

TRY WAR CRIMINALS NOT 'COMMUNITIES'

If there is sufficient evidence to build a prima facie case against suspected war criminals in Australia "justice requires these persons to be brought to trial", former Israeli Supreme Court Judge Moshe Landau told the Executive Council of Australian Jewry's annual conference recently.

However, it is individuals not ethnic communities who should be accused, he said.

Justice Landau, 74, is in Australia for an international forensic science conference.

He is renowned as the presiding judge in the Eichmann trial in Israel in 1960-61.

Justice Landau said there must be retribution against any person proven to have taken part in war crimes.

This applies to those who carried out orders as well as those who gave them, he said.

Eichmann was dubbed the "writing desk" murderer because he claimed to have had no direct culpability, Justice Landau said.

International law provides for judgment against those carrying out orders if those orders are proven to be "manifestly unjust".

However, Israel had passed a special law in the 1950s stating that "following orders" was not a defence in war crimes cases.

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He warned against "judging" entire ethnic communities even though some "excelled in endemic anti-Semitism" for centuries.

The likelihood of these communities supporting individuals who may be accused of war crimes should not deter Australians from supporting any enquiry into the issues, he said.

He said if the current Menzies enquiry into the entry of Nazi war criminals into Australia after World War II should uncover prima facie evidence against any individual, they should then be brought to trial.

Australia could exercise its jurisdiction, or they could be extradited either

to Israel or to the countries in which the crimes were committed.

Jews "cannot even mention" the idea of "forgive and forget", he said.

"We are a people which prides itself on its long memory.

"Quite apart from any theory of punishment, we

theory of punishment, we cannot possibly forget what was done," Justice Landau said.

Questioned on the credibility of Soviet war crimes evidence, Justice Landau said the USSR has proven itself unwilling to release any.

The present Israeli case against Ivan Demjanjuk, the alleged "Ivan the Terrible", has had to be built without Soviet evidence, he said.

Justice Landau also addressed the NSW Jewish Board of Deputies' November meeting.