was misleading because  
28 they were getting all sorts of letters in from  
29 people reporting security suspects. Investigation  
30 revealed later that some of those reports were





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2 incorrect and that basically no nation was  
3 interested in them. So that was an effort that  
4 wasted a great deal of the agency's time.

5  
6 As a consequence of these facts  
7 coming to light, they realized that they had  
8 better restrict their activities to pure war  
9 criminals. After it moved to Berlin that was  
10 the full role played by the central Agency, or  
11 CROWCASS.

12 Q. To recapitulate, that role when  
13 the move was made from Paris to Berlin became  
14 exclusively the identification of war criminals,

15 A. Essentially that is it. It  
16 was shortly after they arrived in Berlin, but  
17 the only job that was left was the preparation  
18 of wanted and detained persons.



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2 Q. Of war criminals?

3 A. Of war criminals.

4 Q. As opposed to prisoners of war in  
5 general?

6 A. That is right. I think that there  
7 is one point I should mention in respect of CROWCASS.  
8 CROWCASS itself was not an investigative agency. It  
9 relied on others, national investigating teams and  
10 other sources of information on which to prepare its  
11 information banks.

12 Q. It was a name collection agency  
13 in effect?

14 A. A pool, a gatherer of information.  
15 They relied on others to do this. Part of their  
16 publicity campaign was to impress on national  
17 organizations the importance of feeding information  
18 to the central agency because without that there was  
19 no effective co-ordinator in existence.

20 Q. And to whom were the investigatory  
21 powers of war crimes committed by Nazis left?

22 A. My research reveals that those  
23 powers were left to national investigating teams.

24 THE COMMISSIONER: General, may I revert  
25 back just a moment on this work that was being done  
26 by CROWCASS. On the one hand finally it was drawing  
27 up lists of wanted persons, on the other hand it was  
28 drawing up lists of detained persons. Was ever any  
29 comparison being made in between the two and by whom?  
30



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2 THE WITNESS: Yes, that was CROWCASS,  
3 that was part of their job, that is where their value  
4 lay. They were the co-ordinating agency.

5 THE COMMISSIONER: And was  
6 result of that eventually being transmitted to the  
7 various countries involved including Canada?

8 THE WITNESS: That was the chief value  
9 of their work during the war.

10 MR. FORTIER: Q. They did this  
11 cross-reference?

12 A. For instance, I could indicate  
13 the distribution of the list and perhaps that would  
14 indicate the extent of their work. The lists of  
15 course were distributed to the United Nations War  
16 Crimes Commission for transfer to their respective  
17 governments, because as you remember from yesterday  
18 the Allies were represented in the United Nations  
19 War Crimes Commission. In addition to that, lists  
20 were distributed to all war crimes branches or groups  
21 and liaison teams on missions, to all British,  
22 American and French authorities having control over  
23 prisoners of war captured in Europe and the Middle  
24 East, to the British, American and French military  
25 governments in Germany, to intelligence, public  
26 safety and similar authorities in the British and  
27 American zones in Germany, to diplomatic missions or  
28 military authorities of the British Commonwealth  
29 including Canada, Australia, India, New Zealand and  
30



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2 South Africa.

3 Q. So this, General Karwandy, is the  
4 list of dissemination of the CROWCASS Report?

5 A. That is correct.

6 Q. And that was done according to  
7 your notes at what time approximately?

8 A. Well, from the time they moved to  
9 Berlin until CROWCASS were terminated in 1948. During  
10 that time they prepared and distributed a grand total  
11 of 20 wanted and 20 detention lists.

12 Q. And these amongst other destinations  
13 were physically transmitted to Canada?

14 A. Yes, eventually they found their  
15 way to Canada, at least one can assume that from the  
16 distribution initially made by CROWCASS.

17 Q. We will be leading evidence, Mr.  
18 Commissioner, later on today about the situs of  
19 those lists in Canada.

20 THE COMMISSIONER: May I ask for the  
21 time being how many names roughly speaking that would  
22 mean?

23 MR. FORTIER: I am glad you are seated  
24 when you ask that question, Mr. Commissioner.

25 THE WITNESS: The figures vary somewhat.  
26 My investigation revealed that 85,000 wanted reports  
27 were produced. They classified some 130,000  
28 detention reports from authorities actually holding  
29 war criminals or suspected war criminals.  
30



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2 MR. FORTIER: Q. You have alluded to  
3 the fact that CROWCASS was disbanded at a point in  
4 time. Do you have information as to when it actually  
5 was ended, its mission was ended?

6 A. I have 1948. I have not got any  
7 specific time in 1948.

8 Q. I have a document here, Mr.  
9 Commissioner, which has been found in the Public  
10 Archives of Canada and it is dated August 6th, 1947.  
11 It is headed "United Nations War Crimes Commission,  
12 Committee 1, The Future of CROWCASS". I will ask  
13 the witness, General Karwandy, to have a look at this  
14 document and I will file it as Exhibit P-9 and I will  
15 be asking some questions of the General on the  
16 document, but also later on this morning or this  
17 afternoon we will be asking questions of Mr. Robert  
18 J. Hayward, Chief of the Access Section of the Federal  
19 Archives Division, Public Archives Canada, on that  
20 document. So Exhibit P-9, the "United Nations War  
21 Crimes Commission, The Future of CROWCASS" dated  
22 August 6th, 1947.

24 ---EXHIBIT NO. P-9: Document entitled "United Nations  
25 War Crimes Commission, The Future  
of CROWCASS" dated August 6, 1947.

26 MR. FORTIER: Q. I wonder if we could  
27 with your assistance, General Karwandy, browse through  
28 this document, Exhibit P-9. On page 3, the Commissioner  
29 will note the reference which is made to the background  
30 on CROWCASS, all matters to which the witness has



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2 So there is a breakdown of the earlier figure, Mr.  
3 Commissioner.

4 On page 6 the author of this report  
5 poses a question -- the main issues which arise are  
6 these:

7 "To which organization or authority  
8 should the present CROWCASS records be  
9 handed, should the records be  
10 microfilmed and handed to the four  
11 occupying authorities, should not the  
12 present records be handed to the United  
13 Nations War Crimes Commission for  
14 eventual disposal to UNO together with  
15 their files and dossiers",

16 and the witness has in fact answered those questions  
17 earlier. And then we see the conclusions of that  
18 document on page 7, and I will ask General Karwandy  
19 if in fact the conclusions of the author of this  
20 report were actually implemented.

21  
22 A. I am afraid I am not in a position  
23 to know whether documents were actually passed to the  
24 UNO although that is the first recommendation made.  
25 I have no information on which I could swear  
26 positively that that in fact happened. I can only  
27 assume that it happened.

28 Q. But the channels of communication  
29 seem to lead the CROWCASS records in particular to  
30 the United Nations Organization, which had by then



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2 been set up, been created, correct?

3 A. That is right but again I am not  
4 in a position to say whether the documents actually  
5 went to the UNO.

6 Q. We will now return to the European  
7 scene if we may. Earlier in your evidence you said  
8 that CROWCASS was not an investigative agency, that  
9 the investigation of war crimes and identification of  
10 suspects was left to individual participating nations.  
11 And I ask you the question whether or not Canada  
12 participated in that exercise of investigating whether  
13 or not crimes had been committed by Nazis and in the  
14 affirmative, how did that process evolve?

15 A. Yes, Canada certainly was involved  
16 in the investigation of war criminals. During the  
17 SHAEF period war crimes were initially investigated  
18 by mobile courts of inquiry, consisting of officers  
19 and the necessary staff to do their job. These  
20 people travelled around and there are witnesses  
21 present here today who know a great deal more about  
22 this aspect of the investigation process than I do.  
23 However, these courts of inquiry initially performed  
24 this function. Subsequently in August 1944 a  
25 permanent court of inquiry was established for the  
26 purpose of investigating war crimes.

27 Q. By whom was it established?

28 A. Again by SHAEF. This occurred  
29 during the SHAEF period.  
30



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2 Q. Oh, I see, we have not zeroed in  
3 on Canada at the moment, we are still --

4 A. Canada was a part of the British  
5 -- we were in Europe and we were serving in the  
6 British zone and Canada had teams of investigators  
7 at that particular time.

8 Q. Working under the SHAEF umbrella?

9 A. Yes, that changed in May 1945 when  
10 the Number One War Crimes Investigation Unit was  
11 established.

12 Q. This is in May of 1945?

13 A. Yes.

14 Q. And there was established,  
15 General, at that time the Number One Canadian War  
16 Crimes Investigation Unit. By whom was it established?

17 A. Again, I have to assume it was  
18 established by the Canadian military authorities. I  
19 have not been able to track down the order that  
20 actually established that particular unit. I can only  
21 assume that it was done by appropriate senior Canadian  
22 military headquarters.

23 Q. And could you please tell the  
24 Commissioner who was the commanding officer of this  
25 investigation unit?

26 A. The first commanding officer is  
27 present in court here today, Lieutenant Colonel  
28 Macdonald.

29 Q. This is Lieutenant Colonel  
30





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2 Macdonald over here, to whom you refer?

3 A. That is right. The investigation  
4 unit consisted of two detachments at that time, one  
5 in northwest Europe and the other in London. Again,  
6 for the purposes of the record one of the detachments  
7 was commanded by Wing Commander Durdin and the other  
8 detachment was commanded by an officer by the name of  
9 Campbell. I am not sure what his rank was, perhaps  
10 that information will come out later.

11 Greenback, W. During the course of its life the unit  
12 investigator conducted approximately 171 investigations  
13 concerning war crimes. These investigations resulted  
14 in seven prosecutions of war criminals. All of these  
15 prosecutions related to the ill-treatment or the  
16 killing of Canadian prisoners of war by German  
17 nationals including in one case a German General,  
18 Kurt Meyer.

19  
20 Q. Did all the investigations also  
21 relate to miscellaneous war crimes committed against  
22 members of Canadian Armed Forces?

23 A. That is my knowledge.

24 Q. So it is that narrow definition of  
25 war crimes whereof you are speaking now?

26 A. I am speaking about war crimes in  
27 the sense of breaches of the laws of war or the usages  
28 of war, that narrow sense.

29 Q. So there were 171 alleged war  
30 crimes which were investigated by this unit and there



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2 were seven trials, is that correct?

3 A. That is correct.

4 Q. Do you have a list of the persons  
5 who were named as accused in these seven trials?

6 A. Yes, I have.

7 Q. Would you please read them into  
8 the record.

9 A. The names of the accused are  
10 Burgomeister Jung, J.G. Schumacher, R. Holzer, W.  
11 Ossenbach, W. Weigel, J. Neitz and Kurt Meyer.

12 Q. I will be questioning Lieutenant  
13 Colonel Macdonald, now Judge Macdonald, on these  
14 trials later on today, Mr. Commissioner.

15 Now, to whom did this Investigation  
16 Unit of the Canadian Armed Forces report?

17 A. The system, as I understand that  
18 was used was that these reports were transmitted to  
19 the United Nations War Crimes Commission where they  
20 were vetted, examined by the various committees, and  
21 eventually a report was returned indicating that the  
22 case was either a proper one for disciplinary action  
23 for trial or that it was not, that was the process  
24 that was used throughout to the best of my knowledge,  
25 throughout this particular period. The determining  
26 agency was the United Nations War Crimes Commission.

27 Q. I understand that no prosecution  
28 could take place unless the UN War Crimes Commission  
29 said, I approve.  
30



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2 A. That is my understanding as well,  
3 yes.

4 Q. And for the record, do you know  
5 when that unit was disbanded?

6 A. Yes, the unit was disbanded in  
7 1947. Again, I do not have the month, perhaps that  
8 will come in later.

9 Q. Are you familiar with a body  
10 called The War Crimes Investigation Section?

11 A. Yes, I am.

12 Q. We have moved from the Number One  
13 Canadian War Crimes Investigation Unit, now to an  
14 animal or body called The War Crimes Investigation  
15 Section. Would you please tell the Commission what  
16 this Section consisted of.

17 A. Well, first of all it was  
18 established in October, 1945, some six months after  
19 the formation of the Number One War Crimes Investigation  
20 Unit. It was established at Army Headquarters in  
21 Ottawa and its role was designed to act as a single  
22 agency for all aspects of work relating to war crimes.  
23 Previous to that, there were several independent  
24 organizations within Army Headquarters that dealt  
25 with war crimes and war criminals and they decided  
26 that that system was wasteful of effort and as a  
27 result a single section of the War Crimes Investigation  
28 Section was set up. Its duty, aside from co-ordinating  
29 these activities was also to assist in whatever way it  
30



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2 could the Number One War Crimes Investigation Unit in  
3 its own work. It also was responsible for the  
4 shipment or the examination of witnesses here in  
5 prisoner of war camps and the return to places of  
6 trial of witnesses and that sort of thing. In other  
7 words, it was designed to help insofar as it could  
8 the process that was taking place in Europe. That  
9 organization submitted its last report on the 30th  
10 of August, 1947.

11  
12 Q. I would like to file as Exhibit  
13 P-10, a copy of the final report of the War Crimes  
14 Investigation Section, Directorate of Administration,  
15 Army Headquarters, dated Ottawa, August 30, 1947,  
16 Exhibit P-10, Mr. Commissioner.

17 ---EXHIBIT NO. P-10: Copy of final report of the War  
18 Crimes Investigation Section,  
19 Directorate of Administration,  
Army Headquarters, Ottawa, dated  
August 30, 1947.

20 MR. FORTIER: Q. Will you please turn  
21 to paragraph 20 on page 4 of this Exhibit under the  
22 heading "Trial of Lesser War Criminals - Europe",  
23 and comment on this particular part of the report.

24 A. That particular paragraph indicates  
25 the action that occurred following the disbandment of  
26 Number One War Crimes Unit. The Canadian government  
27 at that time felt that it required representation in  
28 northwest Europe, and as a result a liaison officer,  
29 one squadron leader H.J. Jennings of the RCAF was  
30 attached to the War Crimes Section of the British Army



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2 on the Rhine, and he was the link between the British  
3 and Canadian government at that time insofar as  
4 investigation of war crimes was concerned.

5 Q. I take it that at one point and  
6 none too soon the Canadian Armed Forces were  
7 repatriated, came back to Canada. This Number One  
8 Canadian War Crimes Investigation Unit was disbanded  
9 but there was some on-going work to be done,  
10 investigations, prosecutions, trials and this was  
11 referred for action to the British?

12 A. Yes, that is correct.

13 Q. And this is the link whereof this  
14 paragraph speaks?

15 A. Although the paragraph does not  
16 so indicate, I assume that one of Jennings' prime  
17 jobs was to prepare the Prosecution or assist the  
18 Prosecution in the preparation of these outstanding  
19 cases.  
20

21 THE COMMISSIONER: I understand, General,  
22 upon reading the paragraph that towards the middle it  
23 refers to the seven prosecutions which you have  
24 outlined a moment ago.

25 THE WITNESS: That is correct.

26 THE COMMISSIONER: And it is then as  
27 from that moment that I understand, quoting from the  
28 report, some 14 accused were about to be tried, 16  
29 were in custody and under investigation, there were 10  
30 accused still at large and the object of search. So



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2 that was work still to be done ---

3 THE WITNESS: And done by the British.

4 THE COMMISSIONER: Had the Canadian  
5 Armed Forces stayed in Europe at the time, had not  
6 that Unit been disbanded, would it normally have been  
7 its duty to continue with those prosecutions, 14 and  
8 16 and 10 as they had done with the first seven?

9 THE WITNESS: It would appear so because  
10 in a lot of these prosecutions, at least my  
11 investigation would indicate that it depended on the  
12 nation whose interest was chiefly affected. It could  
13 have been a group of prisoners of war comprising  
14 British, French and Canadians that were shot by the  
15 enemy. There could have only been one Canadian, say  
16 two French and maybe 15 British. In those circumstances  
17 normally the British would have assumed responsibility  
18 of prosecuting the persons considered to be responsible  
19 for that particular act. That is why it is so  
20 difficult here to say whether the Canadians, had they  
21 remained in Europe and had the investigation unit  
22 remained there, would have prosecuted these individuals.

23 MR. FORTIER: Q. And here again we are  
24 always dealing with crimes committed against members  
25 of the Canadian Armed Forces?  
26

27 A. Correct.

28 Q. Exclusively?

29 A. Right.

30 Q. Can you identify for us the



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2 meaning in that paragraph of HQS and the numbers  
3 which follow?

4 A. Those refer to files, Headquarters'  
5 files, that is Army Headquarters' files.

6 Q. Canadian Army Headquarters?

7 A. Yes.

8 Q. Could you please turn now to the  
9 following page under the heading "Unfinished Matters".  
10 We read:

11 "There are several matters of some  
12 importance relating to the War Crimes  
13 Trials which has not yet been finalized  
14 and it is proposed to set them forth in  
15 detail."  
16

17 And there then follows references to what I will call  
18 alleged offences committed in the Japanese theatre  
19 with which this Commission is not concerned.

20 Will you confirm that under this  
21 heading of "Unfinished Matters" under this rubric  
22 there does not appear to be any reference to war  
23 crimes which would have been committed on the  
24 European theatre?

25 A. With the exception of sub-paragraph  
26 (h), the remaining portions of that paragraph seem to  
27 indicate crimes committed in a specific area.

28 Q. And I invite you to turn to page  
29 7, paragraph 24, "Documents, United Nations War Crimes  
30 Commission". Since the last sentence of that paragraph



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2 concludes as follows:

3 "It is suggested that they..."  
4 These are the documents above referred to,  
5 "...might be retained by the Directorate  
6 of Administration or pending final  
7 disposition passed to the JAG";  
8 the Judge Advocate General, your predecessor in  
9 office,  
10 "for safekeeping."

11 I would invite you to please comment  
12 on this paragraph.

13 A. Those documents may have at one  
14 time, and they were at one time, I am certain were  
15 kept in our office. They are no longer there. I  
16 believe that the documents that are referred to are  
17 now in the Archives and possibly some of them in our  
18 Directorate of History but there are no documents  
19 at the present time in my office relating to this  
20 particular matter, referred to in paragraph 24.

21 Q. At the request of Commission  
22 counsel you have asked that a search be made at the  
23 Department of National Defence, and you have not been  
24 able to uncover these documents?

25 A. We have tracked documents in the  
26 Archives as well as our Directorate of History.  
27 Whether or not those documents are the same as the  
28 documents referred to in that sentence is another  
29 matter.  
30





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2 Q. So if we address the issue of the  
3 channel of communications of documents, originating  
4 documents including reports, originating with CROWCASS  
5 as well as the United Nations War Crimes Commission  
6 concerning Nazi war criminals, we see that this  
7 channel leads us inescapably to Canada.

8 A. That is correct.

9 Q. Both of these organizations  
10 forwarded at some point in time after, or immediately  
11 before they were disbanded all of their reports to  
12 this country.

13 Q. One would hope so.

14 A. Although again in that regard,  
15 my information has been that perhaps some of the  
16 documents may have gone astray, because this was a  
17 very confusing time and some of them may in fact have  
18 gone astray. But again, that is largely conjecture,  
19 I believe.

20 Q. Excusez-moi, juste un instant.  
21 Two or three wrap-up questions, if I may, General.  
22 Have you ever heard the name of Squadron Leader J.H.  
23 Hollies?

24 A. Yes, I have heard the name and I  
25 know the individual.

26 Q. And he is with the National  
27 Parole Board I believe?

28 A. That is correct.

29 Q. What role, if any, did he play  
30 into this investigation of war crimes committed by



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2 Nazis during the last hostilities?

3 A. Squadron Leader Hollies appears on  
4 the list previously referred to as defence counsel in  
5 the Schumacher trial, and I know that he actually  
6 in fact was defence counsel at that particular trial.

7 Q. Are you aware that he was also  
8 attached to the British Army of the Rhine?

9 A. He so indicated to me but again,  
10 my only source of information would be him during a  
11 casual conversation and I hate to swear to that.

12 Q. No, I need not pursue this any  
13 further. Have you ever heard of a Berlin Document  
14 Centre?

15 A. Yes, I have.

16 Q. Are you able to tell the Commission  
17 what the Berlin Document Centre does?

18 A. No, I am not.

19 Q. And finally, the UN War Crimes  
20 Commission, General, when was it wrapped up, when was  
21 it disbanded?

22 A. I have forgotten right now the  
23 date that it was disbanded -- 31 March, 1948 is the  
24 date that I have in my --

25 Q. 31 March, 1948?

26 A. Yes.

27 Q. And when it was disbanded do you  
28 know how many lists it had prepared and disseminated  
29 of individuals allegedly responsible for the  
30



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2 Commission of War Crimes?

3 A. My information indicates that 80  
4 lists were in fact.

5 Q. Eight-zero?

6 A. Eight-zero, yes.

7 THE COMMISSIONER: Do I understand that  
8 those were lists that were issued by the War Crimes  
9 Commission?

10 THE WITNESS: They were lists of war  
11 criminal suspects and witnesses issued by the United  
12 Nations War Crimes Commission, yes. Again, I have  
13 other statistics that might be of interest in that  
14 regard. The Commission apparently dealt with 8,178  
15 cases involving 36,810 accused or suspected war  
16 criminals and witnesses. Unfortunately the Commission  
17 lumped witnesses, and therefore those figures might  
18 be misleading.

19 Incidentally, I have now found the  
20 reference to the Russian organization. It was called  
21 "The Russian Extraordinary State Commission" and that  
22 was the counterpart to the United Nations War Crimes  
23 Commission.

24 MR. FORTIER: Thank you.

25 Q. Finally, in closing, General, I  
26 would like to ask you this question. We saw earlier  
27 that Canadian military courts prosecuted seven  
28 individuals whom they had charged or who had been  
29 charged with crimes against members of Canadian Armed  
30



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2 Forces. To your knowledge are these the only persons  
3 who were ever tried for crimes committed during World  
4 War II by Canadian military courts?

5 A. As far as I am aware, yes.

6 THE COMMISSIONER: What about the 171  
7 investigations.

8 MR. FORTIER: I will be leading evidence  
9 on that with Lieutenant Colonel Macdonald, Mr.  
10 Commissioner. These are all the questions Mr. Meighen  
11 and I have of the witness.

12 THE COMMISSIONER: Mr. Whitehall, do you  
13 have any questions of the witness?

14 MR. WHITEHALL: I wonder if I can ask  
15 any questions that I may have after anyone else may  
16 cross-examine or examine the witness.

17 THE COMMISSIONER: As you wish. Maybe  
18 you would wish to sit down in the meantime, General.  
19 You have been in the box for an hour now.

20 MR. FORTIER: Mr. Spunt informs me that  
21 he has no questions to ask of the witness.

22 THE COMMISSIONER: All right, so I will  
23 return to Mr. Whitehall.

24 ---EXAMINATION BY MR. WHITEHALL:

25 Q. Thank you very much. If you would  
26 turn to Exhibit Number P-10, just to clarify one point,  
27 sir, and then if you would turn to page 7 of that  
28 document.

29 THE COMMISSIONER: Do you know which is  
30



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2 P-10?

3 MR. WHITEHALL: I am sorry, P-10 is the  
4 last document my friend was dealing with and that is  
5 the Final Report of the War Crimes Investigation  
6 Section Directorate. Do you have that?

7 THE COMMISSIONER: Yes, I have.

8 MR. WHITEHALL: Q. And my friend drew  
9 your attention to paragraph 24 of that document, and  
10 in particular to the documents placed in the safekeeping  
11 of your predecessor. Now, if you just look  
12 slightly above in that paragraph, you will refer to  
13 HQS-8959-9-FD60. Do you see that, sir?

14 A. Yes, I do.

15 Q. And would I be correct in  
16 suggesting that those are the documents that were  
17 placed in the safekeeping of JAG at that time? Can  
18 you make that jump or do you know?

19 A. No, I do not think I can.

20 Q. As far as HQS-8959-9-FD60 is  
21 concerned my instructions are, sir, those are  
22 documents that in fact have been placed in the custody  
23 of Archives.

24 A. I assume that that is correct.

25 THE COMMISSIONER: All right, so that  
26 is all Brigadier General. I thank you very much for  
27 your co-operation yesterday and today.

28 BRUCE J.S. MACDONALD, SWORN

29  
30