I rate this speech, given in the Senate in 1988, as one of my most significant.

This is historic legislation. It is an attempt by Australia, through its Parliament, to come to grips with one of the most murderous episodes of this century, to bring to justice, even 45 years after the event, any Australian citizens among the remaining perpetrators of the World War II Holocaust of the minorities—the Jews, the gypsies, Russian prisoners of war, handicapped, Germans, and children. It was not just a Jewish holocaust and it should not be remembered as just a Jewish catastrophe. We must not deal with it today as if it were just a Jewish catastrophe. But it was for the Jewish people a catastrophe that wiped out six million among a dispersed world population perhaps less than twice that number. In some areas of central Europe the Jewish population has disappeared totally and permanently. It was all done deliberately by humans to humans, in planned fashion—to round up, to isolate, to torture, to starve and to kill.

It is the perpetrators of those events—those inhuman humans who slaughtered innocent women and children by shooting them, naked, into open pits or gassed them, and enjoyed it, who actively participated in mass execution of defenceless minorities and who openly violated the Geneva Conventions and the morality of mankind—that we cannot ever forgive. They have been sought and pursued across the world, from country to country, from hiding place to hiding place, unceasingly, for more than 40 years. This legislation seeks to ensure that we pursue here any war criminal who may have sought to make of this gentle country a haven and a refuge. For major war criminals there is no haven and there is no refuge. For minor Nazis, for collaborators, on the other hand, let us leave them now. But the major war criminals we will pursue unceasingly.
The issue is justice—not revenge. For me, justice will be done if we expose any war criminals, any genocidists; if we tear away their masks of respectability and let people know what is in their pasts. I do not expect that we will send old men to prison. I certainly do not wish to see them put to death, even where in the past they put many to death. What I do want is for those people to be exposed for what they were in those dark past days.

As is always the case here, the debate on the second reading of the War Crimes Amendment Bill is about the purpose and principles of the legislation. Important matters of detail, particularly matters relating to the drafting of the legislation—and there are quite a few—will be addressed during the debate in the committee stage.

What are the principles and purposes of the proposed legislation? The issue before the Senate is so simple and so clear, even if some of the means by which the Government seeks to implement the principles are troubling to some of my colleagues of good will. We are proceeding from the likelihood that we have in Australia some persons who played a significant role in the criminal events in the Nazi Holocaust in the Second World War in Europe and that our duty now requires that we do something about it. We know that many of the perpetrators of serious war crimes did escape. We know that many escaped punishment. Some did this by escaping from Europe to South America, Canada, the United States, or possibly to Australia. It does not matter for the purposes of the debate today how they escaped or how they managed to reach their various havens. That may be a subject for another debate. In almost all cases they assumed a new identity as part of their escape. What does matter is that some of the perpetrators of the Holocaust may have come here. We think that is so. Our searches of archives—documents available only after the passage of 30 years, only available in the last decade—suggest it. Mr Andrew Menzies, to whom reference has already been made today—he is a former senior officer in the Attorney-General’s Department—in his Review of Material Relating to the Entry of Suspected War Criminals into Australia told us that it was likely that some of those people had come to Australia. In November 1986 he said:

It is more likely than not that a significant number of persons who committed serious war crimes in World War II have entered Australia and some of these are now resident in Australia; certainly the likelihood of this is such that some action needs to be taken now.

What we are considering today flows from his statement. We are considering the action taken by the Government flowing from his statement. These people would most likely have come to Australia after the war as migrants when Australia, to its credit, was opening its gates to the displaced and dispossessed of Europe and in the process being enriched and changed forever by the welcome influx
of the millions who have made this continent their home to the benefit of us all.
I repeat that the circumstances that would have allowed people to escape post-
war justice in Europe are not strictly matters for consideration today. We have
all read about the establishment of rat lines down which some of these people
were run. We have heard from other senators some of the details, so I do not
intend to repeat them. Some outlines of the ways in which this might have been
done have been canvassed publicly.

Someone referred to the Australian Broadcasting Corporation radio program.
I do not intend to do so now. What I will say about the program is that it matters
only that what was revealed was correct. It does not matter who revealed it.
We will do a lot better if we concentrate on the worth of the message rather
than on the background of the messenger. In the same vein, may I observe that
those who see in this Bill the operation of some malign international Jewish
conspiracy, and who write to the newspapers in those terms, demean themselves
and detract from the quite substantial matters of substance which can be offered
as criticisms of some parts of this Bill and to which I hope the Government will
respond.

The alleged association between Jews and Communists—a common theme of
some of those who have entered this debate—has been a common cry of Nazi
propagandists. It is echoed today in this country by groups such as the League of
Rights. I am ashamed to say it has been given credence by the public statements
of some who should know better. There is no doubt that the great majority of
those who helped make up the new Australia were the victims of persecution
and war. They came here because they were victims, seeking only to make new
lives for themselves and their families. We have no quarrel with them.

On 24 April each year the Armenian community commemorates the Armenian
holocaust. This year on 24 April the Armenian community in Sydney
commemorated the seventy-third anniversary of the start of the Armenian
genocide of 1915. Honourable senators may recall that this was the first major
genocide of the twentieth century, in which two-thirds of the population of
Turkish Armenia perished in awful circumstances. The grief of the Armenians
today in 1988 for the lost generation of grandparents is continuing and deep.
It is made worse by the continual refusal of successive Turkish governments even
to acknowledge that the events occurred and by the refusal ever of Turkey to
bring to justice the perpetrators of that genocide. Honourable senators will recall
that Hitler, in his planning, is said to have asked rhetorically, ‘Who remembers
the Armenians?’ Time has not healed the scars of the Armenians, and neither
should it.
Today in Australia we have to consider and deal with the possibility that people who were part of the cause and execution of the horror of World War II, willing partners in the atrocity, may be in Australia—perhaps someone who worked with Adolf Eichmann, perhaps someone who murdered or who caused the murder of thousands of innocents. We have the capacity to do something to bring such people to justice. I suppose I should say that we have the possibility of bringing such persons to justice. That would be a much more accurate term. After all, the course proposed in this Bill presents formidable difficulties. It would require—and properly require—the presentation and testing of evidence in Australian courts to Australian standards of proof and in circumstances which would allow an Australian jury, properly directed and properly instructed, to return a verdict.

Right now we have Konrad Kalejs, a Latvian-born Australian citizen who has been branded as a war criminal by a United States court and who, subject to appeals, is about to be returned from that country to us. That is the situation we face now. Are we to ignore his past or the evidence adduced about that past by American investigators? Is that what we are to do? I remind honourable senators of the speech given by Sir Robert Menzies on the Genocide Convention Act 1949. That Act gave effect to the International Convention on the Prevention and Punishment of the Crime of Genocide. Speaking in the House of Representatives as leader of the Liberal Opposition, Mr Menzies said:

I do not desire to debate this Bill … The contracting parties under the convention undertook to enact the necessary legislation to give effect to the provisions of the convention, and in particular to provide effective penalties for the persons guilty of genocide, or of any of the other acts enumerated in Article III of the convention … All I wish to say about the present bill is that in the last ten years, abominations have been practiced in this world, and in no place more terribly than in Germany under the Nazi regime. Every member of this Parliament must view with equal abhorrence the practice of mass killing, and of persecution of people to the death, for reasons of race or religion, or for other reasons of the kind referred to in the Convention. Not only everybody in this Parliament, but also anybody in this country detests the kind of thing which is referred to in this Bill.

He went on to say:

This is not a measure upon which there is any party division of opinion. This is not a party matter.

I end the quote from Robert Menzies. Our duty is to grasp the moment. The task has fallen unasked to us. We did not ask to be here at the time these matters became known. We did not ask to be here to have to deal with the report of Mr Andrew Menzies or with the situation that faces us. But it is our duty and no-one else’s. We have the possibility, we have the capacity and we have the
responsibility to investigate the facts that seem to be emerging and to take the steps that will allow the outcome—wherever it leads us—to occur. As far as I am concerned, that is really the only question to be answered in the second reading debate. It might be argued—indeed it has been argued by some—that time has lessened the crimes and made void the right to pursue and punish those who committed them. There is no statute of limitations on war crimes. I cannot believe that people would put that argument seriously. That argument is of no weight.

I go back to Mr Andrew Menzies who reported to the Government in the following way:

It must be said that a new generation has come forward, one at first dimly aware of the atrocities committed in the war period, but, in recent years, increasingly conscious of the depravity and scale of these crimes.

Some of the offences the subject of allegations recorded by the review are of such seriousness that, if confirmed by a full investigation, justice, however long delayed, should be, and be seen to be, administered.

It might be argued that the search is selective—that we ignore Soviet war crimes while pursuing Nazi war crimes or that we ignore Japanese war criminals. I believe one of these matters may be dealt with by amendment to the Bill later. But what the critics overlook is that our postwar migrants came predominantly from those parts of eastern Europe in which the unhappy events of the Holocaust occurred. That is why we must deal with those crimes, with that theatre, with that time and with those people.

Consideration of this Bill by the Senate requires that we balance the demands of history, the need for exposure and the giving of information to our young—as Senator [Terrence] Aulich said, if we forget the messages we are doomed to repeat them—with the requirements of justice and of due process as we know and practise them. That is our dilemma today. It really will not do for any honourable senator to deny the complexities, the contradictions or the valid arguments for and against what we are being asked to determine here today. Nor will it serve us well to attribute to those who come down with a different conclusion any element of malice, disinterest or lack of concern. I would not do so.

But for me the demands of history are supreme. Our right is to know our past. Our right is to know whether any war criminals are here in Australia. We might have been better served by a different proposal—perhaps by a commission of the kind proposed by His Honour Mr Justice Einfield. But we do not have that option; we have this Bill. If we defeat this Bill, there will be nothing—no examination and no disclosure of any war criminal. So let us support the Bill at
the second reading stage. Important matters will be discussed in the committee stage of the debate. I beg of the Minister for Justice (Senator [Michael] Tate) to err, if he has to during this debate, on the side of generosity and to allow this Parliament to work towards a united view and a single voice when it finally determines this Bill at the third reading stage.

It may assist honourable senators to recall the following words written in *Time* magazine by Lance Morrow on 20 May 1985:

> There were many voices muttering, ‘Must we hear about the Holocaust again?’ There have, after all, been other great tragedies in history—the Turkish slaughter of the Armenians, Stalin's liquidation of millions of Kulaks and the enforced famine in the Ukraine in 1932–3, the destruction of perhaps 2 million Kampuchean by their own Khmer Rouge countrymen.

> One cannot engage in a contest of comparative horrors. Yet there is about the Holocaust a primal and satanic mystery. And no cheap grace can redeem it. The Third Reich was the greatest failure of civilisation on the planet … Germany represented one of the furthest advances of the culture, yet the Third Reich profoundly perverted the entire heritage of Western achievement. It was as if Goethe had taken to eating human flesh. The scientific method, perfected over centuries, fell into the hands of Dr Mengele and the engineers of the ovens. Hitler was not alone responsible. More than a few Germans enthusiastically followed him, saluted him, and died for him. They seized the accumulated trust of 3000 years and distilled it into unimaginable evil. They sought to extinguish not only Jews and gypsies and the rest, but the lights of civilisation. That is not easy to forgive.

It is only if we do our duty, unpalatable though it may be, with care, courage, generosity and attention to detail and to all the difficult questions of legal process that have been raised already, that we can help those who suffered or died to sleep in peace.
This text is taken from *A Dissident Liberal: The Political Writings of Peter Baume*, by Peter Baume, edited by John Wanna and Marija Taflaga, published 2015 by ANU Press, The Australian National University, Canberra, Australia.