



**CRIMES AGAINST HUMANITY AND WAR CRIMES PROGRAM
EVALUATION
Final Report**

August 2016

**Evaluation Division
Corporate Services Branch**



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TABLE OF CONTENTS

EXECUTIVE SUMMARY	i
1. INTRODUCTION.....	1
2. PROGRAM PROFILE.....	3
2.1. Program Objectives.....	3
2.2. Program Background	4
2.3. Crimes Against Humanity and War Crimes Definitions	5
2.4. Remedies.....	6
2.5. Program Partners and Roles.....	8
2.6. Governance	10
2.7. Resources	11
3. METHODOLOGY	13
3.1. Review of Performance Information, Documents, Files, and Databases	13
3.2. Key Informant Interviews.....	14
3.3. Survey of Departmental Staff	15
3.4. Case Studies.....	16
3.5. Country Studies.....	16
3.6. Cost Comparisons	17
3.7. Limitations	17
4. EVALUATION FINDINGS.....	19
4.1. Relevance.....	19
4.2. Performance – Effectiveness.....	25
4.3. Performance – Efficiency and Economy	56
4.4. Program Design	64
5. CONCLUSIONS, RECOMMENDATION AND MANAGEMENT RESPONSE	67
5.1. Relevance.....	67
5.2. Effectiveness – Performance.....	68

5.3. Efficiency and Economy	72
5.4. Program Design	74
5.5 Recommendation and Management Response	74
REFERENCES.....	77
Appendix A : Logic Model	89
Appendix B : Evaluation Matrix	103
Appendix C : Data Collection Instruments	111
Appendix D : Process Maps of Remedies	147

ACRONYMS

ADM	Assistant Deputy Minister
CAHWC	Crimes Against Humanity and War Crimes
CAHWC Section	Crimes Against Humanity and War Crimes Section, Justice
CBSA	Canada Border Services Agency
CIC	Citizenship and Immigration Canada
CLO	Crown Law Office
CPS	Crown Prosecution Service
DND	Department of National Defence
EU	European Union
Eurojust	European Union's Judicial Cooperation Unit
FCC	Five Country Conference
FY	Fiscal Year
GAC	Global Affairs Canada
GIC	Governor in Council
GoC	Government of Canada
GPI	Global Peace Index
IAG	International Assistance Group, Justice
ICC	International Criminal Court
ICRC	International Committee of the Red Cross
ID	Immigration Division of the IRB
IEP	Institute for Economics and Peace

IOAD	Intelligence, Operations and Analysis Division, CBSA
IRB	Immigration and Refugee Board
IRCC	Immigration, Refugees and Citizenship Canada
IRPA	<i>Immigration and Refugee Protection Act</i>
JR	Judicial Review
Justice or JUS	Department of Justice Canada
MOU	Memorandum of Understanding
MWCS	Modern War Crimes System
NGO	Non-governmental organization
NHQ	National headquarters
NSSD	National Security Screening Division, CBSA
PCOC	Program Coordination and Operations Committee
PPSC	Public Prosecution Service of Canada
PRRA	Pre-Removal Risk Assessment
RAD	Refugee Appeal Division of the IRB
RCMP	Royal Canadian Mounted Police
Rome Statute	<i>Rome Statute of the International Criminal Court</i>
SII	Sensitive and International Investigations, RCMP
Steering Committee	War Crimes Program Steering Committee
UK	United Kingdom
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees
UNNC	United Nations News Centre
UNTC	United Nations Treaty Collection

EXECUTIVE SUMMARY

1. Introduction

This document constitutes the final report for the horizontal evaluation of the Crimes Against Humanity and War Crimes Program (the CAHWC Program, or the Program). The partners in the Program are the Canada Border Services Agency (CBSA), Immigration, Refugees and Citizenship Canada (IRCC)¹, the Department of Justice Canada (Justice), and the Royal Canadian Mounted Police (RCMP). The evaluation covers the period from 2009–2010 to 2014–2015 and focusses on the Program's activities related to modern war crimes, which are defined as including crimes against humanity, war crimes, and genocide stemming from events occurring after the Second World War.² In accordance with the 2009 Treasury Board *Policy on Evaluation*, the evaluation addresses both the relevance and the performance of the Program.

2. Description of the Program

The purpose of the Program is to support Canada's policy to deny safe haven to persons believed to have committed or been complicit in crimes against humanity, war crimes, or genocide, and to contribute to the domestic and international fight against impunity.

The Program uses several legislative remedies to respond to persons believed to have committed or been complicit in crimes against humanity, war crimes, or genocide. The choice of the remedy depends on a number of factors, including whether the individuals are attempting to enter Canada or are already in Canada and the availability of adequate evidence to pursue the remedy. The available remedies include denial of visa/entry into Canada; exclusion from the refugee determination process; an admissibility hearing and, if inadmissible, removal from Canada;

¹ IRCC was formerly known as Citizenship and Immigration Canada (CIC).

² The Program initially directed its efforts at war crimes cases from the Second World War. As new cases based on events from the Second World War declined, a much larger proportion of the Program's activities were directed at modern war crimes.

revocation of citizenship proceedings; extradition to an international criminal tribunal; and criminal investigations and prosecutions.

Activities of the Program partners are coordinated through the Program Coordination and Operations Committee (PCOC), which coordinates and facilitates interdepartmental efforts to assess allegations, develop operational policy, carry out integrated planning and accountability functions, and ensure Program compliance with international obligations. The Program partners also operate a War Crimes Program Steering Committee (the Steering Committee), which is composed of senior officials at the Assistant Deputy Minister or equivalent level from each partner. The Steering Committee plays an oversight role for PCOC.

3. Methodology

In order to address the questions included in the evaluation matrix, the evaluation included the following methodological approaches: review of performance information, documents, files, and databases; key informant interviews; a survey of departmental staff; case studies of five of the remedies under the Program; a review of three countries that have programs for addressing modern war crimes; and cost comparisons of the Program's remedies.

4. Findings

4.1. Relevance

Continued need for the CAHWC Program

The evaluation confirmed there is a continued need for the Program. Crimes against humanity, war crimes and genocide continue to occur in recent and ongoing non-conventional conflicts.

Within this context, the CAHWC Program remains relevant because it provides the coordination and expertise to prevent persons believed to have committed or been complicit in crimes against humanity, war crimes, or genocide from entering Canada and to investigate and hold accountable those individuals in Canada who have committed crimes against humanity, war crimes, or genocide.

Program aligns with government priorities and departmental strategic outcomes

The evaluation found that the Program aligns well with government policy priorities, including strengthening border security, maintaining the integrity of Canada's immigration and refugee systems, improving the efficiency of the citizenship revocation process, and enforcing Canada's no safe haven policy. The Program's objectives also support the strategic outcomes of its partner departments.

Continued role for the federal government

As the federal government continues to fulfill its international obligation to provide safe haven to refugees, it must also fulfill its domestic and international legal obligations to exclude, extradite or revoke the citizenship of perpetrators of atrocities. The federal government has exercised its authority to create a legislative framework to prevent or deter entry, and remove individuals who have committed or are complicit in crimes against humanity, war crimes, or genocide. Furthermore, the federal government has ratified a number of international agreements that, among other things, obligate Canada to provide safe haven to refugees while ensuring perpetrators of crimes against humanity, war crimes, or genocide are excluded from refugee protection, removed, or prosecuted. Given the scope and nature of the Program, its responsibilities cannot be devolved to provincial/territorial governments.

4.2. Outcome achievement

Increase knowledge and awareness of the Program

The Program has made efforts to ensure departmental staff, as well as external stakeholders such as non-governmental organizations (NGOs) that work in the area of human rights or with diaspora communities, are knowledgeable about the Program.

The importance of staff awareness and knowledge about the Program helps ensure that it works efficiently and effectively. Staff should be aware of their roles as well as of other partner department roles. The evaluation found that partner staff are generally knowledgeable about the Program and consider their roles and responsibilities to be clear. In addition, to build knowledge of the Program internally and support partners' capacity to deliver the Program, a variety of training activities have been undertaken and tools developed.

The evaluation findings indicate areas for improvement in building the staff's knowledge base. There is a consensus that more training opportunities are needed, that mechanisms for delivering training need to be more inclusive of the regions (for IRCC and the CBSA), and that training programs for experienced staff are lacking (for Justice). The evaluation also found that tools, policies, and procedures are generally considered useful, but some, such as the Enforcement Manual and Tactical Guide, require updating. In addition, the Program's knowledge management efforts, which support a coordinated approach by ensuring that relevant knowledge is shared, appear to have stalled or become dormant. This represents a risk for the Program as significant expertise resides in individual staff members; it is also a lost opportunity to improve Program efficiency.

External outreach to increase awareness of the Program is important for several reasons, including obtaining the assistance of diaspora communities in identifying persons who have entered Canada, and who are believed to have committed crimes against humanity, war crimes, or genocide. While the Program has continued to conduct outreach, the evaluation found that the Program has not followed through on suggestions to address identified gaps, such as developing a combined outreach plan among partners and conducting more outreach to groups in Canada, both of which were raised in the 2008 evaluation. Suggestions were to increase outreach with domestic and international NGOs and victims/survivors and victims' organizations to ensure diaspora communities are aware of the Program.

Effective management of allegations

The evaluation findings indicate that, in general, the Program has effectively managed allegations. The processes for identifying and screening allegations, investigating allegations, and selecting and implementing remedies were all considered well managed by external stakeholders. In particular, Canada's approach to admissibility screening was considered very effective and advanced compared to other jurisdictions. Investigations were characterized as well organized and detailed. The mechanism for selecting and implementing remedies, the File Review Subcommittee of PCOC, has developed criteria for assessing files and assigning remedies, which is considered to generally work well and enable the Program to make the best decisions regarding how to direct its resources.

The evaluation identified some areas where the Program was experiencing challenges that affected its allegation management. In particular, the level of resources available has restricted the number of criminal investigations and prosecutions that can be undertaken. Coordination between the RCMP and Justice related to investigations is the subject of discussion between the partners and

is considered a work in progress, particularly as it relates to the level of involvement by the Justice Crimes Against Humanity and War Crimes Section (CAHWC Section or the Section) in investigations, as well as the timing for involving the prosecutor from the Public Prosecution Service of Canada (PPSC). Both Justice and the RCMP acknowledge that the CAHWC Section would benefit from having more counsel with criminal prosecution experience.

Having a coordinated, multi-disciplinary program is considered by key informants to be a major benefit of the Canadian approach, yet at the same time sharing information among partners was cited as an area in need of improvement. Various strategies have been undertaken to improve information sharing, and some have been quite successful, such as the IRCC liaison in the CAHWC Section, while others still need streamlining to remove duplication of effort among partners, such as the file transfer protocols developed between the RCMP and Justice and between Justice and the CBSA.

Part of effective management of allegations is performance monitoring and reporting, and there is a clear consensus that the CAHWC Program needs to improve in this area. Performance reports are considered by both internal and external stakeholders to be important for accountability as well as to build awareness of the Program, and yet the most recently published performance report is for 2008–2011. In addition to more timely performance reports, the Program could also consider tracking individual-level progress through the remedy(ies). Current performance reporting is based on aggregate numbers and, while illustrative of the Program's annual activities and outputs, it prevents the Program from linking these activities to its intermediate and ultimate outcomes and precludes the ability to more accurately assess the success rate and efficiency of remedies.

Deterring and preventing persons believed to have committed or been complicit in crimes against humanity, war crimes, or genocide from entering Canada

The Program has prevented persons believed to have committed or been complicit in crimes against humanity, war crimes, or genocide from entering Canada. During the period covered by the evaluation, the number of visa applications assessed in overseas immigration offices for these crimes has averaged over 3,000 per fiscal year, and Canada has denied 701 of these applicants entry. In recent years, the number of visas assessed overseas that were denied entry where commission or complicity in crimes against humanity, war crimes, or genocide was at issue has dropped substantially. The evaluation does not have information on the reasons for this decline.

Whether the Program has deterred other individuals involved in these crimes from seeking entry into Canada cannot be determined with any certainty. However, the screening processes, the denial

of entry, and the use of other remedies, including prosecutions, are thought to send a message to individuals involved or complicit in crimes against humanity, war crimes, or genocide, that Canada will not provide a safe haven.

Removal of persons believed to have committed or been complicit in crimes against humanity, war crimes, or genocide from entering Canada

Performance data demonstrates that the Program employed all of the available remedies during the evaluation period. In this period, 285 individuals have been denied refugee protection, 47 claimants have been found inadmissible, and 138 individuals have been removed from Canada based on reasonable grounds to believe they were involved or complicit in crimes against humanity, war crimes, or genocide. In addition, one individual's citizenship has been revoked by the Governor in Council (GIC)³ and another has been imprisoned for life for involvement in crimes against humanity, war crimes, or genocide.

Whether these figures are an indication of success is more difficult to assess. For example, the number of removals per fiscal year has been declining since 2006. In addition, the number of outstanding warrants for removal remains at close to 200, which means that approximately 200 individuals reasonably believed to be involved in crimes against humanity, war crimes, or genocide may potentially remain in Canada (some of these individuals might have left Canada without authorities' knowledge). The available performance data are based on annual totals for each remedy.

Canadian leadership regarding CAHWC issues

The evaluation findings show that Canada is still considered one of the leading nations in the fight against impunity. This perception is based on Canada's historic role in signing and implementing the Rome Statute, the early creation of a dedicated war crimes unit (which has influenced other countries' approaches), and playing a leading role in the creation of the International Criminal Court (ICC). Canada continues to be a leader through internationally renowned expertise within the CAHWC Program and the development of influential jurisprudence on CAHWC issues.

However, the evaluation also found a strong undercurrent of opinion that Canada's leadership has waned or is at risk of waning. A key theme within this undercurrent is that the international activities of the federal government do not align with Canada's historic image as a leader on

³ A second individual's citizenship was revoked in a case commenced during the evaluation period that was decided by the Federal Court after the coming into force of the amendments to the *Citizenship Act*.

CAHWC issues. According to key informants, this has been exemplified through Canada's absence from efforts to refer Syria to the ICC, opposition of Palestine's ICC membership, and continued refusal to endorse budget increases for the ICC, despite its growing case load. Furthermore, Canada's leadership in conducting prosecutions is questioned when compared to other established programs (Belgium) and even relatively new programs (Sweden), which have conducted more prosecutions than Canada in a shorter time period.

4.3. Efficiency and economy

The Program has implemented measures to maximize the achievement of its results, while minimizing the use of its resources. In particular, the file review criteria are intended to prioritize the least costly and complex remedy (denial of visas); use the next level of cost and complexity (refugee exclusion and deportation proceedings); and, when appropriate, escalate to the most costly and complex remedies (revocations and criminal investigations/prosecutions). Cost estimates and usage of the remedies indicate that the Program is allocating its resources efficiently based on the criteria.

Determining whether the Program is operating efficiently and economically or whether more resources could be provided to criminal investigations and prosecutions is hampered by the lack of financial data to support the analysis. Two of the partner departments indicated that all of the CAHWC Program funds were spent but could not provide information on whether expenditures were exceeded because the funding is A-base funding that is co-mingled with other resources. Admissibility analysis under IRPA, which includes crimes against humanity, war crimes and genocide, is a programmatic function across the Operations Branch of the CBSA, therefore the CBSA estimates it spends considerably more through its base funding. As a result, more than half of the Program budget can be accounted for only in general terms, making it challenging to understand how partners internally allocate resources to Program activities, including supporting activities such as knowledge management, training and program coordination.

The Program has operated with the same budget since its inception in 1998, and opinion within the Program indicates that the strain of conducting its work within the available resources is showing. The Program's resource constraints have affected its ability to pursue criminal investigations and prosecutions.

The evaluation findings also indicate that the Program should explore better information sharing as a method to promote efficiency. In particular, an area that received a recommendation in the

2008 evaluation — information sharing among Program partners — could still be improved. A shared database or virtual library so that research is not duplicated clearly still has support within the Program. Another opportunity for efficiency gains is sharing information and collaboration between the Program, Department of National Defence (DND), and Global Affairs Canada (GAC).⁴ International information sharing could also produce efficiencies. Suggestions made by key informants were to share research information as well as information obtained through investigations among countries prosecuting modern war crimes. By sharing information, countries would ensure they are not duplicating efforts.

4.4. Design of the CAHWC Program

The evaluation found the design of the CAHWC to be appropriate and generally effective. The CAHWC Program was designed to be a coordinated, multi-disciplinary program. Both key informants and survey respondents believe that the coordinated approach is necessary and that the current legislative and policy framework is insufficient on its own to hold persons who have committed crimes against humanity, war crimes, or genocide accountable.

PCOC plays a valuable centralizing and coordinating role within the Program, providing the Program with the collaborative management structure it needs to prioritize cases and operate within the multi-departmental, multi-remedy approach to crimes against humanity, war crimes, and genocide. The Steering Committee was generally recognized as an important component of the Program's multi-departmental governance, but concerns were expressed over the Committee's functionality and effectiveness, given the infrequency of its meetings and the general lack of involvement of ADMs in the Committee.

The evaluation also found that the Program had undertaken substantial work to identify issues affecting program operation and organize efforts to resolve these issues. A number of innovative subcommittees have been established to improve the operation of the Program, such as the File Review Subcommittee, which has become a staple of the Program's approach to allegation management. However, the work of some of these 'problem solving' subcommittees is often stalled for various reasons, including a lack of funds and human resources. Consequently, several subcommittees that have been tasked with solving key ongoing operational issues, such as coordination and information sharing, have not reported on any results, nor is there evidence that the issues they were to address have been resolved. This leaves an open question as to whether the

⁴ GAC was formerly known as the Department of Foreign Affairs, Trade and Development (DFATD).

governance structure is operating as effectively (i.e., addressing all key issues) or as efficiently (i.e., not wasting resources or effort on ultimately unnecessary initiatives) as it might.

1. INTRODUCTION

In accordance with the Treasury Board 2009 *Policy on Evaluation*, the primary purpose of this evaluation was to assess the relevance and performance (effectiveness, efficiency, and economy) of the Crimes Against Humanity and War Crimes Program (the CAHWC Program, or the Program) for 2009–2015. The partners in the Program are the Canada Border Services Agency (CBSA), Immigration, Refugees and Citizenship Canada (IRCC),⁵ the Department of Justice Canada (Justice) and the Royal Canadian Mounted Police (RCMP). The Department of Justice Evaluation Division directed the evaluation, and the evaluation working group — with representatives from all of the partner departments and agencies — provided ongoing input into the evaluation. The evaluation focusses on the Program’s activities related to modern war crimes, which are defined as including crimes against humanity, war crimes, and genocide stemming from events occurring after the Second World War.⁶

This report contains five sections, including the introduction. Section 2 describes the CAHWC Program; Section 3 presents the methodology used in the evaluation; Section 4 summarizes the key findings; and Section 5 offers conclusions, the recommendation and the management response.

⁵ The evaluation report refers throughout to IRCC, which was formerly Citizenship and Immigration Canada (CIC). Documents referenced in the report that were produced by CIC retain the former department name.

⁶ The Program initially directed its efforts at war crimes cases from the Second World War. As new cases based on events from the Second World War declined, a much larger proportion of the Program’s activities were directed at modern war crimes.

2. PROGRAM PROFILE

This section provides a brief description of the Program, its partners, and its governance structure. A detailed logic model for the CAHWC Program, illustrating the relationship between the Program's planned activities and its expected results, is found in Appendix A.

2.1. Program Objectives

The purpose of the Program is to support Canada's policy to deny safe haven to persons believed to have committed or been complicit in crimes against humanity, war crimes, or genocide, and to contribute to the domestic and international fight against impunity. The Program also aims to reflect the federal government's commitment to international justice, respect for human rights, and strengthened border security. The operational and coordination objectives of the Program are shown in Table 1.

Table 1: Program objectives

Operational objectives	Coordination objectives
<ul style="list-style-type: none">• To prevent the admission to Canada of people believed to have committed or been complicit in war crimes, crimes against humanity, or genocide.• To detect, at the earliest possible opportunity, persons who are believed to have committed or been complicit in war crimes, crimes against humanity, or genocide who are in Canada, and to take steps to prevent them from obtaining immigration status or citizenship.• To examine all claims that persons suspected of having committed war crimes and crimes against humanity are living in Canada and, where appropriate, to investigate and prosecute these individuals.• To revoke the immigration status or citizenship of individuals believed to have committed or been complicit in war crimes, crimes against humanity, or genocide who are in Canada, and to remove them from Canada.	<ul style="list-style-type: none">• To ensure that all allegations are addressed, and that the appropriate remedy is applied in each case.• To increase information sharing among the four Program partners.

The Program uses a three-pronged approach to achieve these objectives, including:

- Preventing suspected perpetrators of crimes against humanity, war crimes, or genocide from reaching Canada by refusing to grant immigrant, refugee, or visitor status;
- Detecting suspected perpetrators of these crimes who are already in Canada and taking steps to exclude these individuals from refugee protection, prevent/revoke their immigrant or citizenship status, and remove them from Canada, and;
- Considering criminal prosecution or extradition (Department of Justice Canada, 2015c).

2.2. Program Background

The impetus for the current program dates to the mid-1980s and the findings of the Commission of Inquiry on War Criminals (Deschênes Commission), which concluded there were suspected war criminals living in Canada. In response to these findings, the Canadian government announced that persons alleged to have been involved in committing crimes against humanity, war crimes, or genocide would be subject to criminal prosecution or have their citizenship revoked and be removed from Canada. This work was operationalized through specialized war crimes units established in Justice and the RCMP (Department of Justice Canada, 2015c).⁷ These efforts led to the announcement in 1998 of the CAHWC Program that would add new partners to the fight against impunity, including IRCC and later (in 2003, upon its inception) the CBSA (Department of Justice Canada, 2015c).⁸

Also in 1998, Canada signed the *Rome Statute of the International Criminal Court* (Rome Statute), which led to the creation of the *Crimes Against Humanity and War Crimes Act* (CAHWC Act) in 2000. Canada's immigration laws were also strengthened in 2001 through the creation of the *Immigration and Refugee Protection Act* (IRPA). This new legislative framework reinforced Canada's existing no safe haven policy and strengthened Canada's international role in holding criminals accountable for crimes against humanity, war crimes, or genocide (CBSA, CIC, Department of Justice Canada, and RCMP, 2011, p. 4).

⁷ The RCMP no longer has a strictly dedicated war crimes section; rather, CAHWC are investigated by the specialized Extra-Territorial Response Unit, which is focussed on threats to Canada's reputation as a free, fair, and transparent democracy and as a society centred on human rights and founded on the rule of law.

⁸ Initially, IRCC had a specialized war crimes section, the Modern War Crimes Program. After the creation of the CBSA, the Modern War Crimes Program became part of the CBSA's Immigration Intelligence Branch.

2.3. Crimes Against Humanity and War Crimes Definitions

The CAHWC Program deals with three broad areas of international crimes, which are defined as follows:

- **Crimes against humanity:** This includes systematic and widespread murder, extermination, enslavement, deportation (or forcible transfer of population), imprisonment (or other severe deprivations of physical liberty), torture, sexual violence, persecution of an identifiable group, or other inhumane acts or omissions committed against any civilian population or identifiable group, as defined in international law, whether or not these acts contravene laws in force at the time and place of the crime's commission (Department of Justice Canada, 2015c; GoC, 2000, sec. 4(3); UN General Assembly, 1998 Article 7). Unlike war crimes, crimes against humanity may be committed in the absence of armed conflict.
- **Genocide:** The crime of genocide includes an act or omission committed with intent to destroy (in whole or in part) an identifiable group of persons (such as a national, ethnic, racial, or religious group), which may include killing, causing serious bodily or mental harm, deliberately inflicting life conditions to bring about physical detriment, imposing measures to prevent births, and forcibly transferring children from one group to another group as defined in international law. These crimes constitute genocide whether or not the acts contravene the laws in force at the time and place of the crime's commission (Department of Justice Canada, 2015c; GoC, 2000, sec. 4(3); UN General Assembly, 1998 Article 6).
- **War crimes:** Under the Rome Statute, war crimes are a diverse but specific list of 53 types of crimes, some of which were already listed under crimes against humanity. War crimes as defined in international law pertain to the use of inhumane weapons and the conduct of war; the treatment of civilians, prisoners, adversaries, peacekeepers, and humanitarian workers; unnecessary destruction or seizure of property; pillaging; conscription of child soldiers; and hostage taking. Many of the laws apply specifically to international conflicts, while certain paragraphs within the Statute's definition of war crimes deal specifically with internal armed conflicts. The acts that constitute war crimes are considered crimes whether or not they contravene the laws in force at the time and place of the crime's commission (Department of Justice Canada, 2015c; GoC, 2000, sec. 4(3); UN General Assembly, 1998 Article 8).

2.4. Remedies

The Program uses several legislative remedies⁹ to respond to persons believed to have committed or been complicit¹⁰ in crimes against humanity, war crimes, or genocide. The choice of the remedy depends on a number of factors, including whether the individuals are attempting to enter Canada or are already in Canada (CBSA et al., 2011, p. 5) and the availability of adequate evidence to pursue the remedy. In situations where the individual is already in Canada, an interdepartmental committee, the File Review Subcommittee, assesses all allegations and determines which remedy to apply in Canada and to which department or agency to refer the allegations. Remedies available through the Program are as follows:

- **Denial of visa/entry:** IRPA provides the legislative authority for IRCC immigration officers to deny overseas visa applications and the CBSA border services officers to deny entry at Canadian ports of entry if the person(s) in question is/are believed to have been involved or complicit in crimes against humanity, war crimes, or genocide. Individuals who are found inadmissible are not allowed to enter Canada (CBSA et al., 2011, p. 5).
- **Exclusion from the refugee determination process:** As part of the refugee determination process, the CBSA can intervene in matters before the Immigration and Refugee Board (IRB) if it determines that there are reasonable grounds to believe that the claimant committed or was complicit in crimes against humanity, war crimes, or genocide. In those cases, the CBSA files its argument for exclusion under Article 1(F)(a) of the *1951 United Nations Convention Relating to the Status of Refugees*, which states a person cannot be a Convention refugee if they have committed crimes against peace, war crimes, or crimes against humanity (CBSA et al., 2011, p. 7). If the IRB finds the claimant excluded from refugee protection, a removal order may be issued by the Immigration Division (ID) of the IRB (see below under Admissibility hearings).
- **Admissibility hearings:** For foreign nationals or permanent residents who are already in Canada, where are concerns over the possible commission or complicity in crimes against humanity, war crimes, or genocide, CBSA officers will write a report that sets out the relevant

⁹ The term “remedy” is used in this report to indicate some type of temporary or permanent resolution regarding an individual believed to have committed or been complicit in war crimes, crimes against humanity, or genocide. These “remedies” are governed by various pieces of legislation, including IRPA, the *CAHWC Act*, the *Citizenship Act*, and also the *Extradition Act*. Remedies can be immigration or criminal-based, and one or more remedies can be employed regarding the same individual.

¹⁰ The most common types of complicity in international criminal law include aiding and abetting, co-perpetration, joint criminal enterprises, and the responsibilities related to command.

facts and transmit this report to the Minister's Delegate. If the Minister's Delegate finds the report well founded, it may be referred to the ID of the IRB for an admissibility hearing. The subject of the report is then required to attend the admissibility hearing. A member at the ID hears the case and decides whether the person should be allowed to remain in Canada (CBSA et al., 2011, p. 8; IRB, 2014). If the decision is that the person is inadmissible, a removal order is then issued (see below).

- **Removal:** If an individual is found to be inadmissible to Canada, the IRB will issue a removal order. Prior to removal, and upon application by the claimant, the CBSA will initiate a Pre-Removal Risk Assessment (PRRA) to determine whether the claimant would be in danger or at risk of persecution if removed to their country of origin. IRCC reviews and decides on the PRRA. If the individual is deemed to be at risk were they to be removed from Canada, the removal order is stayed. Otherwise, the CBSA will initiate removal proceedings (CBSA et al., 2011, p. 8).
- **Revocation of citizenship:** This remedy operates through the *Citizenship Act*, which enables the government to revoke the citizenship of persons who obtained their citizenship through misrepresentation, fraud, and knowingly concealing material circumstances. Following a decision to initiate revocation proceedings, a notice of intent is issued and the individual may elect to refer their case to the Federal Court for hearing. During the period covered by the evaluation, the GIC made the determination of whether citizenship should be revoked. The individual was able to choose to challenge the revocation decision in Federal Court and further upon appeal. Once citizenship is revoked, the person reverts to their former status as a permanent resident or foreign national and may be subject to an admissibility hearing and removal (CBSA et al., 2011, p. 9; CIC, 2015). Amendments to the *Citizenship Act* have changed the revocation process and the GIC is no longer involved. The changes to the process, which were effective as of May 2015, are outside the scope of this evaluation.
- **Extradition and surrender to an international criminal tribunal:** Under Canada's *Extradition Act* and related treaties, countries with which Canada has an extradition agreement, or entities which are designated in the Schedule to the *Extradition Act* (including the International Criminal Tribunal for the former Yugoslavia, the International Criminal Tribunal for Rwanda, and the International Criminal Court [ICC]) may request that Canada arrest and surrender a person sought for prosecution or sentencing who is located on Canadian soil and is wanted for extraditable conduct. Extraditions involve three key stages, which include authorization from the Minister of Justice, assessment of evidence by a Canadian court to determine the justification of extradition, and surrender of the person to the foreign

state/international criminal tribunal (CBSA et al., 2011, p. 10; Department of Justice Canada, 2015b).

- **Criminal investigation and prosecution:** Allegations of crimes against humanity, war crimes, or genocide undergo a preliminary investigation by the RCMP. These files are then submitted to the File Review Subcommittee of PCOC (see Section 2.6 for more information on PCOC) for further consideration. If the criteria are met, the file becomes part of the criminal inventory of files. The RCMP then prioritizes these investigations based on established standards, which include legal opinions from Justice regarding jurisdiction, procedures, and evidentiary requirements. Priority files receive further checks by the RCMP, which endeavors to gather testimony and documentary and physical evidence, domestically and abroad. The RCMP prepares a disclosure package of the evidence and provides it to Justice. Justice reviews all relevant law and evidence and provides a report with recommendations on whether to pursue criminal charges to the (Deputy) Attorney General of Canada. If approved, the report is forwarded to the PPSC. If the PPSC also recommends prosecution, the file is then transferred to the PPSC, who in turn, will then seek the approval of the Attorney General to initiate prosecution. If the PPSC decides not to prosecute, the file returns to the File Review Subcommittee to consider other remedies. Under the *CAHWC Act*, persons found guilty of committing genocide, crimes against humanity, or war crimes where intentional killing forms the basis of the offence, will receive a mandatory sentence of imprisonment for life (GoC, 2000, p. 4).

2.5. Program Partners and Roles

The CAHWC Program is delivered through a partnership with the CBSA, IRCC, Justice, and the RCMP. Each partner plays a specific role in the Program based on its expertise and mandate.

CBSA: In December 2003, the majority of the modern war crimes activities and corresponding resources of IRCC was transferred to the CBSA (Department of Justice Canada, 2008). Under the current program, the CBSA serves as the program lead for immigration cases involving crimes against humanity, war crimes, or genocide. The Agency's operational role in the Program is fulfilled through three divisions: the National Security Screening Division (NSSD), the Inland Enforcement Operations and Case Management Division, and the Intelligence, Operations and Analysis Division (IOAD).

Specific roles within these divisions span the immigration continuum and include denying inadmissible persons access to Canada at ports of entry, excluding refugee claimants from

protection, and deporting inadmissible and excluded persons from Canada (CBSA et al., 2011, p. 3). The IOAD is responsible for providing intelligence support to field officers and producing tactical guides on emerging groups of concern (with respect to Sections 34 and 35 of IRPA). Upon referral, the NSSD of the CBSA also conducts security screening on overseas visa applications and provides recommendations to IRCC on the admissibility of visa applicants. The NSSD also screens all refugee claimants over the age of 18 for possible section 34, 35 or 37 inadmissibility.

The CBSA's Hearings and Investigations Unit and the Policy Unit of the Inland Enforcement Program Management Division also play a role in formulating policy related to IRPA Section 35. In addition, the Hearings and Investigations Unit plays a role in formulating directives and guidelines on war crimes issues and provides programmatic advice and support to other areas of the CBSA and the IRCC on hearings and investigations of the IRPA Section 35 cases.

IRCC: The Operations Sector at National Headquarters (NHQ) is responsible for operating Canada's Immigration Program through 60 points of service at missions abroad and five case processing centres in Canada. IRCC officers assess applications for temporary and permanent residents (including applications on humanitarian and compassionate grounds) to Canada in accordance with IRPA. Although IRCC may request additional security screening through the CBSA's NSSD, visa officers make the final determination on inadmissibility. In cases where persons are believed to have committed or been complicit in crimes against humanity, war crimes, or genocide manage to evade Canadian authorities and are present in Canada, IRCC is involved in ensuring these individuals undergo a PRRA prior to being removed from Canada.

IRCC also acts as the Program lead for citizenship revocation cases. In these cases, IRCC's Case Management Branch works closely with Justice to prepare recommendations for revocation to the GIC and to manage files that end up in litigation.¹¹

RCMP: The RCMP's Sensitive and International Investigations (SII) Unit is mandated to enforce the provisions of the *CAHWC Act*. The RCMP investigates allegations by gathering evidence domestically and abroad, primarily in the form of testimony and physical evidence. Justice provides support to the investigation by conducting research and preparing letters of assistance. Due to reorganization at the RCMP, as of FY 2013–2014, the War Crimes Unit was absorbed by

¹¹ As of May 2015, IRCC can initiate revocation proceedings in the Federal Court for cases of serious inadmissibility or in cases of basic fraud. The new legislation transferred the authority from the GIC to the Federal Court.

the SII's Extra-Territorial Response Unit. Specialized war crimes investigators are working within this unit.

Department of Justice: The Department's Crimes Against Humanity and War Crimes Section (CAHWC Section or the Section) consists of lawyers, paralegals, case and research officers, historians, analysts, and case and administrative support. The team provides contextual/background and legal research and advises on all pending files in the RCMP's CAHWC inventory and continues this role once the file has been prioritized. Upon request, the Section will assist the RCMP in the analysis of the evidence. The CAHWC Section also prepares a report that recommends whether or not to pursue criminal prosecution. If the Attorney General of Canada decides to prosecute the matter, the CAHWC Section may continue to play an advisory and ongoing support role for the PPSC throughout the prosecution process.

In addition to supporting investigations and prosecutions, Justice, through its International Assistance Group (IAG), takes the lead on cases involving extraditions to foreign state or international tribunals. The Justice CAHWC Section also works with IRCC in investigating allegations and assessing cases for possible citizenship revocation (CBSA et al., 2011, p. 10,3). For revocation cases that proceed to litigation, counsel in the CAHWC Section work closely with Justice regional litigators. The Justice CAHWC Section provides legal advice to IRCC and the CBSA, and Justice litigators conduct litigation related to admissibility, exclusion, and removal decisions.

Other departments: Although not formal program partners, the Program works with various other departments to achieve its goals. For example, the Program works with Global Affairs Canada (GAC) in the use of national interest letters in matters where there are conflicting departmental mandates, and works with Public Safety Canada in designating regimes under Section 35 of IRPA.

2.6. Governance

Activities of the Program partners are coordinated through the PCOC, which coordinates and facilitates interdepartmental efforts to assess allegations, develop operational policy, carry out integrated planning and accountability functions, and ensure Program compliance with international obligations (CBSA et al., 2011, p. 3). The PCOC consists of representatives from each of the partner departments (Department of Justice Canada, 2008). The PCOC includes a number of subcommittees which are responsible for specific tasks, including a File Review Subcommittee (for assessing files using established criteria, and determining which remedy should

be initially applied), an Enhanced Cooperation Subcommittee (to improve information sharing among partners), and a Program Efficiencies Subcommittee.

The Program partners also operate a Steering Committee, which is composed of senior officials at the Assistant Deputy Minister or equivalent level from each partner. The Steering Committee plays an oversight role for PCOC and is tasked with ensuring Program activities align with its objectives within each of the partnering departments and with overall Government of Canada policy (CBSA et al., 2011, p. 3). The Steering Committee meets on an ad hoc basis.

2.7. Resources

Since its inception in 1998, the Program's budget has been \$15.6 million per fiscal year. The funding is divided among the four partners: the CBSA receives \$7.2 million; Justice \$5.74 million; IRCC \$1.96 million; and the RCMP \$682,000. Since 2008, the CBSA has received its \$7.2 million funding allotment through ongoing A-base funding. In Budget 2011, the Government of Canada made the remaining \$8.4 million of the Program's budget permanent funding, which followed a recommendation in the 2008 evaluation of the CAHWC Program.

3. METHODOLOGY

The evaluation made use of multiple lines of evidence in order to support robust findings. The methodology included six main lines of evidence: a review of performance information, documents, files, and databases; key informant interviews; a survey of departmental staff; case studies; country studies; and cost comparisons for the remedies under the Program.

The evaluation matrix (which links the evaluation questions, indicators, and lines of evidence) and the data collection instruments were developed with the input of the CAHWC Evaluation Working Group. The evaluation matrix is included in Appendix B and the data collection instruments are in Appendix C.

Each of the evaluation methods is described more fully below. This section also includes a brief discussion of methodological challenges.

3.1. Review of Performance Information, Documents, Files, and Databases

The review of performance information, documents, files, and databases was conducted both to inform the development of data collection instruments and to address the majority of the evaluation questions. The review included documents from internal and publicly available sources, including the following:

- the 2008 CAHWC Evaluation
- the Program Performance Measurement Strategy
- updated process flow charts for remedies
- statistics for the Program from annual reports (covers 1998 to 2011) and updated statistics
- PCOC meeting minutes, reports, and policy decisions
- Steering Committee minutes
- relevant legislation and international conventions and protocols, and international reports
- field guides and manuals

- training materials
- Departmental Performance Reports and Reports on Plans and Priorities
- budget speeches and Speeches from the Throne

As part of the review of performance information, the evaluation included a trends analysis. This was based on the Program's annual reports and updated information provided by Program partners. The analysis involved establishing the baseline using data for 2003–04 to 2008–09 and then determining trends up to and including (when available) 2014–15.

3.2. Key Informant Interviews

The key informant interviews conducted for this evaluation addressed the majority of evaluation questions, and were a key line of evidence in gathering information on the need for the CAHWC Program, as well as the effectiveness of its activities. A list of potential key informants was prepared, and interview guides tailored to each key informant group were developed in consultation with the Evaluation Working Group. Forty-four interviews were conducted with a total of 49 key informants. The specific categories of key informants are included in Table 2.

The following scale has been applied to report on interviews:

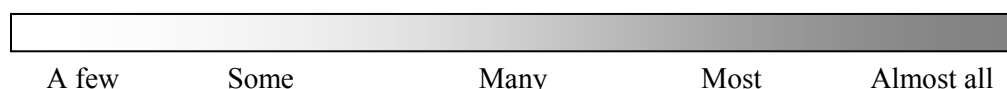


Table 2: Key informant interviews

Position	Number of key informants
Program staff	
Justice	4
RCMP	7
CBSA	5
IRCC	4
Total Program staff	20
Other Government of Canada stakeholders	4
International peer community (representatives of agencies in other countries working in immigration, security, and humanitarian law)	13
International NGOs and academics	12
Total External Interviewees	29

Position	Number of key informants
TOTAL	49

3.3. Survey of Departmental Staff

To assess the opinions of departmental staff involved in the Program, the evaluation included an anonymous and confidential bilingual web-based survey. The survey was online for over four weeks — from June 8 to July 10, 2015.¹² During this period, two reminders were sent to potential participants to increase the response rate. Out of a potential 122 respondents, 68 Program staff responded to the survey for a response rate of 56%. Once the survey was finished, open-ended questions were coded and the survey data was analyzed using SPSS, a statistical software package.

Table 3 provides a profile of survey respondents.

Table 3: Survey respondent profiles (n=68)

<i>Q1: For what department/agency do/did you work?</i>		
<i>Q2: Where do/did you work? Check all that apply.</i>		
<i>Q3: How long have you worked in areas related to addressing war crimes, crimes against humanity, or genocide?</i>		
	Number of respondents	% total respondents
*Department/agency		
Justice	19	28%
RCMP	19	28%
IRCC	8	12%
CBSA	22	32%
**Location(s) where worked		
Ottawa/Gatineau	34	50%
Regional units	22	32%
Overseas missions	17	25%
Other	2	3%
*Length of experience		
Less than one year	5	7%
One to five years	26	38%
Six to 10 years	17	25%
Over 10 years	20	29%

Source: Survey of departmental staff

Note: *Totals may not sum to 100% due to rounding. ** Multiple response question.

¹² The RCMP handled its own distribution of the survey, which was online from June 19 to July 10, 2015.

3.4. Case Studies

The case studies focussed on five of the remedies available under the Program:¹³

1. denial of visas/entry to persons outside of Canada
2. admissibility/eligibility/exclusion to Canada's refugee claim determination system
3. criminal investigation¹⁴ and prosecution
4. revocation of citizenship
5. inquiry and removal under IRPA

Each case study included a review of available relevant documents and files, and key informant interviews. A total of 12 interviews were conducted for the case studies.

3.5. Country Studies

The evaluation included a review of three countries — France, the United Kingdom, and New Zealand — that have programs for addressing individuals involved in crimes against humanity, war crimes, or genocide. These countries were chosen to provide some regional distribution (New Zealand and the two European countries), include a mixture of civil law (France) and common law jurisdictions (the United Kingdom and New Zealand) and to not overlap with the countries used in the 2008 evaluation of the CAHWC Program (which conducted studies of Australia, the Netherlands, and the United States). Each country study included a review of relevant publicly available documents and literature and interviews or written submissions from the officials within the country. A total of nine individuals participated in the country studies.

¹³ Extradition on request to a foreign government or international tribunal for suspected involvement in crimes against humanity, war crimes, or genocide was not included as a case study because none have occurred in the time period covered by the evaluation.

¹⁴ In addition to supporting prosecutions, criminal investigations can support citizenship revocation and the inquiry and removal under IRPA.

3.6. Cost Comparisons

The cost comparison analyzes the costs of the six remedies (denial of visas; admissibility/eligibility/exclusion from refugee claim determination system; extradition on request; criminal investigation and prosecution; revocation of citizenship; and inquiry and removal under IRPA).¹⁵ A mapping of the processes with associated costs was conducted for the 2008 evaluation.¹⁶ The process mapping was updated in 2014 and again in 2015. For the evaluation, the partner departments and agencies were consulted and each developed a methodology to provide updated costing information based on available data. The process maps are in Appendix D.

3.7. Limitations

The evaluation faced a few methodological limitations. These are listed below by line of evidence.

Review of performance data, documents, files, and databases. The method of performance reporting provides a snapshot for each fiscal year for each remedy. For example, the performance reports for the Program include the number of individuals who were denied refugee status or received removal orders under IRPA on the basis of complicity or commission of crimes against humanity. While illustrative of the Program's annual activities and outputs, reporting on aggregate numbers prevents the Program from linking these activities to its intermediate and ultimate outcomes, and precludes the ability to more accurately assess the success rate and efficiency of remedies. The Program lacks a central, program-wide database to track individual-level progress through the remedy(ies). Such a database could be used to track key information, such as dates, how many remedies were involved, and systematically track factors that affected progress through the key stages of the remedy(ies).

Interviews, case studies, and the survey. The interviews with key informants and case study participants, as well as the survey of departmental staff, have the possibilities of self-reported response bias and strategic response bias. Self-reported response bias occurs when individuals are

¹⁵ Removal is an action that occurs as part of the remedies when the person's status in Canada is successfully challenged (see Section 2.4) and is costed as part of those remedies rather than separately. Similarly, RCMP investigations precede several of the remedies and the costs are included under those remedies as appropriate.

¹⁶ In 2008, nine remedies were identified. The remedies, in practice, have not changed, but they have been collapsed into six remedies for this evaluation. For example, extradition to a foreign government and surrender to an international tribunal were described separately in the 2008 evaluation, but are now both described under the extradition remedy in this evaluation.

reporting on their own activities and so may want to portray themselves in the best light. Strategic response bias occurs when the participants answer questions with the desire to affect outcomes.

For each of these three lines of evidence, the participation rate was also less than desired:

- For key informant interviews, several external key informants (NGOs, academics, the international peer community) declined to participate due to lack of sufficient knowledge of the CAHWC Program or simply did not respond to multiple requests.
- The initial design of the case study was based on using a specific case and including interviews of staff from relevant partners involved in the processing of the case. In most instances, a hypothetical scenario rather than a specific case was used, which resulted in there being few interviewees, and mostly not including interviewees from all potential partners involved in the specific remedy. This meant that hand-off points or how partners work together could not be discussed for most remedies. Case studies were a missed opportunity for this evaluation and should be rethought for the next one.
- For the staff survey, the response rate was substantially lower than it was in 2008 even though the survey questionnaire was intentionally designed to be of similar content and length to that used in 2008.

The desire going into the survey had been to compare the 2008 results to the 2015 results. This was not possible because the 2008 raw data were not available, the evaluation reported survey results without including those respondents who responded “don’t know” or “not applicable”, and also did not provide the resulting number who responded. Given the small sample sizes and this lack of information related to the 2008 responses, it was decided not to compare the 2008 and 2015 survey results.

Mitigation strategy. The mitigation strategy for the above methodological limitations was to use multiple lines of evidence from different stakeholder groups as well as different types of evidence. For example, the evaluation gathered information from the Program partners as well as external key informants. In addition, the evaluation used both quantitative and qualitative data collection methods to answer evaluation questions. By using triangulation of findings from these different sources, the evaluation was able to strengthen its conclusions despite the limitations.

4. EVALUATION FINDINGS

4.1. Relevance

The evaluation considered the relevance of the CAHWC Program with respect to: the continued need for the Program; the responsiveness of the Program to federal government priorities, roles, and responsibilities; and the Program's support for each partner's strategic outcomes.

4.1.1. Continued need for the CAHWC Program

The evaluation confirmed there is an ongoing need for the Program for the following reasons:

Canada has ongoing international and domestic legal obligations to end impunity

The Program remains relevant because Canada is party to United Nations (UN) conventions on genocide, refugees, torture, war crimes, and, most recently, the Rome Statute (each of these legal obligations is discussed further in Section 4.1.4 below), and Canada has domestic responsibilities under the *CAHWC Act*, IRPA and the *Citizenship Act*. Therefore, these obligations require Canada to provide safe haven to refugees fleeing areas of prolonged conflict, but also require Canada to be vigilant in ensuring persons who committed or were complicit in crimes against humanity, war crimes, or genocide are not allowed to enter or remain in Canada and, when appropriate, are prosecuted for their crimes.

Atrocities continue to be committed

Many key informants explained that crimes against humanity, war crimes, or genocide continue to be committed as part of modern, non-conventional warfare, referring to conflicts and upheaval in countries such as Syria, Iraq, Afghanistan, South Sudan, or more specifically to extremist groups such as ISIS/ISIL and Boko Haram. Over the past several years, the UN has released numerous reports on the growing potential for, or observed commission of, war crimes and crimes against

humanity in the Central African Republic, Sudan, South Sudan, Iraq, and Syria¹⁷. Specific concerns relate to recruitment of children and forced deportations in the Central African Republic (UNNC, 2011a), indiscriminate attacks on civilians and extrajudicial killings in Sudan (UNNC, 2011b, 2011c), warnings over the precursors to genocide, extrajudicial killings, sexual violence, and the use of children in armed conflicts in South Sudan (UNNC, 2014b, 2015b), and ISIS/ISIL's use of torture, rape, starvation, abduction and conscription of children, sexual slavery, mass executions, and targeted violence against the Yezidi minority in Iraq and Syria (UNNC, 2014a, 2015a, 2016a, 2016b). Most recently, the UN has reported there were at least 18,802 Iraqi civilian deaths and 36,245 civilians injured between January 2014 and October 2015 as a result of the continuing conflict in Iraq; while many of the killings are attributed to ISIL, government security forces, militias, tribal forces, and Kurdish Peshmerga are also implicated in the widespread violence (UNNC, 2016a).

Canada is an immigrant- and refugee-receiving country and is therefore a potential destination for witnesses, victims, and perpetrators of crimes against humanity, war crimes, or genocide

The Program remains relevant because it provides interdepartmental coordination and expertise to ensure there are resources available to follow up on crimes against humanity, war crimes, or genocide allegations against individuals thought to be in Canada. Evidence from the United Nations High Commissioner for Refugees (UNHCR) shows many of the high-conflict countries discussed above are among the top refugee-producing countries in the world¹⁸ and Canada is among the countries receiving immigrants and refugees from these areas. For example, Program data and documentary sources show that between 2008 and 2014, Iraq was the 10th largest source country for immigrants and refugees to Canada. Data from the UNHCR shows Canada has received several thousand refugees from other major conflict areas including Afghanistan and Somalia, as well as Democratic Republic of Congo and Sudan (CBSA et al., 2011, p. 19; UNHCR,

¹⁷ The IEP's Global Peace Index (GPI) shows states such as Iraq, Afghanistan, Somalia, and Sudan have continued over the past eight years to be the least peaceful areas globally, while the GPI showed considerable decline in South Sudan, the Democratic Republic of Congo, Central African Republic, and particularly Syria (IEP, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015b). The GPI is based on 23 qualitative and quantitative indicators from 162 states around the globe focussing on three broad themes: level of safety and security, extent of domestic and international conflict, and degree of militarization (IEP, 2015a, p. 2).

¹⁸ Afghanistan, Somalia and Sudan have maintained a constant place among the top refugee-producing countries, while deteriorating conditions in Syria, Democratic Republic of Congo, South Sudan and Central African Republic have resulted in more recent and substantial outflows of refugees from these areas (UNHCR, n.d, 2008, 2009, 2010, 2011, 2012, 2014).

n.d). Most recently, the Government of Canada resettled 25,000 Syrian refugees by the end of February 2016 (GoC, 2016).

The Program also remains relevant as a coordinating point through which IRCC and the CBSA screen for inadmissibility under subsection 35(1) of IRPA. One aspect of security screening is to identify perpetrators of crimes against humanity, war crimes, or genocide and prevent them from attempting to seek refuge in Canada. As of 2011, there were nine regimes designated under paragraph 35(1)(b) of IRPA for crimes against humanity, war crimes, or genocide (among other international crimes) (CBSA et al., 2011, p. 19). There have been no new regimes designated since 2003, which is when paragraph 35(1)(c) of IRPA was added. According to visa data over an eight-year period, over one-tenth of visa applicants who were screened for crimes against humanity, war crimes, or genocide were denied entry to Canada. From 2003–2004 to 2013–2014, this amounted to about 2,800 visa applications denied for commission or complicity in crimes against humanity, war crimes, or genocide.

Domestic efforts to address crimes against humanity, war crimes, and genocide are of increasing importance

Although international courts and tribunals demonstrate a commitment to addressing modern war crimes, national efforts — such as Canada’s CAHWC Program — are neither redundant nor unnecessary. Firstly, the International Criminal Tribunal for the former Yugoslavia is winding down, while the one for Rwanda is already closed. Several Program and NGO/academic key informants noted how the shift toward domestic prosecutions will put greater pressure on domestic resources for costly investigations and prosecutions and will create a greater need for domestic expertise on issues related to crimes against humanity, war crimes, or genocide. This may be particularly challenging for countries that are less developed and/or have only just begun to rebuild their legal and police infrastructures following prolonged periods of conflict. Secondly, some Program and NGO/academic key informants noted that as the court of last resort, the ICC’s jurisdiction is limited to those conflicts where individual states cannot or will not investigate and prosecute crimes against humanity, war crimes, or genocide. A few of these key informants noted this put greater pressure on nations to pursue domestic investigations and prosecutions.

4.1.2. Does the Program meet government policy priorities?

The Program enforces Canada’s no safe haven policy and has fitted within the Government of Canada’s policy agenda

Evidence from key informant opinions and federal government statements (e.g., Speeches from the Throne and budget speeches) demonstrate that the Program has continued to meet government policy priorities. Key informants from partner departments/agencies believed the Program meets the policy priorities of the government, indicating the Program enforces Canada's no safe haven policy and has fit comfortably within the Government of Canada's law and order agenda.

Speeches from the Throne and federal budgets identified a number of priority areas that specifically relate to crimes against humanity, war crimes, and genocide. For example, the 2009 Speech from the Throne emphasized the need to strengthen border security, maintain the integrity of the immigration regime, and reform the refugee system, all of which are interlinked with the objectives of the CAHWC Program. During the 2010 Speech from the Throne, the federal government announced its intention to introduce legislation to speed up the citizenship revocation process for those who have concealed their participation in crimes against humanity, war crimes, and genocide. These changes were announced through Bill C-24 and became law through the *Strengthening Canadian Citizenship Act*, which came into effect in May 2015 (CIC, 2015). The new laws are anticipated to improve the efficiency of citizenship revocations, which have traditionally taken several years to complete, and have thus affected Program performance. Finally, in 2011 the federal government committed \$8.4 million per year in permanent funding toward Canada's no safe haven policy. This was in addition to the \$7.2 million in permanent funding the CBSA already received for its CAHWC Program activities. While not an increase in funding, the move to permanent funding demonstrated an alignment between the Program and government priority objectives.

4.1.3. Does the Program align with departmental strategic outcomes and priorities?

The CAHWC Program aligns with departmental strategic outcomes and priorities

The evaluation found that generally, the Program aligns with departmental strategic outcomes. While the Program is usually not specifically mentioned among its partners' strategic outcomes, the essence of the Program is indirectly supported through several strategic outcomes, as summarized in Table 4 below.

Table 4: Alignment of the Program with departmental strategic outcomes

Justice	<ul style="list-style-type: none"> • A fair, relevant, and accessible Canadian justice system: This strategic outcome includes the development and provision of services related to criminal law and policy. The CAHWC Program aligns with this outcome through the Justice policy work that relates to the legislative framework for pursuing individuals suspected of crimes against humanity, war crimes, or genocide. • A federal government that is supported by high-quality legal services: The CAHWC Section of Justice supports this strategic outcome by providing legal advice and support to the RCMP in conducting investigations and providing legal advice related to Program activities undertaken by the CBSA and IRCC. In addition, the CAHWC Section supports criminal prosecutions of those suspected of crimes against humanity, war crimes, or genocide.
RCMP	<ul style="list-style-type: none"> • Criminal activity affecting Canadians is reduced: Under the federal policing sub-program, the RCMP “enforces federal laws and protects Canada’s institutions, national security, and Canadian and foreign dignitaries.” (RCMP, 2015). The CAHWC Program aligns with this strategic outcome and sub-program through its federal crime enforcement activities, namely, its work conducting criminal investigations related to those individuals suspected of crimes against humanity, war crimes, or genocide. The RCMP’s war crimes work is explicitly identified as falling under this strategic outcome (specifically, the Federal Crime Enforcement sub-sub-program (1.1.2.4), which contributes to increasing public confidence in the integrity of federal programs and services).
CBSA	<ul style="list-style-type: none"> • International trade and travel is facilitated across Canada’s border and Canada’s population is protected from border-related risks: The CAHWC Program aligns with this CBSA strategic outcome as it operates to screen and flag individuals believed to have committed or been complicit in crimes against humanity, war crimes, or genocide, and when appropriate, enforce orders to remove these individuals from Canada. In so doing, the integrity of the immigration system is upheld by not providing safe haven to individuals believed to have committed or been complicit in crimes against humanity, war crimes or genocide.
IRCC	<ul style="list-style-type: none"> • Newcomers and citizens participate in fostering an integrated society: This outcome includes the revocation of citizenship when a person has obtained it fraudulently by knowingly misrepresenting or concealing information, such as involvement in crimes against humanity, war crimes, or genocide. • Managed migration that promotes Canadian interests and protects the health, safety, and security of Canadians: This strategic outcome incorporates IRCC’s Migration Control and Security Management Program area, which “aims to ensure the managed migration of foreign nationals and newcomers to Canada” (CIC, 2014b). This is done by ensuring that migration is in accordance with IRPA and accompanying regulations, which is done through the institution of anti-fraud measures and eligibility and admissibility criteria, some of which operate to keep individuals suspected of committing or being complicit in crimes against humanity, war crimes, or genocide out of Canada.

Sources: (CBSA, 2015; CIC, 2014a; Department of Justice Canada, 2015a; RCMP, 2015)

In addition, general Government of Canada priorities to invest in crime prevention and the justice system (2011 Federal Budget), combat crime and terrorism (2011 Speech from the Throne), and uphold victims’ rights (2013 Speech from the Throne) can be more broadly interpreted as being compatible with the goals of the CAHWC Program

Key informants from all partner departments/agencies also believe that the CAHWC Program aligns with their department's/agency's strategic outcomes and priorities. For example, the CBSA is responsible for providing integrated border security that supports national security and public safety priorities, and facilitates the free flow of persons and goods. Immigration enforcement to keep individuals who are inadmissible for crimes against humanity, war crimes, or genocide from entering Canada is seen as a continuing priority at the CBSA in relation to the CAHWC Program. Three of IRCC's operational objectives — preventing admission, detecting involvement, and revoking citizenship — are relevant to the Program and underlie its strategic outcomes. Both Justice and RCMP key informants also believe that the CAHWC Program remains relevant to departmental priorities.

4.1.4. Is there still a role for the federal government to deliver the Program?

The Canadian legislative framework obligates the federal government to continue to act to prevent and deter entry, or remove individuals who have committed or are complicit in crimes against humanity, war crimes, or genocide

The Government of Canada has exercised its authority to create a legislative framework that obligates the federal government to continue to act to prevent and deter entry, or remove individuals who have committed or are complicit in crimes against humanity, war crimes, or genocide. The government has remedies available in the following legislation: the *CAHWC Act*, the *Extradition Act*, IRPA, the *Citizenship Act*, and the *Criminal Code*. Furthermore, as shown in Table 5, the Government of Canada has signed a number of international agreements that, among other things, obligate Canada to provide safe haven to refugees while ensuring perpetrators of crimes against humanity, war crimes, or genocide are excluded, removed, or prosecuted.

Table 5: International commitments and obligations related to addressing crimes against humanity, war crimes, and genocide

<i>Convention on the Prevention and Punishment of the Crime of Genocide</i> (1949)	<ul style="list-style-type: none"> Declares genocide as a crime under international law and specifies actions that constitute genocide.
<i>Convention on the Status of Refugees</i> (1951)	<ul style="list-style-type: none"> Defines a Convention refugee, including refugee rights and criteria for exclusion from refugee protection, which includes commission of a crime against peace, war crimes, and crimes against humanity or a serious non-political crime outside their country of refuge. Canada is also signatory to the 1967 Protocol, which expanded the applicability of the 1951 Convention, removing geographical and time limits that restricted the definition of refugee.

<i>Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment</i> (1987):	<ul style="list-style-type: none"> • Builds upon the Universal Declaration of Human Rights and other international covenants by further defining the act of torture and obligation of the state.
<i>Geneva Conventions of 1949 and additional protocols</i>	<ul style="list-style-type: none"> • Provides rules limiting the effects of conflict in an effort to protect civilians and others who are not taking part in the conflict (civilians, aid workers) and those who can no longer fight (wounded, prisoners of war) (ICRC, 2010).
<i>Rome Statute of the International Criminal Court</i> (2002)	<ul style="list-style-type: none"> • Defines the rules, mechanisms, and jurisdiction of the ICC and established the principle of complementarity, where states have the primary responsibility to investigate and prosecute CAHWC and genocide domestically. Canada is among 65 other countries that have enacted legislation containing complementarity or cooperation provisions (or both) to implement the Rome Statute (ICC, n.d). The complementarity principle establishes that state parties (such as Canada) have the primary responsibility for investigating and prosecuting persons who have committed or are complicit in crimes against humanity, war crimes, or genocide.

4.2. Performance – Effectiveness

According to the 2009 Treasury Board’s *Policy on Evaluation*, evaluating performance involves assessing effectiveness, as well as efficiency and economy. The subsections below discuss the effectiveness of the CAHWC Program in achieving its expected outcomes.

4.2.1. Increasing knowledge and awareness of the Program

The Program is expected to engage in training, development of tools and policies, knowledge management, and outreach activities that, taken together, are intended to increase knowledge and awareness of the Program both internally and externally, resulting in more effective Program delivery. Before looking at each of those activities, this section considers departmental and agency staff perceptions of their knowledge of all the Program components, as well as the clarity of roles and responsibilities within the Program.

Partner staff are generally knowledgeable about the Program and consider roles to be clear

The evaluation findings indicate that department and agency staff who undertake work related to the Program are generally knowledgeable of the Program’s components, although the level of knowledge is affected by various factors. The majority of respondents (66%) rated themselves as knowledgeable (31%) or somewhat knowledgeable (35%) of all Program components, including components outside their own areas of the Program. Factors affecting the self-assessment of

knowledge are the years of experience, the department/agency of the respondent, and, to a lesser extent, the locations (overseas, region, headquarters) where the respondent worked.

- Respondents from Justice and the CBSA tended to rate themselves as knowledgeable or very knowledgeable, while respondents from IRCC and the RCMP tended to rate themselves as somewhat knowledgeable.
- Respondents with more than five years' experience were more likely to consider themselves very knowledgeable or knowledgeable compared to those respondents with less experience.
- Based on their self-assessment, respondents who had worked at headquarters were slightly more knowledgeable than those who worked only in the regions or overseas.

Table 6: Knowledge of all components of the Program (n=68)

<i>Q13. How would you rate your level of knowledge of all components of the Program (not just your own Program component)?</i>								
Response	Very knowledgeable		Knowledgeable		Somewhat knowledgeable		Not knowledgeable	
	Number	%	Number	%	Number	%	Number	%
Overall	16	24%	21	31%	24	35%	7	10%
By department								
CBSA	7	32%	7	32%	6	27%	2	9%
IRCC	--	--	3	38%	5	63%	--	--
Justice	7	39%	6	32%	4	21%	2	11%
RCMP	2	11%	5	26%	9	47%	3	16%
By years of experience								
Less than 1 year	--	--	--	--	2	40%	3	60%
1–5 years	2	8%	9	35%	12	46%	3	12%
6–10 years	6	35%	7	41%	4	24%	--	--
Over 10 years	8	40%	5	25%	6	30%	1	5%
Location of work								
National Headquarters*	9	27%	14	41%	9	27%	2	6%
Regional unit (only)	7	35%	4	20%	6	30%	3	15%
Overseas mission (only)	--	--	3	23%	8	62%	2	15%
Other	--	--	--	--	1	100%	--	--

Source: Survey of departmental staff

Caution: Small sample size.

Note: Row totals may not sum to 100%, due to rounding.

*If respondents indicated they had worked at NHQ as well as another location, they are included under NHQ for the purpose of this analysis.

Key informants from partner departments and agencies confirmed and provided context for the survey findings. They reported that an understanding of the Program's various components is much greater for senior staff. Key informants explained that awareness of the Program for staff working in regional offices or overseas may be somewhat lower than for staff working at headquarters because cases related to crimes against humanity, war crimes, and genocide are rare and their knowledge would be limited to operational policy related to these crimes.

Roles and responsibilities of the partner departments and agencies are generally clear, based on interview and survey findings. Survey results showed most respondents (66%) believe they understand the roles and responsibilities of each partner, although the majority only somewhat agree that the roles of other departments and agencies are clear (see Table 7).

Table 7: Clarity of roles within the Program (n=68)

<i>Q23. To what extent do you agree that the roles of other departments and agencies are clear?</i>		
Response	Number	Percentage
Agree	10	15%
Somewhat agree	35	51%
Somewhat disagree	8	12%
Disagree	8	12%
Not applicable to my work	3	4%
Don't know	4	6%
Total	68	100%

Source: Survey of departmental staff

Some key informants from the Program provided additional context, noting that changes in structure and personnel within partner departments and agencies have meant that, while each partner's role is understood, the roles and responsibilities *within* partner departments and agencies are less clear to other partners. Additionally, they noted that the complexity of remedies also means that partners not directly involved in a remedy do not have the in-depth knowledge of the process. For these reasons, having greater regularity of PCOC meetings and consistent representation of all partners, including representation from the appropriate divisions within partner departments and agencies, is considered vital to the effective operations of the Program. A few key informants mentioned issues with this in the past, when lack of understanding of the different roles within a partner department or agency meant that not all of the relevant people were consulted on an issue being considered by PCOC.

Training of Program partner staff is considered to have declined in terms of availability and adequacy

Based on interview and documentary evidence, the evaluation found that training continues to occur, although complete details for all training activities were not available. Interview and survey results indicate that training is an area for improvement in terms of amount available, level of training, and subject matter of training.

The documentary record of Program training activities does not provide the full extent and type of training offered. While outreach and training activities are discussed at PCOC as a standing agenda item, the focus is more on outreach and few training activities are mentioned. While maintaining a record of these activities was discussed at PCOC, the tool for tracking training and outreach was not developed.

Key informants from partner departments and agencies noted that the availability and adequacy of training specific to crimes against humanity, war crimes, and genocide has declined over the last several years. Some key informants considered training to be less regular, specific and collaborative than in the past, when the Program was in its early stages. The training challenges took different forms for each partner.

- Interviewees from Justice indicate training programs for counsel are hampered by a lack of funding and challenges in accessing that funding. They pointed out that training, particularly for more experienced counsel, requires international travel as this training is quite specialized and, if training is offered within Canada, experienced or senior counsel within the CAHWC Section are often providing the training.
- Although the CBSA key informants and internal documents praise the Agency's 2014 War Crimes Intelligence Workshop,¹⁹ and Agency personnel are pleased with the regular one-on-one "walk through" guidance offered by Justice on specific files, there was concern about the lack of training opportunities at the regional level and the limits of regional travel budgets, which would preclude regional staff from attending Ottawa-based training. They noted that the CBSA generally uses enforcement and operational bulletins to inform personnel about operational policies and address potential gaps, rather than offer formal training.

¹⁹ In March 2014, the CBSA hosted a three-day War Crimes Intelligence Workshop. All Program partners and some international partners participated. The workshop included specialized training for the CBSA personnel whose duties are connected to the CAHWC Program as well as sessions related to best practices and lessons learned in the field of intelligence.

- Key informants from IRCC noted there is a lack of training tools for regional staff, particularly on the citizenship side. Much of the relevant CAHWC-related training appears to be targeted at overseas IRCC visa officers, and includes refresher courses on the *CAHWC Act* and regulations and the ability to seek advice through IRCC's Case Management Branch, which provides guidance on individual cases.
- Although Justice conducted formal training with the RCMP in the past, this has not occurred in recent years, and RCMP interviewees indicated that there is currently no specific training for crimes against humanity, war crimes, and genocide. These key informants considered the development of standard, Program-specific training to be challenging because, while much of the essential skills for investigating these crimes are no different from homicide investigations, the contexts within these foreign jurisdictions are unique, differing from case to case. A few key informants emphasized the importance of understanding the specific cultural contexts.

Survey results aligned with key informant opinions. The majority of survey respondents (68%) reported that the amount of training provided is inadequate. These opinions were common across all respondent departments, but were most prominent among the CBSA and IRCC respondents. In addition, just over half of all respondents (53%) disagreed that the level of training available is suitable for someone with their amount of time on the job and responsibilities. These opinions were more prominent among respondents who had worked in areas related to addressing crimes against humanity, war crimes, and genocide for more than one year. Finally, respondents were somewhat more mixed about whether the subject matter of their current training met their needs, with some (43%) disagreeing and some (38%) agreeing. Table 8 presents overall results.

Table 8: Agreement ratings for training (n=68)

<i>Q23. To what extent do you agree with the following statement...</i>												
	Agree		Somewhat agree		Somewhat disagree		Disagree		Not applicable to my work		Don't know	
	#	%	#	%	#	%	#	%	#	%	#	%
The subject matter of current training meets my needs	8	12%	18	26%	13	19%	16	24%	6	9%	7	10%
The level of training is suitable for someone with my time on the job and responsibilities	8	12%	14	21%	19	28%	17	25%	7	10%	3	4%
The amount of training provided is adequate	6	9%	8	12%	27	40%	19	28%	5	7%	3	4%

Source: Survey of departmental staff

Note: Row totals may not sum to 100%, due to rounding.

Key informants offered some suggestions for how to improve training:

- Partners should offer more online training (e.g., webinars) and explore other delivery methods that will expand the reach of training opportunities to regional offices.
- Training should become more standardized, as training currently differs across regional offices in the CBSA.
- Some key informants wanted more training on Section 35 of IRPA.
- A few key informants commented that some departments used to offer annual sessions, and wished these could be reinstituted. Two sessions were specifically mentioned: a two-day training session or “open house” given by Justice; and an annual meeting hosted by IRCC, which was considered a valuable opportunity to learn IRCC’s perspective and make contacts.
- Justice staff in the CAHWC Section expressed the desire for opportunities to receive litigation training and experience.
- As Justice will be ‘investigating’ civil cases, the RCMP key informants suggested it may be beneficial for them to have training in interviewing techniques and obtaining witness statements.

Program tools, policies, and procedures are generally considered useful, although areas for improvement were identified

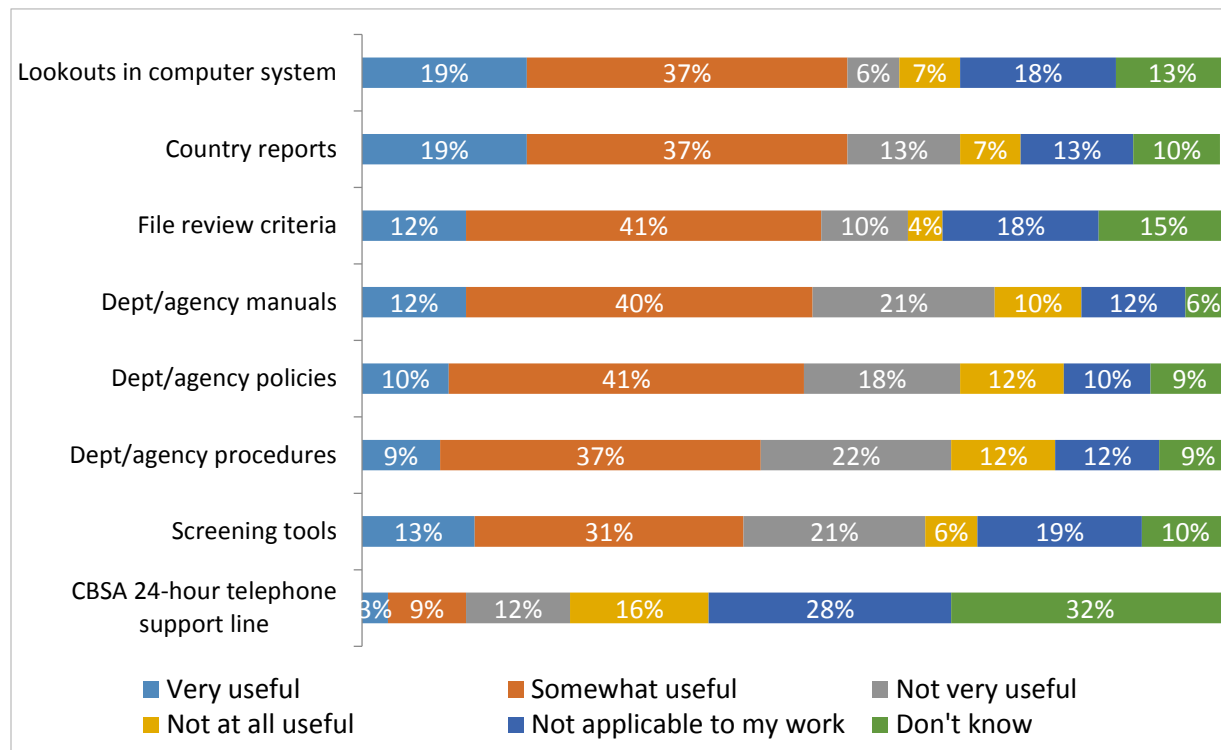
The Program partners have, over time, developed a number of tools, policies, and procedures. Most of these were initially developed outside of the time period covered by the evaluation, but may have been updated or revised since then.

Among survey respondents who were able to comment on the various tools, policies, and procedures, most considered them to be very or somewhat useful. However, for department or agency policies, procedures, and manuals, which should be relevant to all staff, about one-fifth of respondents did not consider them applicable to their work or did not have enough experience with them to rate their usefulness. This result may indicate a need to create more awareness of these tools, policies, and procedures related to the work of the Program. The survey responses also indicate room for improving these resources. For example, about one-third of respondents considered their department or agency’s procedures (34%), manuals (31%) and policies (30%) to be not very useful or not at all useful.

Based on survey results, the tools considered least useful are the CBSA 24-hour telephone support line and screening tools, and those considered most useful are lookouts in computer systems, country reports, and the file review criteria. See Figure 1.

Figure 1: Usefulness of tools, policies, and procedures

Q20: How useful are the following tools, policies, and procedures to your work related to war crimes, crimes against humanity, and genocide?



Source: Survey of departmental staff

Based on survey results and key informant interviews, there is a need to keep tools, policies, and procedures more up-to-date. Although nearly half of all respondents (48%, see Table 9) indicated that the tools, policies, and procedures they use are kept up-to-date so they remain relevant to their work, over half of all the CBSA respondents (13 out of 22) indicated their tools, policies and procedures were not kept up-to-date. These respondents commented on the need for updated manuals (such as the CBSA Enforcement Manual, and the Tactical Guide to Canada's CAHWC Program), foreign contact lists, and country profiles. The CBSA reports that specific chapters of training material are updated on an as-needed basis when there is a change in policy. More comprehensive reviews of these resources occur less frequently. The Enforcement Manual was

last updated in 2005, although during the evaluation it was in the process of being updated, and the Tactical Guide is from 2009. Key informants noted that the operational bulletins are intended to supplement the manuals until they are updated, but some thought that a ten-year period between reviews was excessive.

Table 9: Tools, policies, and procedures kept up-to-date (n=62)

<i>Q21. Are the tools, policies, and procedures that you use kept up-to-date so that they remain relevant to your work?</i>		
Response	Number	Percentage
Yes	30	48%
No	17	27%
Not applicable to my work	6	10%
Don't know	9	15%

Source: Survey of departmental staff

Base: Respondents who have used at least one tool, policy, or procedure

Based on interviews, Justice counsel, particularly less experienced counsel, desire clearer policies on their role and more guidance on how to approach their work (e.g., they wish to know who has authority over different aspects of a file, when to contact the IAG within Justice). They also wanted more technological support, such as litigation support software applications, including an updated Ringtail.

For the RCMP, the types of support that interviewees indicated are most important to their Program-related work are the specialized policing services such as forensic anthropologists, ballistics experts, and crime scene re-creation experts. According to RCMP interviewees, the greatest impediment to continuity in police investigations is the limits on resourcing options to engage translators in support of investigations. The *Public Service Employment Act* rules on casual employment restrict hiring for more than 90 days in one calendar year. It is difficult for the investigative team to source a security-cleared interpreter/translator of a specialized language for the duration of the investigation.

The Program has undertaken knowledge management activities, but capacity to develop a coordinated approach has been an issue

Training materials, tools, policies, and procedures discussed above constitute some, but likely not all, of the information assets of the Program. Knowledge management involves capturing, organizing, and sharing this type of information. Generally speaking, knowledge management is considered important to improve the effective and efficient operation of a program, as well as to

manage risks associated with the potential loss of expertise that will occur when employees retire or leave the related position.

The Program has undertaken some activities related to knowledge management. Although Program partners continue to collect and develop information, efforts to develop a shared repository of CAHWC information have stalled or become dormant. Probably the most comprehensive attempt at developing a central repository of data, literature, documents, and other materials relevant to the Program was the CBSA Modern War Crimes System (MWCS). According to CBSA key informants, this system fell into disuse for a number of reasons, including loss of funding and personnel (it was labour-intensive to update and maintain), lack of awareness of MWCS (personnel turnover), and the rise of the Internet, which led to staff doing searches on their own for publicly available material.

Other efforts at knowledge management that were undertaken at the PCOC level include:

- The **Research Committee**: This committee was intended to build a bridge between Justice and the CBSA. However, it last met in March 2011. While an annual event on sharing research was planned, it does not appear to have occurred.
- The **Virtual Library Project**: This project was announced in 2008 as a means of improving the coordination of the Program's research capacity. Key informants stated that such a tool would be particularly useful because it would allow agencies to share their paper-based archives and list their research products produced over the past decade. The idea was revived in 2013 under the auspices of the Enhanced Cooperation Subcommittee of PCOC. However, based on Program documentation, plans have not progressed beyond the discussion stage.
- The **Standardized Training Committee**: This committee's mandate was to come up with products that can be used by all Program partners for training purposes. To date, the Committee has not produced any products or curricula due to lack of funding to support this work. As of 2013, the work of this committee was put on hold.
- **PCOC** had committed to maintain a calendar of training and outreach activities, which could be used to document and link to training materials. However, it does not appear that this calendar was developed.
- The **War Crimes Program Website**: The website was completed in 2010, but no major refresh of its content has occurred in the last five years. The website is both a knowledge management and an outreach tool. As will be discussed under Outreach, external stakeholders have noticed the staleness of the website.

In general, the level of coordination of knowledge management anticipated in the Program's logic model (see Appendix A) is not evident from Program activities, which has also meant that some recommendations from the 2008 evaluation remain unaddressed. For example, a coordinated training plan was recommended in the 2008 evaluation and is indicated as a Program output under Knowledge Management; however, the Standardized Training Committee, which appeared to be tasked with developing that plan, has been placed on hold. According to its logic model, the Program also expected to undertake "administrative measures to promote proper recording, preservation, sharing, and transfer of operational/relevant information and records" (Department of Justice Canada, CBSA, RCMP, and CIC, 2013). As noted above, the MWCS, which the 2008 evaluation recommended improving and upgrading, is dormant. In addition, the lack of a centralized research database has resulted in a lack of coordinated research efforts, with the four Program partners independently conducting open-source research, creating substantial overlap, according to a few key informants. Given that the Program emphasizes its multi-disciplinary, coordinated approach as a major benefit, the lack of a coordinated training plan and a centralized research repository appears to be a major gap in its knowledge management efforts.

Outreach activities are ongoing, but could potentially be more coordinated and targeted

The Program's outreach activities are intended to increase the knowledge and awareness of the Program by populations with a particular interest in crimes against humanity, war crimes, and genocide (e.g., NGOs that work in the area, organizations that assist diaspora communities, other countries that want to learn from the Program's experience) as well as the general public. The evaluation findings indicate that the Program partners have individually participated in outreach activities during the evaluation period. Notably, few of these activities targeted the public. Examples of the type of outreach activities are listed below:²⁰

- Justice representatives attending the EU Genocide Network, which is considered good for sharing best practices and learning from other countries
- Program partners making presentations at various conferences, schools, and universities
- the Program's public presence with website and annual reports
- meetings with other countries (e.g., the United States) to share best practices
- training for other countries (e.g., the CBSA conducted training in Islamabad, Pakistan)

²⁰ The evaluation could not identify all outreach activities that occurred during 2009–2010 to 2014–2015 because, while discussed at PCOC, it was unclear sometimes whether planned activities occurred.

- the CBSA workshop on war crimes intelligence (see discussion under training, above), which was attended by other countries and NGOs in addition to Program partners
- Justice working with NGOs and academic institutions to deliver courses on the *CAHWC Act*
- RCMP contribution to best practices to international police colleagues through attendance at INTERPOL and Europol symposia on CAHWC
- the CBSA's current Intelligence and Analysis Section's weekly publication related to contemporary war crimes, which is used as an outreach tool within the CBSA, IRCC, and international partners
- an outreach plan developed by the RCMP and Justice, which involved the creation of a pamphlet and work with diaspora communities from Rwanda and the Balkans
- media coverage of CAHWC prosecutions, which serves as a form of outreach

While outreach continues to occur, the evaluation found that the Program has not followed through on suggestions to address identified gaps, such as developing a combined outreach plan among partners and conducting more outreach to groups in Canada, both of which were raised in the 2008 evaluation as well as in 2010 at PCOC. Coordination of outreach may be affected by the decision to forego discussions on outreach at each PCOC meeting and instead use a calendar to record these activities; the calendar of outreach and training events, as noted above in the section on training, has not been developed. Also, in 2010, PCOC established the Education Needs and Outreach Committee, led by Justice and the RCMP, which would be responsible for promoting the Program, providing presentations, and producing products.

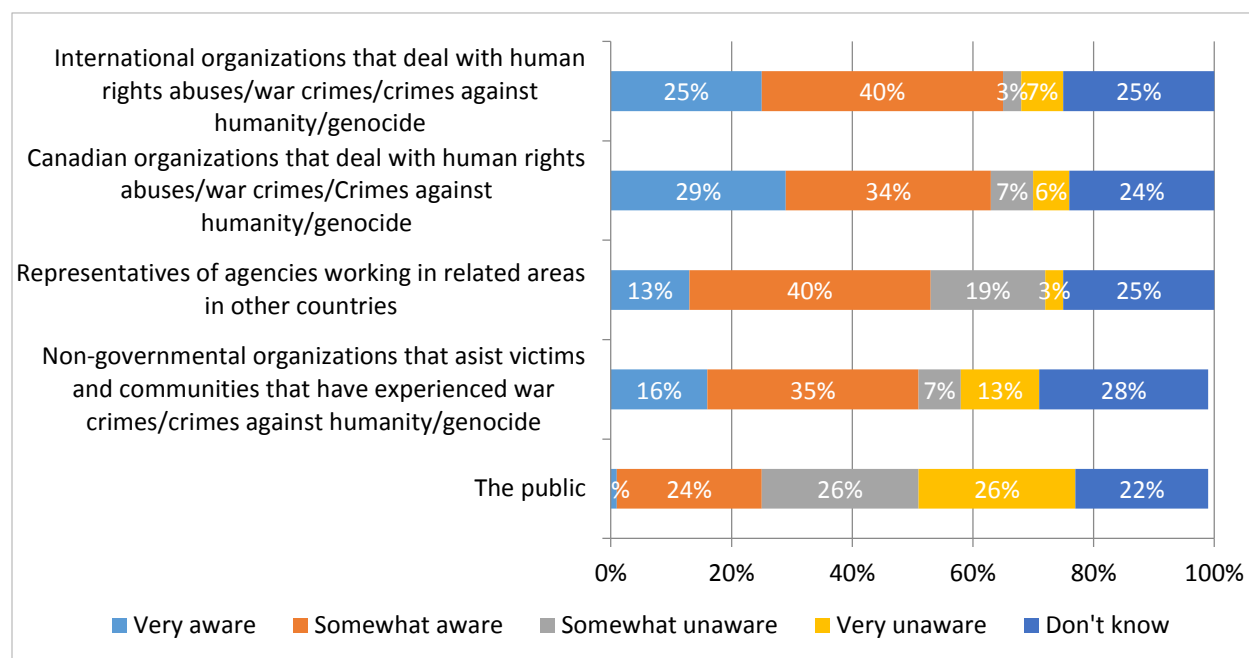
Some Program key informants still believe the Program needs to do more outreach with victim communities on a proactive and timely basis. According to Program key informants, the Program's initial efforts to do outreach with Rwandan and Balkan diaspora communities did not work well and there was a lack of response from these and other target communities. However, the Program has continued to consider options in this activity area. In particular, over the past year, the Program has been considering options, around how best to reach Syrian refugees with information about the Program.

Survey and interview findings also indicate that outreach is an area for improvement. When asked to rate the level of awareness of international and domestic stakeholders who deal with human rights abuses, war crimes, crimes against humanity, and genocide, less than one-third of survey respondents believe these groups are very aware of the Program, although most respondents

believe these groups are at least somewhat aware. One-quarter of survey respondents believe that the public is at least somewhat aware. See Figure 2.

Figure 2: Awareness of Program stakeholders (n=68)

Q12: How would you rate the awareness of the Program and its aims among the following groups...?



Source: Survey of departmental staff

In addition, most survey respondents who offered opinions do not believe that outreach efforts to raise awareness with domestic or international stakeholders are sufficient (see Table 10).

Table 10: Assessment of Program outreach (n=68)

	Agree		Somewhat agree		Somewhat disagree		Disagree		Not applicable to my work		Don't know	
	#	%	#	%	#	%	#	%	#	%	#	%
The outreach efforts to raise awareness with international stakeholders are sufficient	3	4%	7	10%	8	12%	15	22%	10	15%	25	37%
The outreach efforts to raise awareness with domestic stakeholders are sufficient	1	1%	8	12%	12	18%	19	28%	8	12%	20	29%

Source: Survey of departmental staff

Note: Row totals may not sum to 100%, due to rounding.

Key informant opinions aligned with and provided additional context for the survey findings. Program key informants reported that the Program has done some outreach work, such as working with NGOs and academic institutions to deliver courses on the *CAHWC Act*, and with diaspora communities, who can be a viable source of complaints, but they also noted more could be done. Academic and NGO key informants believed more Program outreach to domestic and international NGOs would help increase knowledge of the Program. They also suggested greater outreach with victims/survivors and victims' organizations to ensure diaspora communities are aware of the Program and how it works.

Online publications through the Program's website (annual reports, press releases) and/or publications by Program experts in crimes against humanity, war crimes, and genocide were a commonly recognized form of Program outreach. However, both Program and external key informants pointed out that the website has had few updates since 2010, and that the annual report for the Program has not been available for a number of years; as such it remains an inadequate vehicle for communicating with the external stakeholder groups and the general public.

4.2.2. Effective allegation management

According to the Program's performance measurement strategy, allegation management is "the way in which the Program partners determine the disposition of cases" (Department of Justice Canada et al., 2013). There are several possible dimensions to allegation management, including identifying and screening allegations, investigating allegations, selecting and implementing remedies, and monitoring outcomes.

The evaluation findings indicate that, in general, the Program has effectively managed allegations; however, the limited knowledge of the Program as a whole among key informants and survey respondents lessens the strength of this finding. Many interviewees from partner departments could only comment on aspects of managing allegations in which they were directly involved. Some of these interviewees, but especially NGOs and academic key informants, said their ability to assess the effectiveness of allegation management was limited given the lack of up-to-date performance reporting and outcome information for the Program.

The Program is considered effective in identifying and screening allegations

Identification and screening allegations are considered important aspects of allegation management as they can send a message to individuals who have been involved with or complicit in crimes against humanity, war crimes, or genocide and to their networks (which may include

other war criminals) that Canada will not provide a safe haven. Key informants from across the stakeholder groups (Program, international peer community, NGOs, and academics) recognized the importance of IRCC and the CBSA's admissibility screening, and some described Canada's approach to screening as very effective and advanced compared to other jurisdictions. In particular, the standard screening tools/questionnaires/protocols used by IRCC and CBSA staff for screening asylum seekers were noted as innovative and best practices that other countries should learn from and emulate.

A few key informants pointed out that conflicts that give rise to crimes against humanity, war crimes, or genocide can be localized and require very specialized knowledge of the region and the conflict in order to identify those who may have committed or been complicit in crimes against humanity, war crimes, or genocide. Program partners believe that tools are assisting with identification and screening for involvement or complicity in crimes against humanity, war crimes, and genocide, although there is interest in more training and updated tools (see Section 4.2.1). In addition to tools, collaboration among partners such as the CBSA, working with experts at Justice to ensure the CBSA's screening tool into account region specific-conflicts, helps ensure this step in allegation management is effective.

The Program is considered to conduct well-organized, detailed investigations of allegations, but resource constraints remain an issue

Few external stakeholders could comment on the effectiveness of the Program in investigating allegations, but those who did commended the RCMP for their well-organized, detailed, and well-executed investigation plan. All key informant groups noted the resource-intensive nature of CAHWC investigations. Several key informants (particularly Program partners, but also international peer organizations) raised concerns about the resource constraints of the RCMP, and how these constraints are affecting the number of active investigations that the RCMP can conduct. The RCMP position is that criminal investigations are prioritized and pursued in keeping with the Program's capacity to pursue criminal investigations and prosecutions. The 2008 evaluation recommended funding to increase the investigative capacity of the RCMP. The resource demands on the RCMP are well beyond the CAHWC funding received; it was noted that expenditures exceeded the available Program allocation by between 50% and 150% (fiscal years 2010-11 to 2012-13). Justice has recently worked with the RCMP to reduce the criminal inventory by shifting files to IRCC and Justice to pursue immigration remedies, which is hoped to reduce the investigative burden on the RCMP.

RCMP and Justice work closely on investigations and recognize the need to have effective coordination

Both RCMP and Justice key informants spoke of the closeness of their working relationship on these investigations, as they can persist for years. They also acknowledged that the working relationship between the departments remains a work in progress. Several issues were mentioned:

- Coordination between Justice and the RCMP regarding the active criminal inventory could be improved. There have been situations in which priorities regarding which files should be active are not aligned, and files are pursued that the other partner has not prioritized and/or has closed. Key informants suggested that the RCMP and Justice need to communicate better on what files are priorities.
- RCMP key informants believe that investigations for the CAHWC Program could be improved and made more efficient by earlier and/or more direct involvement of the PPSC. Currently, the Justice CAHWC Section works directly with the RCMP on the investigations. Justice key informants noted that the cost of earlier involvement of the PPSC was a factor in the timing and type of involvement PPSC has on files that are being investigated.
- Both Justice and RCMP interviewees believe that Justice's CAHWC Section would benefit from having more counsel with more experience in criminal litigation.
- The role of counsel in investigations was raised as an area that has, at least in the past, created tension. The level of Justice counsel involvement in investigations appears to vary by counsel and file, and may not always recognize that the RCMP is both the lead and the client on the file. As a result, a few key informants noted that Justice's work products may not be seen as adding value to the investigation. Counsel desired greater clarity with respect to their role so that they would not be duplicating work or overstepping their authority in making information requests related to criminal investigations.

The File Review Subcommittee and criteria used to select remedies and prioritize files are considered effective

The selection and implementation of remedies was identified as an area where the Program had demonstrated improvement during the time period covered by the 2008 evaluation. Based on Program documents, to use limited resources most effectively and handle the volume of potential matters, the Program established a priority for using remedies. The highest priority is given to prevention remedies, which are to deny overseas visa applicants for whom there are reasonable grounds to believe they committed or were complicit in crimes against humanity, war crimes, or

genocide. Second priority is given to the immigration remedies (i.e., refugee exclusion, admissibility hearings, and deportation proceedings). Citizenship revocation and criminal prosecutions, which rely heavily on thorough investigations for the evidence to support them, are considered critically important remedies, but are used selectively given the resources these remedies require. Criteria for determining which files are selected for the criminal inventory are adjusted depending on emerging pressures facing the Program, but they include factors such as seriousness of allegations, the presence of victims in Canada, and the returnability to the countries of origin.²¹ Program key informants commented that the file review process has continued to improve, and they generally believe that the Program is making the best decisions regarding how to direct its resources.

The focus on prevention and immigration remedies received criticism from some stakeholder groups

All key informants emphasized Canada's continued commitment to addressing allegations of crimes against humanity, war crimes, and genocide through the Program. While acknowledging the cost of conducting criminal investigations leading to prosecutions for these crimes, some external (international peer community, NGOs, and academics) and Program key informants expressed a desire for the Program to attempt more prosecutions. These key informants criticized the emphasis on immigration remedies, as they view these remedies to be less effective in holding individuals who have committed or are complicit in crimes against humanity, war crimes, or genocide accountable.

Key Program strengths in allegation management are the multi-departmental approach and the expertise of staff

Many key informants across the stakeholder groups mentioned the Program's multi-departmental approach, which brings together expertise and information across multiple disciplines as contributing to effective allegation management. Bringing individuals together from the partner departments and agencies was considered important to properly assess which remedy is appropriate. In addition, many key informants referred to the quality and expertise of Program staff, describing these individuals as world-class, knowledgeable, motivated, and very committed to their work. A few key informants highlighted the importance of having long-term or specialized

²¹ Before removing individuals from Canada based on reasonable grounds to believe they have committed or been complicit in crimes against humanity, war crimes, or genocide, a pre-removal risk assessment to determine whether it is safe to remove a person to their country of origin may be conducted (see Section 2.4).

staff working for the CAHWC Program, since these roles lead to cumulative knowledge and expertise.

Sharing information among partners is an important element of successful allegation management

As shown in the process flows for the remedies (see Appendix D), each remedy can involve multiple Program partners²² and different remedies may be used sequentially in some situations. As a result, the working relationship among the partners is a key element affecting effective allegation management. Key informants from partner departments and agencies generally praised the working relationship among Program partners, often commenting positively on the regularity of communications and meetings among partners.

Many of these key informants also referred to challenges related to sharing information within a multi-departmental/multi-jurisdictional environment. They explained that each Program partner stores their case information in separate databases, which, for structural and legal reasons, are not directly accessible to other Program partners. To work around this challenge, Program partners have developed different strategies to indirectly share case information, with mixed success.

For example, Justice and IRCC have developed a mechanism to facilitate locating and retrieving relevant case information, when appropriate, through a part-time IRCC liaison that is stationed in the CAHWC Section of Justice (although is still an employee of IRCC). Key informants from Justice explained that the liaison makes retrieving immigration files and information from IRCC faster and easier. These key informants believe this role has been tremendously helpful and has improved the relationship between IRCC and Justice. They desire to maintain this arrangement.

Another example of indirect sharing are the file transfer protocols developed between the RCMP and Justice and between Justice and the CBSA to indirectly transfer investigations from the RCMP to the CBSA through Justice. This happens in cases where there was insufficient information to further pursue criminal investigations, but still potential for the CBSA to pursue regulatory enforcement. The protocol involves the RCMP transferring case information to Justice, who then vets the information and provides the CBSA with information deemed releasable under privacy legislation. However, the CBSA key informants reported that the information provided is frequently missing important background information, which could assist the CBSA in making presentations to the IRB. As a result, the CBSA regional staff must conduct their own investigation

²² The one exception is the denial of visas to persons outside of Canada, where the IRCC visa officer may make a decision on a visa application without referring the application to the CBSA for research assistance and advice.

which, according to the CBSA key informants, is duplicative and lacks the scope and detail that would come out of RCMP or Justice investigations.

RCMP key informants were frustrated by the amount of time it takes to transfer information domestically and internationally, and were concerned about the potential for Program and international partners to be duplicating efforts. These key informants suggested integrating domestic resources through a joint task force or by co-locating Program partners.

Case studies were a useful source for more specific operational information on how the partners work together. In case studies, some issues arose in terms of getting information from other partners in a timely manner (e.g., requests from RCMP to the CBSA or IRCC for information to support investigations).

Monitoring outcomes is identified as an area for improvement

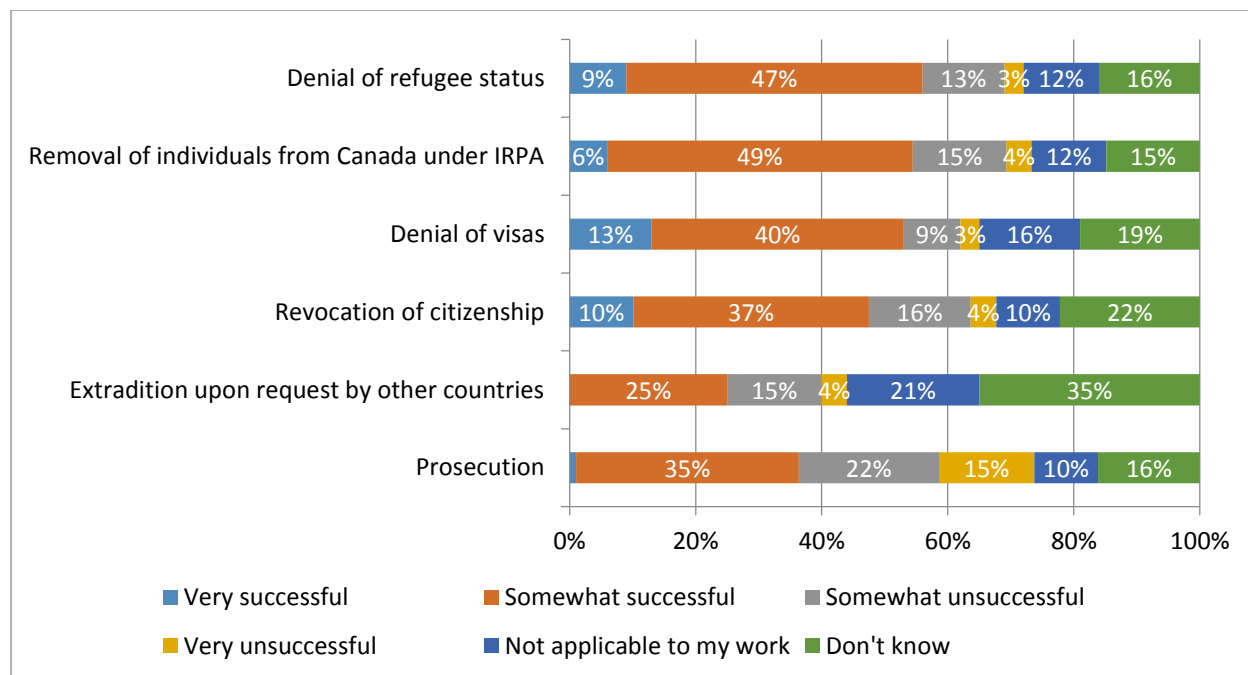
Program key informants believe more regular performance reporting would create more accountability within the Program. Other key informants (NGOs, academics) also mentioned the lack of regular performance reports available online. A few key informants from partner departments/agencies also want the Program to conduct more monitoring of outcomes. There is the desire for internal reporting that tracks decisions in files and provides a feedback loop so that, for example, the final decision on screening for files on which it was consulted is relayed to the CBSA.

Overall assessment in allegation management

Survey findings indicate that the Program is successful in implementing most remedies. Those respondents who could provide an opinion believed that most remedies have been successfully implemented by the Program. The prosecution remedy was the one exception. Based on key informant findings discussed above, this assessment of the lack of success in implementing prosecutions is likely due to the small number of prosecutions and the resource constraints that limit the ability to pursue this remedy.

Figure 3: Success in implementing remedies (n=68)

Q15: To what extent has the Program been successful in the following activities as related to persons believed to have committed or been complicit in war crimes, crimes against humanity, or genocide...?



Source: Survey of departmental staff

4.2.3. Deterring and preventing persons believed to have committed or been complicit in crimes against humanity, war crimes, or genocide from entering Canada

While there is no definitive evidence on whether the Program has deterred persons who have committed or been complicit in crimes against humanity, war crimes, or genocide from entering Canada, Canada has denied about 2,800 visas due to reasonable grounds for commission or complicity in crimes against humanity, war crimes, or genocide since 2003–04. As discussed in Section 4.2.2., key informants and survey respondents consider IRCC and the CBSA screening processes to be effective in denying visas to persons believed to have committed or been complicit in crimes against humanity, war crimes, or genocide to prevent them from coming to Canada. Some key informants pointed out that the denial of visas sends a message to individuals who have been involved with or complicit in crimes against humanity, war crimes, or genocide and their networks (which may include other war criminals) that Canada will not provide a safe haven. Similarly, while key informants could not comment specifically on the deterring effect of Canada's CAHWC prosecutions, many academic, NGO, and international key informants generally believe that prosecutions deter perpetrators from traveling to jurisdictions that will prosecute these crimes.

The Program performance data show that the number of visas assessed overseas and denied because of reasonable grounds to believe the applicant committed or was complicit in crimes against humanity, war crimes, or genocide has varied somewhat over the last decade, as might be expected based on variations in immigration patterns, but has averaged about 2,700 visa applications per fiscal year. As shown in Table 11, in the time period covered by this evaluation for which data are available (FY 2009–10 to 2013–14), the number of applications assessed overseas for crimes against humanity, war crimes, or genocide has fluctuated per fiscal year. The number of visa applications denied for commission or complicity in crimes against humanity, war crimes, or genocide has declined substantially in the last three fiscal years for which data are available. In the previous five-year period (FY 2004–05 to 2008–09) a total of 1,867 visas were denied, compared to 701 visas in the most recent five-year period for which there is data. This decline is not reflected in the volume of visas assessed and, therefore, could be based on policy and operational factors and which populations apply for visas in a given year. The evaluation cannot speculate on the factors that might explain the decline in visa refusals based on commission or complicity in crimes against humanity, war crimes, or genocide.

Table 11: Visa processing in overseas immigration offices: number of applications assessed for commission or complicity in CAHWC

	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15**	Total
Temporary resident visa	1,969	2,480	2,879	1,883	2,053	2,953	2,864	2,418	3,791	2,675	2,397	n/a	28,362
Permanent resident visa	331	171	145	146	191	197	371	216	39	103	184	n/a	2,094
TOTAL	2,300	2,651	3,024	2,029	2,244	3,150	3,235	2,634	3,830	2,778	2,581	n/a	30,456
Total denied*	242	385	367	361	326	428	269	215	45	97	75	n/a	2,810
% denied	11%	15%	12%	18%	15%	14%	8%	8%	1%	3%	3%	n/a	9%

Source: Program data.

* According to the Program performance reports, this number includes visa applications denied because of reasonable grounds to believe the applicant committed or was complicit in crimes against humanity, war crimes, or genocide; applicants who withdrew their visa applications when asked for more information during screening; and applications denied for other reasons, even though there were reasonable grounds to believe the applicant committed or was complicit in crimes against humanity, war crimes, or genocide.

** n/a – data not available

A few key informants noted that there is not a feedback loop for the Program to understand how individuals screened for crimes against humanity, war crimes, or genocide and who are declared eligible to enter Canada are later found in the inventory for immigration, criminal investigation/revocation, or investigation/prosecution remedies. This information would indicate

how successful the Program is in preventing persons who have committed or are complicit in crimes against humanity, war crimes, or genocide from entering Canada.

4.2.4. Removing persons believed to have committed or been complicit in crimes against humanity, war crimes, or genocide

Once individuals suspected of crimes against humanity, war crimes, or genocide have entered Canada or are seeking refugee status from within Canada or at a port of entry, the Program has various remedies that, if successful, may ultimately result in their removal.

Assessing Program performance with the available data, as demonstrated in the sections that follow, is difficult. The performance data are based on annual totals for each remedy in isolation from each other, which limits the ability to assess success by knowing, for example, what proportion of individuals excluded from refugee protection is eventually removed from Canada. In addition, unless the person formally complies with the removal order, the Program does not know whether the individual has left Canada. In some cases, individuals with removal orders may leave the country without notifying officials.

With these limitations in mind, the Program performance data show a pattern of use of the remedies that align with the emphasis on immigration remedies over those of citizenship revocation and prosecution.

Exclusion from refugee status

As described in Section 2.4., the CBSA can intervene in refugee claims before the IRB that raise concerns about the claimant's possible involvement in crimes against humanity, war crimes, or genocide. If the IRB finds a person excluded from refugee protection, the CBSA may initiate admissibility proceedings for a finding of inadmissibility under s. 35 of IRPA or directly initiate removal proceedings where a removal order exists and is in force.

Based on performance data, both the number of refugee claims investigated for commission or complicity in crimes against humanity, war crimes, or genocide and the number of interventions filed by the CBSA have varied year to year, which may be due to a variety of factors, including variations in volume of refugee claims and countries of origin of individuals claiming refugee status.

Using the previous six-year period (2003–04 to 2008–09) as a baseline and comparing it to the six-year period covered by the current evaluation (2009–10 to 2014–15) shows that the number of exclusions and denials as a proportion of total interventions has increased from 55% to 63%. This result must not be interpreted as the percentage of successful interventions. For each six-year period, some refugee claims in which the CBSA had intervened would be ongoing and some decisions made by the IRB would be based on interventions initially filed before the six-year period. That said, the number of war crimes-related exclusions and denials of refugee protection as a proportion of total interventions in which the CBSA has challenged refugee status on the basis of crimes against humanity, war crimes, or genocide is an indication of success (as seen in Table 12).

The data also appear to reflect the impact of the decision of the Supreme Court of Canada in *Ezokola v. Canada* (Citizenship and Immigration), [2013] 2 SCR 678, which changed the test for assessing whether a claimant should be denied refugee status because of involvement in crimes against humanity, war crimes, or genocide. The Supreme Court of Canada rejected the idea that exclusion under Article 1F(a) of the *Convention relating to the Status of Refugees* (Refugee Convention) can be made based on “mere association”, and instead required evidence that an individual has made “a voluntary, knowing and significant contribution to the crime or the criminal purpose of a group.”

Table 12: Exclusion from refugee status

	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15
Refugee claims investigated by the CBSA for commission or complicity in crimes against humanity, war crimes, or genocide	883	2,024	1,373	1,395	612	549	794	680	602	503	365	445
Number of Interventions for exclusion filed by the CBSA for commission or complicity in crimes against humanity, war crimes or genocide	387	155	237	82	80	112	87	88	103	59	77	41
Cases excluded from refugee protection (reasonable grounds)	63	79	40	31	26	18	25	31	37	34	8	5

to believe commission or complicity in crimes against humanity, war crimes, or genocide)												
Cases denied protection for reasons other than crimes against humanity, war crimes, or genocide where an intervention for exclusion was filed	107	75	53	36	34	19	24	27	15	31	38	10

Source: Program data.

Admissibility hearings

Admissibility hearings before the IRB occur when foreign nationals or permanent residents who are already in Canada have become subject to allegations of crimes against humanity, war crimes, or genocide. If the person is a refugee claimant, the refugee claim is suspended pending the outcome of the admissibility hearing. A member at the IRB hears the case and decides whether the person should be allowed to remain in Canada. The volume of admissibility hearings is small and has declined over the last six years (2009–10 to 2014–15). The number of cases under investigation at the end of each fiscal year has also declined for refugee claimants in the last six years compared to that of the previous six years. The evaluation cannot speculate as to the reasons for the decline. See Table 13 and Table 14.

Table 13: Admissibility hearings for non-refugee claimants

	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15
Hearings opened	8	27	12	11	2	15	11	8	2	5	4	2
Claimant found inadmissible and ordered for deportation (reasonable grounds to believe commission or complicity in crimes against humanity, war crimes, or genocide)	n/a	0	1	3	1	4	3	2	0	4	0	2
Claimant found not inadmissible following hearing regarding crimes	n/a	1	1	0	0	1	2	3	1	1	4	3

against humanity, war crimes, or genocide												
Cases still under investigation at end of FY	115	65	27	23	31	16	30	28	33	37	54	41

n/a — data not available

Source: Program data.

Table 14: Admissibility hearings for refugee claimants

	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15
Hearings opened	8	11	22	12	16	19	19	18	9	7	6	6
Claimant found inadmissible and ordered for deportation (reasonable grounds to believe commission or complicity in crimes against humanity, war crimes, or genocide)	n/a	3	4	4	4	19	6	5	5	8	7	3
Claimant found admissible following hearing regarding crimes against humanity, war crimes, or genocide	n/a	2	2	2	1	2	13	7	5	2	1	2
Cases still under investigation at end of FY	883	663	346	691	701	161	118	132	232	105	80	35

n/a — data not available

Source: Program data.

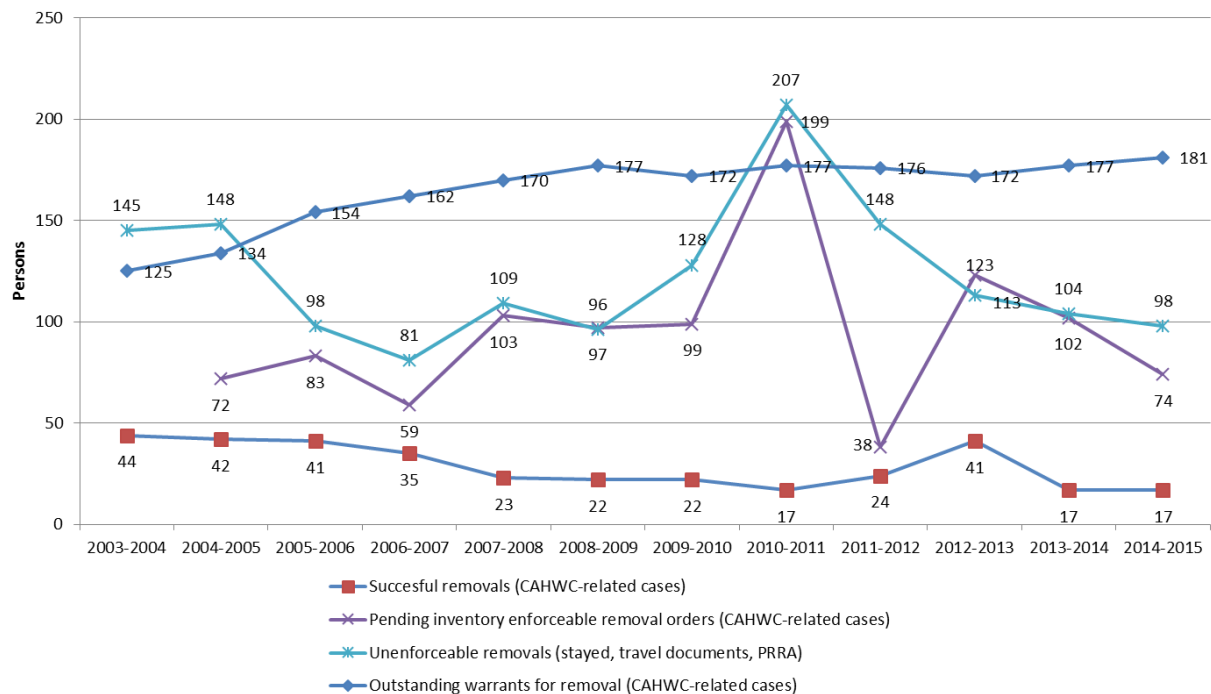
Removals

Persons who are excluded from refugee protection or have otherwise been found to be inadmissible are subject to the removal process, which can lead to removal from Canada. Removing individuals from Canada is a complex process. The performance data reflect this complexity, as over the last 12 years, there remains a sizeable pending inventory of enforceable removal orders.

With the exception of 2011-13, the performance data show a general decline in removals since 2006-07. From 2003-09, there were 207 removals and from 2010-15, there were 138 removals on the ground of involvement or complicity in crimes against humanity, war crimes, or genocide. In addition, at the end of 2014-15, there were 181 outstanding warrants for removal of these

individuals. Immigration warrants are issued when an individual does not report for removal or for other immigration proceedings, such as admissibility hearings. The difficulty with assessing Program performance on the basis of outstanding immigration warrants is that individuals may leave Canada without notifying the CBSA, and since Canada has no exit controls, the Program does not know how many of the individuals with outstanding warrants may have already left.

Figure 4: Removals inventory



Revocation of citizenship

This remedy operates through the *Citizenship Act*, which enables the government to revoke the citizenship of persons who obtained their citizenship through misrepresentation, fraud, and knowingly concealing material circumstances. This remedy is used as part of the CAHWC Program when an individual fails to disclose information related to commission or complicity in crimes against humanity, war crimes, or genocide. Once citizenship is revoked and all appeals are exhausted, a person reverts to their former status as a permanent resident or foreign national and may be subject to an admissibility hearing and removal.

The process for citizenship revocation has changed with the amendments to the *Citizenship Act*, which took effect in May 2015. The GIC is no longer involved under the new process, which is expected to shorten it. Under the previous model, there were many steps in the process that required intensive use of resources, and this limited the number of cases that could be pursued. Given this complexity, citizenship revocations were taking approximately three to five years, according to IRCC. Any effects of the changes to the citizenship revocation process are outside the scope of this evaluation, but the work underway to support the new process is discussed in Section 4.3.4.

The Program has pursued four citizenship revocation cases for modern war crimes under the previous model. One person has had his citizenship revoked by the GIC and has left Canada. In two cases, the Federal Court found in favour of the Minister's position.²³ Additionally, there are two cases in the revocation process.

Criminal investigations and prosecutions

To date, the Program has pursued two criminal prosecutions for modern war crimes.

- One person, Désiré Munyaneza, was convicted of crimes against humanity, war crimes, and genocide for his actions during the 1994 Rwandan genocide. He has been sentenced to life imprisonment without possibility of parole for 25 years, which is the harshest sentence available under Canadian law. His appeals were exhausted at the end of 2014.
- In another case involving the Rwandan genocide, Jacques Mungwarere was found not guilty after 26 weeks of trial. In 2013, the court ruled that although Mungwarere's testimony was not credible, the Crown had not proven its case beyond a reasonable doubt.

Table 15 shows the RCMP and Justice's inventory of modern war crimes cases between 2005–06 and 2014–15.

Table 15: RCMP and Justice's inventory of modern war crimes cases

	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15
Files open at start of FY	88	57	62	55	54	58	58	65	49	28
Files added	10	8	2	5	10	4	7	18	11	n/a*
Files closed	41	3	9	6	6	4	0	34	32	n/a*

Source: Administrative data.

²³ One case commenced under the previous model was decided after the amendments to the *Citizenship Act* came into force; therefore the decision of the Federal Court had the effect of revoking citizenship.

n/a – data not available

**A file closing backlog had been addressed as well as a number of new allegations received. As of February 1, 2016, there were 66 active files, including ‘initial allegations’ (i.e., those files being assessed in order to provide a recommendation to the File Review Subcommittee), criminal (RCMP) and civil files.*

4.2.5. Canada’s leadership regarding crimes against humanity, war crimes, and genocide issues

An expected outcome for the Program is that its work will demonstrate Canada’s leadership in addressing crimes against humanity, war crimes, and genocide. The evaluation findings show that Canada is still considered one of the leading nations in the fight against impunity, but that there is a perception that it has stepped back a bit from its earlier vanguard role.

Canada has historically been a leader and continues to be influential, with well-regarded expertise

Canada was an early leader in adopting a comprehensive strategy to address crimes against humanity, war crimes, and genocide. Canada was the 14th country to sign the Rome Statute and, in June 2000, became the first country in the world to implement the Rome Statute with the passage of the *CAHWC Act* (GAC, 2015). Many key informants recognized Canada’s historic leadership role citing the *CAHWC Act* (and prosecuting cases under the Act), the early creation of dedicated war crimes units in the RCMP and Justice, and Canada’s role in the creation of the ICC.

International and external key informants reported that Canada has influenced other jurisdictions’ approaches to modern war crimes. Program key informants reported that the *CAHWC Act* has influenced the drafting of other countries’ national legislation. Interviewees from the UK and New Zealand indicated that their approach emulates aspects of the CAHWC Program. For example, the CBSA’s approach to security screening formed the foundation of how the UK’s Office of Security and Counter Terrorism’s Special Cases Unit²⁴ carries out its operations. The 2008 evaluation noted that the Canadian model also influenced approaches taken in Denmark and Australia (Department of Justice Canada, 2008, p. 39).

Furthermore, the body of Canadian jurisprudence related to crimes against humanity, war crimes, and genocide has become an important source of guidance for other countries. For example, New Zealand’s former Refugee Status Appeals Authority (now the Immigration and Protection

²⁴ The SCU is responsible for carrying out research and analysis of immigration and citizenship cases involving applicants who may have been involved in international crimes, including CAHWC.

Tribunal, or IPT) has relied upon Canadian jurisprudence in its decisions (Rikhof, 2009, p. 479). Country study interviews confirmed that Canadian court decisions serve as an important source of information.

Key informants (NGO, academic, international peer community) credited much of Canada's leadership role to the CAHWC experts within Canada's Program. In particular, personnel within Justice's CAHWC Section were recognized by international, academic, and NGO key informants as international experts in prosecuting these crimes domestically. These key informants also expressed appreciation for the CAHWC Section's openness to information sharing and provision of training and guidance to other countries. International key informants also praised the professionalism and care Canadian prosecutors and RCMP investigators have taken when working with witnesses to ensure they would not be re-traumatized and would be comfortable enough to provide testimony. International key informants characterized RCMP investigations as well organized, with detailed investigation plans, and commented positively on the collaboration between the RCMP and Justice counsel.

For a few international key informants, although Canada is not considered a leader, it is still regarded as an experienced country in the fight against impunity.

Canada's leadership perceived to be waning or at risk of waning

For some key informants, Canada's leadership on issues related to crimes against humanity, war crimes, and genocide is perceived to have waned or is at risk of waning. Specifically, some of these key informants focused on federal government international activities that did not seem to align with Canada's historic image as a leader on these issues. Examples provided by key informants include Canada staying out of initiatives in 2013 and 2014 to encourage the UN Security Council to refer Syria to the ICC, Canada's position on Palestine becoming a member of the ICC,²⁵ and Canada's refusal to endorse budget increases for ICC programs, despite the ICC's growing case load. A few key informants pointed out that Canada used to lead in its strong support of the ICC, which influenced the responses of other countries. While Canada has continued to meet its ICC funding obligations,²⁶ it has advocated for zero nominal growth in the ICC's budget,

²⁵ Canada does not recognize Palestine as a State Party to the Rome Statute (GoC, 2015, p. 3), because the Government of Canada does not recognize Palestine as a state (GoC, 2014).

²⁶ Canada (through Global Affairs Canada, formerly DFAIT) has continued to provide its annually assessed contributions to the ICC. Since 2002–2004, Canada has provided the ICC with nearly \$90-million in contributions.

recommending budgetary efficiencies and more disciplined use of Court resources (GoC, 2013, 2014, 2015).

Notably, although Canada played a key role in establishing the ICC and was among the first countries to ratify and implement the Rome Statute, the Government of Canada has not yet ratified the Rome Statute's 2010 amendments on crimes of aggression and additional prohibitions on chemical and other weapons (GoC, 2015). That being said, the vast majority of states that ratified the original Rome Statute have not yet ratified the 2010 amendments (UNTC, 2016).

A few key informants also believe the Program has become a lower priority for the federal government, whose political commitments (along with resources) have shifted toward anti-terrorism or organized crime initiatives. However, Canada is not alone in these shifting priorities; a few international key informants, as well as information from the UK and France country studies, also indicated that funding for their CAHWC initiatives competes with national priorities, such as funding for anti-terrorism activities, which have become high profile domestic crime and public safety priorities in these jurisdictions.

Some internal and external key informants also referred to Canada's record on prosecutions as an indicator of leadership. While many key informants (internal and external) recognize the substantial cost of prosecuting crimes against humanity, war crimes, and genocide and the high standard of proof required for such prosecutions, and generally commend Canada for undertaking any prosecutions, they believe the results are not meeting earlier Program expectations. Recent performance indicates the Program conducts one or two prosecutions every five years.

Some external key informants compared Canada's performance to European jurisdictions, such as Belgium, which has had 10 prosecutions since 2002, and has another 103 cases under investigation or on trial (Eurojust, 2014, p. 31). International key informants also commented on Sweden's recent successes. Sweden established its war crimes unit in 2008 and implemented its Rome Statute legislation in 2014, but has managed to complete five prosecutions and have another 26 cases under investigation or on trial (Eurojust, 2014, p. 31). International key informants attributed Sweden's success to adequate resourcing, while many internal and external key informants attributed Canada's lack of prosecutions to a shortage of Program funding, indicating the Program is doing what it can within the budget it is provided.

4.2.6. Extent Program assists Canada in meeting its international obligations

The Program is helping Canada meet its international obligations through its management of allegations

Most key informants (internal and external) believe that Canada is meeting its international obligations. Allegations of crimes against humanity, war crimes, or genocide are taken seriously. Program data demonstrate that Canada has used the available remedies to respond to allegations of these serious international crimes (see Sections 4.2.3. and 4.2.4.).

The Program assists Canada in meeting obligations for international cooperation and information sharing

Many domestic and international key informants generally believe Canada is meeting its international obligations regarding crimes against humanity, war crimes, and genocide. Some of these key informants focused specifically on how Canada is meeting its international obligations to share information about international crimes through INTERPOL and the EU Genocide Network and provide mutual legal assistance to international partners. Internal documents show Canada has expanded its information sharing network through a number of MOUs, including the Five Country Conference²⁷ (FCC) with Australia, Canada, the UK, the United States of America and most recently New Zealand. The FCC allows for cooperation and exchange of information in investigations relating to crimes that fall under Article 1F(a) of the Refugee Convention (Bolhuis & Wijk, 2015, p. 43). International MOUs on mutual non-coercive assistance in matters related to CAHWC and genocide have also been established with the Republic of Croatia (2006), the Republic of Honduras (2007), and the Republic of Serbia (2009).

Survey findings are in accord with key informant opinions. Most of the survey respondents believe that the Program has made a minor or substantial contribution through sharing information/intelligence with international partners about the allegations against specific individuals and through sharing information/intelligence with international partners about the context and history of crimes against humanity, war crimes, and genocide. The results do indicate a potential area for improvement, as almost half of respondents considered the Program's contribution to be minor. Suggestions made by Program and external key informants in improving information sharing internally are discussed in Section 4.3.5.

²⁷ The FCC is a consortium of government immigration agencies aimed at enhancing the integrity, security, and efficiency of immigration and border services.

Table 16: Program's contribution to sharing information/intelligence with international partners (n=68)

<i>Q9. How would you describe the Program's contribution related to war crimes/crimes against humanity/genocide in the following area...</i>								
	Substantial contribution		Minor contribution		No contribution		Negative contribution	
	#	%	#	%	#	%	#	%
Sharing information/intelligence with international partners on the allegations against specific individuals	21	31%	33	49%	13	19%	1	1%
Sharing information/intelligence with international partners on the context and history	20	29%	32	47%	15	22%	1	1%

Source: Survey of departmental staff

Note: Row totals may not sum to 100% due to rounding.

In addition to these generally positive findings about the Program's international cooperation, the evaluation found some evidence of Canada's assistance to the ICC, beyond providing monetary contributions, in meeting the Rome Statute's specific obligations to cooperate with and provide assistance to the ICC in its investigation and prosecution of crimes within the jurisdiction of the international court (ICC, 2011 Articles 86, 87, 93).

Program funding is a constraint on the ability to more fully fulfill the complementarity principle

The Rome Statute's complementarity principle establishes that state parties (such as Canada) have the primary responsibility for investigating and prosecuting persons who have committed or are complicit in crimes against humanity, war crimes, or genocide. As discussed earlier, Canada demonstrated its commitment to this obligation by enacting legislation to implement the Rome Statute in 2001, and has acted upon this obligation by conducting two prosecutions for modern war crimes.

As noted above, many key informants recognized the substantial cost of prosecuting crimes against humanity, war crimes, or genocide, and attribute Canada's lack of prosecutions to inadequate funding. Several interviewees, representing all key informant groups, were more critical of Canada's record on prosecution, believing Canada is doing the minimum to meet its obligations to prosecute crimes against humanity, war crimes, or genocide domestically. These key informants questioned Canada's preference for immigration remedies, arguing this approach displaces international criminals, but does not hold them accountable. Arguably, while this remedy is

Canada's most cost-effective means of achieving the Program's no safe haven outcome, this approach does not contribute to fulfilling the Rome Statute's principle of complementarity.

4.3. Performance – Efficiency and Economy

The Treasury Board Secretariat's 2009 *Directive on the Evaluation Function* describes the analysis of efficiency and economy as an "assessment of resource utilization in relation to the production of outputs and progress toward expected outcomes." The evaluation of the CAHWC Program assessed efficiency and economy in two ways:

- First, the evaluation assessed the economy of the Program by considering whether Program resources were expended as planned by comparing planned-to-actual resource use/spending for the Program with an explanation of any variance.
- Second, the evaluation assessed the allocative efficiency of the Program by considering whether the resources used to achieve outcomes were reasonable.

4.3.1. Economy

As noted in Section 2.7, the CAHWC Program has operated with the same budget of \$15.6 million per fiscal year since its inception in 1998. The evaluation cannot fully determine whether the resources were expended as planned given that two of the four partner departments do not currently track their CAHWC Program expenditures. As IRCC and the CBSA funding is A-base funding, it has been co-mingled with other funding used to support immigration activities, whether or not related to the Program. Given the nature of their work, the regular course of duties of most incumbents' positions will include work on crimes against humanity, war crimes or genocide as well as other files, and the time spent on each type of file is not currently tracked. The CBSA reported having spent all of its funding (\$7.2 million annually) but noted that there is no longer a designated CAHWC Unit at the CBSA. Admissibility under IRPA, which includes crimes against humanity, war crimes and genocide, is a programmatic function across the Operations Branch. Therefore, the CBSA estimates it spends considerably more through its base funding.

Based on available financial information and key informant opinions, the evaluation has found that the Program is showing signs of financial strain. A major theme in the interviews of departmental staff was also that investigations are under-resourced. RCMP key informants reported that a lack of funding for war crimes investigations means these investigations use resources allocated to other

mandates, which the available financial data supports as expenditures exceeded the available CAHWC Program budget by between 50% and 150% (FY 2010–11 to 2012–13). While the RCMP tracks the funding it receives for the CAHWC Program, not all expenditures are separately tracked. For example, investigators draw upon other specialized services within the RCMP — such as forensic anthropologists, polygraph experts, ballistics experts, and geospatial services — for support. The costs for these services are not charged to the SII Unit.

4.3.2. Allocative efficiency

The Program’s primary method for addressing allocative efficiency is focusing its resources on the less costly methods of ensuring that Canada does not become a safe haven for those suspected of involvement in modern war crimes. As noted earlier in Section 4.2.2, the Program has prioritized prevention (overseas processing of visas) and immigration remedies (refugee exclusion, inadmissibility hearings and deportation). Lower priority is citizenship revocation followed by prosecutions. Table 17 presents estimated costs for each remedy based on simple and complex scenarios. The costs map directly onto the priorities established for the use of the remedies with the highest priority (denial of visa) having the lowest cost, and the lowest priority (prosecutions) having the highest cost. The use of the remedies also reflects the priorities established with denial of visas being most used, followed by exclusion for refugee claim determination process, admissibility hearing and removal under IRPA, revocation of citizenship, and prosecution.

Table 17: Costs and use of remedies

Remedy	Estimated cost per case****		Use of remedy on CAHWC-related grounds (2009–10 to 2014–15)
	Simple***	Complex	
Denial of visa/entry to persons outside Canada			15,058 applications assessed** 701 visas denied
• Without the CBSA involvement	\$34	\$175	
• With the CBSA involvement	\$1,405	\$6,280	
Admissibility/eligibility/exclusion for refugee claim determination process (assumes intervention, PRRA)	\$25,903	\$55,162	3,389 refugee claims investigated 455 interventions for exclusion filed by the CBSA 285 individuals excluded/denied refugee protection ²⁸

²⁸ Of the 285 individuals, 140 were excluded from refugee protection due to reasonable grounds to believe they had committed or been complicit in crimes against humanity, war crimes, or genocide and 145 were denied refugee

Remedy	Estimated cost per case****		Use of remedy on CAHWC-related grounds (2009–10 to 2014–15)
	Simple***	Complex	
Investigation/admissibility hearing and removal under IRPA			97 hearings opened 45 claimants found to be inadmissible
• Non-refugee (assumes PRRA)	\$39,387	\$116,784	
• Refugee (assumes PRRA)	\$42,235	\$122,908	
Investigation/Revocation	\$921,653	\$1,582,109*	Four cases pursued ²⁹
Investigation/Prosecution	\$5,746,411	\$6,172,671*	Two cases pursued ³⁰
Extradition upon request	\$342,040	\$417,040	None

Source: Program data

* Given the low number of investigations leading to citizenship revocation or prosecution, the estimates are based on limited information about actual costs, and so may not be fully representative of future cases.

** Data on use of denial of visa/entry to persons outside of Canada are based on 2009–10 to 2013–14 data. Statistics for 2014–15 were not available.

***The simplicity / complexity of a case is characterized by the process flow, for example a more complex case could involve an appeal of a court decision.

****These are estimates only for salary dollars and O&M (operation and maintenance) costs gathered for the purposes of the evaluation. O&M costs are a standard estimate and are proportionate to salary. These figures may not include additional costs related to a remedy. For example, the estimates noted for removal process do not include transportation costs (airline ticket, cost to obtain visas and travel documents) associated to removing an individual.

The cost comparisons for the remedies and the performance data indicate that the Program has been successful in its efforts to adopt a cost-effective approach. While this approach is efficient, whether the Program's priority setting of its remedies has been at the expense of the objectives of the Program in holding those who have committed or been complicit in war crimes accountable, is a question raised by some internal and external key informants (see Sections 4.2.5 and 4.2.6).

4.3.3. Challenges to Program efficiency

The evaluation found the Program is experiencing several challenges that are thought to affect its efficiency.

protection for another reason, although crimes against humanity, war crimes, or genocide issues were raised in the CBSA's intervention.

²⁹ One person has had his citizenship revoked by the GIC and has left Canada. In two cases, the Federal Court found in favour of the Minister's position. In two cases the Minister of IRCC will consider whether to recommend revocation to the GIC.

³⁰ One person has been imprisoned for commission of crimes against humanity, war crimes, or genocide.

Inadequate funding is affecting Program efficiency

Key informants from across the Program partners reported that while Program funding for investigations has not changed for approximately 15 years, the cost of investigations (which includes salaries, overseas travel for field investigations, and translators) has increased significantly. Program documents and several key informants raised concerns over the amalgamation of the RCMP's former War Crimes Team into a larger section of the RCMP (the SII Unit), which also handles other types of sensitive investigations. These concerns centred on two issues that were seen to affect the Program's efficiency:

- **Availability of investigators to focus on CAHWC files:** Concerns were expressed over a lack of available investigators, which some respondents saw as the reason files were in the inventory. Program documents raise concerns that it will not be possible for the RCMP to address all the files in its inventory in a timely manner. All six members of the SII Unit can be committed to war crimes investigations, but may be re-deployed or re-assigned to other priority investigations as needed. The SII Unit is able to task other investigators outside the unit to work on CAHWC investigations; however, the RCMP notes that the number of investigations it undertakes is limited by general Program capacity to pursue prosecutions.
- **Generalized roles associated with diminished expertise and efficiency:** Some key informants (internal and external) believe a more specialized approach is needed for CAHWC investigations given their complexity. Many international key informants (as well as the EU Genocide Network³¹) recognize specialized CAHWC investigators as a best practice. With this in mind, several Program key informants (not from the RCMP) are concerned there will be fewer opportunities for specialization within the reorganized RCMP Unit. While a few investigators within the Unit have considerable CAHWC experience, there are concerns that attaching less experienced investigators to these more experienced officers will decrease the efficiency of the investigations.

Many key informants from across the stakeholder groups also believe the Program's ability to undertake prosecutions has been constrained by a lack of funding. Inadequate funding is also believed to have affected the CAHWC Section's outreach, capacity building and training efforts. Key informants from Justice report that restrictions on travel funding have resulted in staff mixing their outreach activities into their operational missions. In particular, these key informants expressed frustration at the level of red tape involved in accessing funds for travel, to acquire tools

³¹ The EU Genocide Network recommends its member states establish specialized units or ensure staff have regular and adequate training to promote specialization.

(such as analytical software), or to access additional training on legal and operational aspects of the Program.

Many survey respondents also believed there are inadequate resources for training, investigations, gathering information, and outreach and communications. About half of all respondents reported there are inadequate resources for training and professional development (53%), investigations (50%), gathering and disseminating information and/or intelligence data (49%), and outreach and communications (46%).

4.3.4. Current efforts to improve Program efficiency

In response to the funding constraints and identified challenges, the Program has undertaken numerous measures to improve efficiencies across the Program and within specific Program partners.

Efficiency is a core aspect of the Program's multi-departmental coordination

Program key informants believe the coordinated, multi-departmental approach eliminates redundancies in roles, information gathering, and establishing international contacts while also allowing each partner to have their own areas of expertise in terms of processes, policies, and legislation. This expertise and the results of this expertise (e.g., evidence from investigations) can then be shared among Program partners to achieve specific remedies.

As discussed in Section 4.2.2, the Program has continued efforts to remain efficient through prioritizing cases based on complexity and cost. Specifically, prioritization begins with the least costly and least complex remedy (preventing suspects from entering Canada) and, when necessary, proceeds to the next level of cost and complexity (refugee exclusion, inadmissibility and deportation proceedings), and lastly, when appropriate, escalates to the most costly and complex remedies (revocations and criminal investigations/prosecutions).

The Program undertook further efforts to improve the efficiency of the file review process in 2013, adding more stringent criteria for files to be added to the criminal investigation inventory. This was done to keep expansion of the inventory to a minimum, given the limited Program capacity to conduct criminal investigations and prosecutions. Additionally, the CAHWC Section agreed to complete the initial contextual and legal background research on files awaiting active investigation, in an effort to reduce the research demand on investigators. In an effort to reduce

discrepancies in filing systems, the RCMP has developed a new electronic system for all its war crime investigations that is compatible with Justice's system.

In 2013, PCOC also took steps to address Program efficiency by striking an Efficiencies Subcommittee to consider how the Program could improve its operations.

Potential efficiency gains through focus on revocations

Some key informants indicate the Program has shifted its focus toward revocations instead of prosecutions. As part of this shift, files from the RCMP's criminal inventory were removed and considered for citizenship revocation. To aid in this process, Justice developed a litigation checklist to determine how to proceed with investigations and citizenship revocation litigation. Tools were also developed to ensure that priority files (which have the most resources devoted) are monitored to make sure they are proceeding as planned. Additionally, staff members from the CAHWC Section are paired with more experienced litigators from regional offices in an effort to build litigation capacity among the Section's legal counsel.

The CAHWC Section has been working toward building litigation capacity internally so that counsel in the Section can litigate or assist in the litigation of citizenship revocation cases. This is believed to be a less costly approach to revocations than involving regional litigation counsel, and will complement the potential efficiencies (and resulting increased demand) introduced through amendments to the *Citizenship Act* that removed the GIC from the revocation process. Program key informants described the previous citizenship revocation process, which involved the GIC as final decision maker, as slow and inefficient. Overall, Program key informants were hopeful that these legislative changes would lead to a more efficient and transparent process, as well as a more effective working relationship between IRCC and Justice. One key informant from Justice opined that litigation under the Program has not been this efficient in the last 20 years, and the Program could do more with additional resources.

Despite the optimism expressed over the potential efficiencies to be gained through the Program's shift to revocations, there are challenges on the horizon that could affect further implementation of this approach. In particular, while many jurisdictions have mutual legal assistance treaties with Canada, these agreements cover criminal matters and may not extend to aiding litigation related to citizenship revocation. Key informants from Justice indicate there has been mixed success gaining cooperation from foreign jurisdictions. In addition, some Program and external key informants note that while the shift toward revocations is considered to be a more effective and efficient approach, prosecutions are seen as a more principled approach.

Other efforts/tools that contribute to Program efficiencies

The CBSA has reinstituted monthly meetings between its regions and NHQ in an effort to strengthen the relationship between these two groups. The meetings are used to discuss policy issues and share updates from the NHQ, including information from PCOC.

Additionally, internal CBSA documents indicate the Agency and IRCC have developed a number of tools and techniques to facilitate visa processing. These resources include open-source screening aids designed to assess admissibility; information sharing systems; accessible country information; group profiles; and open and classified sources of intelligence that are produced in-house or shared from domestic and international partners. Notably, survey results show that IRCC respondents in particular favour their screening tools, with the majority rating them as somewhat or very useful.

4.3.5. Suggested approaches to improving Program efficiency

Several suggestions for improving efficiency came from the key informant interviews and the document review. Many of these suggestions focused on operational efficiencies that could improve effectiveness. Some of these approaches could also create additional Program costs.

Reducing duplicative information collection/improving information sharing

Although internal key informants and international stakeholders frequently praised the Program's cooperative approach to sharing knowledge and experience,³² some international and Program key informants believe it would be beneficial to consider further improvements to information sharing. For example, these interviewees suggested establishing a shared repository of information to ensure the Program and international partners (such as France, the UK, and Australia, and international NGOs) are not duplicating efforts. If one partner has already produced in-depth research into a topic, then this information should be accessible to partners. In response to these challenges, Program documents show that the Program is investigating approaches to improving international cooperation through open-source information sharing among national immigration war crimes units.

Other suggested improvements to information sharing focus on investigations. RCMP key informants, in particular, suggested developing methods to enable sharing information gathered

³² Internal examples include PCOC, while external examples include Canada's participation in the Eurojust Genocide Network, INTERPOL meetings, and international mutual legal assistance agreements.

through investigations among countries that are prosecuting modern day war crimes. These key informants believe that this approach will increase efficiency by reducing duplication of effort that is created when different countries interview the same witnesses. It would also reduce the likelihood of inconsistent statements, which can occur when individuals are interviewed multiple times. RCMP key informants also suggested that the Program consider ways to collect and preserve evidence at earlier stages, such as evidence that may be gathered by NGOs working in conflict areas where crimes against humanity, war crimes, or genocide are known to be occurring, or evidence from interviews with refugees who have come to Canada from those areas. While the information may not be relevant to current CAHWC Program investigations, it could become relevant to allegations that arise later. Having the information already collected and available could greatly improve the quality of the evidence relied upon, as well as increase the efficiency of investigations.

Domestically, the Program has recognized and attempted to address shortcomings in information sharing among Program partners, but has had mixed success. While Program key informants indicate that the IRCC liaison working with Justice (through an MOU between the departments) has improved information sharing between those departments, other projects, including the Modern War Crimes database, the Virtual Library Project, and file transfer protocols developed between the RCMP and Justice and between Justice and the CBSA are not functioning as intended (see Section 4.2.2). Going forward, the Efficiencies Subcommittee is exploring a number of different approaches to improving the efficiency of information sharing among partners. These approaches are summarized below.

Table 18: Efficiencies Subcommittee approaches to improving information sharing

<ul style="list-style-type: none"> • Integrating Justice and CBSA research products into IRCC's (planned) resource and research centre for revocation cases • Collecting knowledge from outgoing overseas visa officers to share within IRCC and among other Program partners • Developing a list of research products produced in the last 10 years by each partner, which will be used to make more efficient project assignments based on resource availability and expertise (rather than location of researcher) • Secondment of personnel between Program partners to improve sharing of specialized expertise among the four departments. Previously a Justice researcher was seconded to the CBSA, and there is interest in further exploring cooperation and areas of overlap 	<ul style="list-style-type: none"> • Using a common electronic drop box (such as SharePoint) to collect, maintain, and disseminate information among partners. This site would include information created by Program partners, other government departments, and also relevant and credible NGO sources • Improve coordination prior to Justice's overseas missions to allow IRCC and the CBSA to provide input on benefits they would like to derive from the mission • Use the CBSA HQ and regional meetings as a vehicle for legal advice from Justice in response to written requests for legal opinions
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Furthermore, a few Program partners suggested there could be better or more direct information sharing between the Program and the DND (particularly the DND's human rights country reporting) and greater engagement from GAC to assist in obtaining appropriate country documents to execute removal orders. The Efficiencies Subcommittee has also recognized potential efficiencies in sharing with other federal government departments and organizations and has recommended establishing mutual sharing arrangements with Privy Council Office, Canadian Security Intelligence Service, and the IRB.

Improved coordination with PPSC

Key informants from the Program and stakeholders from other federal departments provided a number of suggested efficiency improvements to how the Program coordinates its work with the PPSC. For example, for criminal prosecutions, Justice, RCMP, and PPSC should maintain a single version of the case file to ensure all parties have the same information. Maintaining mirror files creates inefficiencies for PPSC and can lead to potential disclosure issues. Key informants from the RCMP and stakeholders from other federal departments also recommended earlier involvement of PPSC in investigations to ensure their expertise in criminal prosecutions is more fully utilized from the outset. A few RCMP key informants expressed interest in working directly with the PPSC rather than working through Justice. Key informants from Justice are aware of these suggestions, but believe earlier involvement of PPSC would need to be done on a case-by-case basis because such an involvement would lead to greater Program costs for Justice. Documentation from the Efficiencies Subcommittee also suggests that for future prosecutions, it would be more resource-efficient to have counsel from the CAHWC Section as one of the three prosecutors on the PPSC team instead of playing a support role. This issue will be addressed when the Program has its next criminal investigation ready for prosecution.

4.4. Program Design

The CAHWC Program was designed to be a coordinated, multi-disciplinary program, and the benefits of that approach have been outlined in several sections of the report and will not be revisited here. Both key informants and survey respondents believe that the coordinated approach is necessary, and that the current legislative and policy framework is insufficient on its own to hold persons accountable who have committed crimes against humanity, war crimes, or genocide. They pointed out that CAHWC issues cannot be addressed by each partner in isolation and require a coordinated approach to ensure that Canada meets its domestic and international obligations. The key bodies that ensure this coordinated approach are considered below.

PCOC seen as important and effective

As explained in the Program profile, activities of the Program partners are coordinated through the PCOC, which coordinates and facilitates interdepartmental efforts to assess allegations, develop operational policy, carry out integrated planning and accountability functions, and ensure Program compliance with international obligations (CBSA et al., 2011, p. 3). The PCOC consists of representatives from each of the partner departments (Department of Justice Canada, 2008). Many key informants from the partner departments described PCOC as a logical and effective way to collaborate, reduce redundancies, share information, and prioritize cases. The PCOC was also described as adding stability to the multi-departmental, multi-remedy approach, providing the Program with a central coordinating body that allows partners to know what each other is doing at a case and policy level. Despite the overall high regard for the important role of PCOC, a few key informants from IRCC would like more consistent inclusion of representatives from both the immigration and citizenship programs at IRCC.

Based on a review of documents, the Program needed a stable secretariat to ensure that meetings are called according to schedule, minutes are kept, follow-up occurs on action items, etc. In 2014, the Program created a secretariat at the CAHWC Section to provide support to PCOC, its subcommittees and the Steering Committee through calling meetings, keeping minutes, drafting documents, and maintaining SharePoint sites.

File Review Subcommittee assists with allegation management

PCOC includes a number of subcommittees responsible for specific tasks. For example, the File Review Subcommittee plays a key role in the Program's allegation management activities. The Subcommittee reviews all allegations received against Canadian citizens or persons present in Canada involving crimes against humanity, war crimes, or genocide and then determines the appropriate remedy. Files are then channeled to the appropriate departmental authority for action. Internal documents indicate the Subcommittee is intended to help prevent partners from working at crossed purposes. Program key informants described the Subcommittee as a tangible effort to manage CAHWC cases. They were generally positive about the function of the File Review Subcommittee, although some suggested there was room for improvement. For example, a few suggested the Subcommittee meet more frequently and that it actively facilitate cooperation among Program partners. A few key informants from the CBSA suggested the file transfer process could be more streamlined, so that once a file is prioritized, the material is transferred in a more timely fashion. More details on challenges in the file transfer process are provided in Section 4.2.2.

Key subcommittees established, but progress hampered

Program documents show there are a number of other subcommittees that have been formed under PCOC, including a Research Committee, a Virtual Library Committee, a Standardized Training Committee, an Enhanced Cooperation Committee, and an Efficiencies Subcommittee. Few key informants provided comments on these groups, except to say that the Enhanced Cooperation Committee was developed to improve information sharing among the Program partners, but that it has yet to achieve this goal. For further details on this committee, see the discussion about the Virtual Library Project under Section 4.2.1. Program documents indicate the work of the Virtual Library Committee and the Standardized Training Committee has been affected by a lack of funds or available human resources, while the work of the Research Committee (involving Justice and the CBSA) also stalled. The Co-Location Committee (involving IRCC, the CBSA, and the RCMP) ended due to a lack of support among the partners. As described in Section 4.3.4, Program documents show the Efficiencies Subcommittee (created in 2013) has undertaken considerable efforts to explore and develop efficiencies at the Program, departmental, and Government of Canada levels.

Concerns over effectiveness of ADM Steering Committee

The Program partners also operate the Steering Committee, which is composed of senior managers at the Assistant Deputy Minister (ADM) or equivalent level from each partner. The Steering Committee plays an oversight role for PCOC and is tasked with ensuring Program activities align with the Program objectives within each of the partnering departments, and overall Government of Canada priorities (CBSA et al., 2011, p. 3). The Steering Committee was meeting on an ad hoc basis and, based on available documents, had gone a few years without meeting. It committed to meeting twice a year, starting in 2013, but the documentation available to the evaluation did not confirm whether more regular meetings are occurring.

While internal key informants generally recognize the Steering Committee as an important component of the Program's multi-departmental governance, several of these key informants expressed concerns about the Committee's functionality and effectiveness. Specifically, key informants commented on the absence of ADMs at the meetings of the Committee and the use of ADM delegates who did not seem well prepared. A few key informants noted that since the Steering Committee is supposed to play an oversight role for PCOC, it did not make sense to have director-level delegates attend the ADM committee, given most PCOC representatives are at the director-level. These key informants believe the lack of ADM attendance makes for awkward and disjointed operational oversight.

5. CONCLUSIONS, RECOMMENDATION AND MANAGEMENT RESPONSE

This final section of the report summarizes the conclusions and presents the recommendations and management response based on the findings of the evaluation. The information is structured along the main evaluation issues and questions.

5.1. Relevance

Is there a continued need for the CAHWC Program and a role for the federal government?

The evaluation confirmed there is a continued need for the Program. There is considerable evidence that crimes against humanity, war crimes, and genocide have been committed in the recent and ongoing non-conventional conflicts in Syria, Iraq, Central African Republic, Sudan, and South Sudan. These conflicts have resulted in mass displacements of people, including witnesses, victims, and perpetrators of such atrocities.

Within this context, the CAHWC Program remains relevant because it provides the coordination and expertise (through the RCMP and Justice) to investigate allegations of crimes against humanity, war crimes, or genocide. The Program also remains relevant as a coordinating point through which IRCC and the CBSA screen for inadmissibility under IRPA 35(1), ensuring perpetrators are identified before being able to seek refuge in Canada.

Does the Program meet government policy priorities and align with departmental strategic outcomes?

The evaluation found that the Program has aligned well with government policy priorities, including strengthening border security, maintaining the integrity of Canada's immigration and refugee systems, improving the efficiency of the citizenship revocation process, and (in 2011) committing permanent funding to enforcing Canada's no safe haven policy. The evaluation also

found that while the Program is not specifically mentioned among its partners' strategic outcomes, the essence of the Program is compatible with these strategic outcomes.

Is there still a role for the federal government to deliver the CAHWC Program?

As the federal government continues to fulfill its international obligation to provide safe haven to refugees, it must also fulfill its domestic and international legal obligations to exclude from refugee protection, extradite for prosecution by an international tribunal, revoke the citizenship and/or find inadmissible and remove perpetrators of atrocities. The federal government is also obliged to fulfill the principle of complementarity under the Rome Statute – which is to investigate and prosecute incidences of crimes against humanity, war crimes, or genocide that fall within Canada's jurisdiction under the *CAHWC Act*. Demands under the principle of complementarity are likely to increase as the International Criminal Tribunal for the former Yugoslavia is winding down, while the one for Rwanda is already closed and the ICC reaches its capacity as well as its jurisdictional limits over nationals of states not party to the Rome Statute (e.g., Syria). In addition, given the scope and nature of the Program, the federal government's responsibilities cannot be devolved to provincial/territorial governments.

5.2. Effectiveness – Performance

To what extent has the Program contributed to an increase in knowledge and awareness of the Program among stakeholders?

The evaluation found that partner staff have a high level of understanding about the Program and consider their own roles and responsibilities to be clear. Based on survey results and key informant interviews, the level of knowledge of the Program appears related to the length of time staff have worked in areas related to crimes against humanity, war crimes, and genocide as well as the partner for which they work. These findings indicate that efforts to build an understanding of the Program internally should focus on staff with five years or less experience.

To build knowledge of the Program internally and support partners' capacity to deliver it, a variety of training activities have been undertaken as well as tools developed. There is a consensus that more training opportunities are needed, that mechanisms for delivering training need to be more inclusive of the regions (for IRCC and the CBSA), and that training programs for experienced staff are lacking (for Justice). The evaluation also found that tools, policies, and procedures are

generally considered useful, but some require updating, such as the Enforcement Manual and Tactical Guide.

The Program's knowledge management efforts, which support a coordinated approach by ensuring that relevant knowledge is shared, appear to have stalled or become dormant. This represents a risk for the Program as significant expertise resides in individual staff members; it is also a lost opportunity to improve Program efficiency.

External outreach to increase awareness of the Program is important for several reasons, including obtaining the assistance of diaspora communities in identifying persons believed to have committed crimes against humanity, war crimes, or genocide who have entered Canada. While the Program has continued to conduct outreach, the evaluation found that the Program has not followed through on suggestions to address identified gaps, such as developing a combined outreach plan among partners and conducting more outreach to groups in Canada, both of which were raised in the 2008 evaluation. Suggestions were to increase outreach with domestic and international NGOs, and victims/survivors and victims' organizations to ensure diaspora communities are aware of the Program.

How well have allegations been managed under the Program?

The evaluation findings indicate that, in general, the Program has effectively managed allegations. The processes for identifying and screening allegations, investigating allegations, and selecting and implementing remedies were all considered well-managed by external stakeholders. In particular, Canada's approach to admissibility screening was considered very effective and advanced compared to other jurisdictions. Investigations were characterized as well organized and detailed. The mechanism for selecting and implementing remedies, the File Review Subcommittee, has developed criteria for assessing files and assigning remedies, which is considered to generally work well and enable the Program to make the best decisions regarding how to direct its resources.

The evaluation identified some areas where the Program was experiencing challenges that affected its allegation management. In particular, the level of resources available has restricted the number of criminal investigations and prosecutions that can be undertaken. The Program funding level has not changed since 1998. As a result, some files that are identified as appropriate for criminal investigations and prosecutions remain in the criminal inventory but inactive. Coordination between the RCMP and Justice related to investigations is the subject of discussion between the partners and is considered a work in progress, particularly as it relates to the level of involvement

by the CAHWC Section in investigations as well as the timing for involving the prosecutor from the PPSC. Both Justice and the RCMP acknowledge that the CAHWC Section would benefit from having more counsel with criminal prosecution experience.

Having a coordinated, multi-disciplinary program is considered by key informants to be a major benefit of the Canadian approach, yet at the same time sharing information among partners was cited as an area of improvement for the Program. Various strategies have been undertaken to improve information sharing, and some have been quite successful (the IRCC liaison person in the CAHWC Section), while others still need streamlining to remove duplication of effort among partners, such as the file transfer protocols developed between the RCMP and Justice and between Justice and the CBSA.

There is a clear consensus that the Program needs to improve its performance reporting. Performance reports are considered important for accountability as well as to build awareness of the Program. The most recent published performance report is for 2008–2011, which was noted by both internal and external stakeholders. In addition to more timely performance reports, the Program could also consider tracking individual-level progress through the remedy(ies). Current performance reporting is based on aggregate numbers and, while illustrative of the Program's annual activities and outputs, it prevents the Program from linking these activities to its intermediate and ultimate outcomes and precludes the ability to more accurately assess the success rate and efficiency of remedies.

To what extent has the Program deterred and prevented persons believed to have committed or been complicit in crimes against humanity, war crimes, or genocide from coming to Canada?

The Program has prevented persons believed to have committed or been complicit in crimes against humanity, war crimes, or genocide from entering Canada. During the period covered by the evaluation, the number of visas applications assessed in overseas immigration offices for these crimes has averaged over 3,000 per fiscal year and Canada has denied 701 of these applicants entry. In recent years, the number of visas assessed overseas that were denied entry where commission or complicity in crimes against humanity, war crimes, or genocide was at issue has dropped substantially. The evaluation does not have information on the reasons for this decline.

Whether the Program has deterred individuals involved in these crimes from seeking entry into Canada cannot be determined with any certainty. However, the screening processes, the denial of entry, and the use of other remedies, including prosecutions, is thought to send a message to

individuals involved or complicit in crimes against humanity, war crimes, or genocide, that Canada will not provide a safe haven.

To what extent does Canada protect Canadians and successfully remove persons believed to have committed or been complicit in crimes against humanity, war crimes, or genocide through the Program?

Performance data show use of all available remedies that will result in either removal or imprisonment of individuals who are believed to have committed or been complicit in crimes against humanity, war crimes, or genocide. For the time period covered by the evaluation, 140 individuals have been denied refugee protection, 47 claimants have been found inadmissible, and 138 individuals have been removed from Canada based on reasonable grounds to believe they were involved or complicit in crimes against humanity, war crimes, or genocide. In addition, the citizenship has been revoked from one individual and another has been imprisoned for life for involvement in crimes against humanity, war crimes, or genocide.

Whether these figures are an indication of success is more difficult to assess. For example, the number of removals per fiscal year has been declining since 2006. In addition, the number of outstanding warrants for removal remains at close to 200, which means that approximately 200 individuals reasonably believed to be involved in crimes against humanity, war crimes or genocide may potentially remain in Canada (some of these individuals might have left Canada without authorities' knowledge). The available performance data are based on annual totals for each remedy.

How and to what extent has Canada demonstrated leadership regarding CAHWC issues?

The evaluation findings show that Canada is still considered one of the leading nations in the fight against impunity. This perception is based on Canada's historic role in signing and implementing the Rome Statute, the early creation of a dedicated war crimes unit (which has influenced the approach of other countries), and playing a leading role in creation of the ICC. Canada continues to be a leader through the internationally renowned expertise within the CAHWC Program and through the development of influential jurisprudence on CAHWC issues.

However, the evaluation also found a strong undercurrent of opinion that Canada's leadership has waned or is at risk of waning. A key theme within this undercurrent is that the international activities of the federal government do not align with Canada's historic image as a leader on CAHWC issues. According to key informants, this has been exemplified through Canada's

absence from efforts to refer Syria to the ICC, opposition of Palestine's ICC membership, and continued refusal to endorse budget increases for the ICC, despite its growing case load. Furthermore, Canada's leadership in conducting prosecutions is questioned when compared to other established programs (Belgium) and even relatively new programs (Sweden) which have conducted more prosecutions than Canada in a shorter time period.

To what extent has the Program assisted Canada to meet its international obligations?

The evaluation found that Canada is meeting its international obligations through the available remedies, including denying entry to Canada, denying refugee status, and two prosecutions under the *CAHWC Act*. However, many key informants believe Canada's ability to prosecute crimes against humanity, war crimes, and genocide has been constrained by inadequate funding. Several key informants were critical of Canada's preference for immigration remedies, arguing this approach displaces international criminals, but does not hold them accountable. Arguably, while immigration remedies are Canada's most cost-effective means of achieving the Program's no safe haven outcome, this approach does not contribute to fulfilling the Rome Statute's principle of complementarity and helps to create the impression of Canada's leadership role waning.

The evaluation found Canada has done well in meeting its obligations for international cooperation and information sharing by working with international organizations such as INTERPOL and the EU Genocide Network, and establishing mutual legal assistance agreements, and other information sharing arrangements, with many international governments including Australia, UK, US, New Zealand, Croatia, Honduras, and Serbia.

5.3. Efficiency and Economy

To what extent has the Program achieved its results to date efficiently and economically?

The Program has implemented measures to maximize the achievement of its results, while minimizing the use of its resources. In particular, the file review criteria are intended to prioritize the least costly and complex remedy (denial of visas); use the next level of cost and complexity (refugee exclusion and deportation proceedings); and, when appropriate, escalate to the most costly and complex remedies (revocations and criminal investigations/prosecutions). Cost estimates and usage of the remedies indicate that the Program is allocating its resources efficiently based on the criteria. For example, when considering complex examples for each remedy, a visa application that raises crimes against humanity, war crimes, or genocide issues costs \$6,280,

compared to \$55,162 for challenging refugee status, \$122,908 for challenging admissibility and removal under IRPA, \$1.58 million for citizenship revocation, and over \$6 million for a criminal investigation and prosecution. Based on these estimates, a program with a \$15.6 million budget clearly could not conduct many prosecutions of suspected war criminals.

Determining whether the Program is operating efficiently and economically or whether more resources could be provided to criminal investigations and prosecutions is hampered by the lack of financial data to support the analysis. Two of the partner departments indicated that all Program funds were spent but could not provide information on whether expenditures were exceeded because the funding is A-base funding that is co-mingled with other resources. Admissibility analysis under IRPA, which includes crimes against humanity, war crimes and genocide, is a programmatic function across the Operations Branch of the CBSA; therefore, the CBSA estimates it spends considerably more through its base funding. As a result, more than half of the Program budget can be accounted for only in general terms. It would be helpful for future analysis to understand how the partners internally allocate resources to Program activities, including supporting activities such as knowledge management, training and Program coordination.

The Program has operated with the same budget since its inception in 1998, and opinion within the Program indicates that the strain of conducting its work within the available resources is showing. This is particularly the case with the RCMP, which has substantially exceeded its budget and had to use resources allocated to other mandates. The Program's resource constraints have affected its ability to pursue criminal investigations and prosecutions.

The evaluation findings also indicate other areas for the Program to explore that might promote efficiency. In particular, an area that received a recommendation in the 2008 evaluation – information sharing among Program partners could still be improved. A shared database or virtual library so that research is not duplicated clearly still has support within the Program. The evaluation findings also support a review of the file transfer process so that relevant information gathered through investigations is provided when files are transferred from the RCMP to Justice and from Justice to the CBSA.

Another opportunity for efficiency gains is sharing information and collaboration among the Program, the DND, and GAC.

International information sharing could also produce efficiencies. Suggestions made by key informants were to share research information as well as information obtained through investigations among countries prosecuting modern war crimes. By sharing information, countries

would ensure they are not duplicating efforts. Given the apparent under-resourcing in this area, the Program could explore opportunities to promote the sharing of information gathered through other countries' investigations of modern day war crimes.

5.4. Program Design

Was the Program designed appropriately and did it operate in the manner intended?

The CAHWC Program was designed to be a coordinated, multi-disciplinary program. Both key informants and survey respondents believe that the coordinated approach is necessary and that the current legislative and policy framework is insufficient on its own to hold persons accountable who have committed crimes against humanity, war crimes, or genocide.

PCOC plays a valuable centralizing and coordinating role within the Program, providing the Program with the collaborative management structure it needs to prioritize cases and operate within the multi-departmental, multi-remedy approach to crimes against humanity, war crimes, and genocide. The Program has built upon the success of the Committee by introducing a PCOC secretariat, which is intended to improve administrative coordination among the partners. The ADM-level Steering Committee was generally recognized as an important component of the Program's multi-departmental governance, but concerns were expressed over the Committee's functionality and effectiveness, given the general lack of involvement of ADMs in the Committee.

The evaluation also found that the Program had undertaken substantial work to identify issues affecting program operation and organize efforts to resolve these issues. A number of innovative subcommittees have been established to improve the operation of the Program, such as the File Review Subcommittee, which has become a staple of the Program's approach to allegation management. However, the work of some of these 'problem solving' subcommittees is often stalled due to various reasons, including a lack of funds and human resources. Consequently, several subcommittees that have been tasked with solving key ongoing operational issues, such as coordination and information sharing, have not reported on any results, nor is there evidence that the issues they were to address have been resolved. This leaves an open question over whether the governance structure is operating effectively (i.e., addressing all key issues) or efficiently (i.e., not wasting resources or effort on ultimately unnecessary initiatives).

5.5 Recommendation and Management Response

In order to strengthen the Program operations and governance, the following recommendation is submitted:

Recommendation:

It is recommended that the Steering Committee undertake a review of the expected outcomes and the range and employment of remedies. Resources should then be aligned with the outcomes, with consideration of training and information-sharing needs. Finally, the governance should be considered, including terms of reference and membership for each committee/subcommittee to ensure that roles and responsibilities are clearly articulated and a lead is identified for each department to monitor performance and expenditures as well as liaise internally and amongst Program partners.

Management Response:

Agreed. The Steering Committee will undertake an operational review of the Program.

The review will include a series of meetings commencing in the fall 2016 to:

- Review the Final Report and consider its conclusions;
- Examine the Program information, documents, files and databases reviewed for the evaluation and any other supplemental information, to inform the factual basis for the review discussion;
- Discuss the activities and outcomes of the Program.

The Steering Committee will consider the following issues relating to the efficiency and effectiveness of the Program:

- The nature and sources of Program funding;
- Program governance structures and accountability;
- The expected Program outcomes;
- The range and employment of remedies available to the Program;
- Training needs;

- Information-sharing issues raised by Program partners; and
- Other relevant issues raised by Program partners.

A document outlining the agreed implementation plan will be provided by the Steering Committee to the PCOC by March 2017.

Partners will put into operation the implementation plan, beginning in the 2017-18 fiscal year. PCOC members will report on the progress of implementation in their respective department/agency at regular PCOC meetings. PCOC will report to the Steering Committee on the progress of implementation.

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Appendix A:

Logic Model

The Program Logic Model

This section outlines the logic structure of the Program, encompassing its activities, outputs, as well as immediate, intermediate and ultimate outcomes. A diagram of the Program Logic Model is provided at the end of this section.

1. Activities and Outputs

The activities and outputs of the Program can be grouped into the two interrelated areas of Program Coordination and Allegation Management.

1.1 Program Coordination

A key element of the Program is the coordination among the four Program partners. The War Crimes PCOC is comprised of senior officials from each department and agency who regularly meet to discuss policy, coordinate operations and assess allegations. Having a single committee to coordinate the Program ensures that it is cohesive, that duplication of effort is eliminated, and that the use of resources of the individual Program partners is maximized.

Within this area, the following activities are undertaken.

1.1.1 Develop Partnerships/Collaboration

This activity refers primarily to actions taken to develop external and international partnerships that will strategically contribute to the Program's management of allegations. These include participating in international meetings, training other countries' personnel or receiving training from them, hosting international delegations to familiarize them with Canada's Program, offering personnel short-term assignments with the International Criminal Tribunals or other organizations, and providing research or investigative support in individual cases in response to requests from international partners. In addition, the International Region of IRCC pursues an international agenda on behalf of Canada's migration and affiliated programs.

Individual departments manage their own war crimes sections and enter into bi- or multilateral agreements as necessary (RCMP/Justice Guiding Principles, IRCC/Justice flow chart for processing war crimes revocation files, RCMP/IRCC memorandum of understanding for investigations). Several countries have set up programs to identify and bring to justice persons involved in war crimes or crimes against humanity. By actively seeking to collaborate with others

in this global fight against impunity, the Program partners are able to draw on the knowledge and abilities of their external partners to increase the effectiveness of their own efforts to investigate and/or prosecute.

Effective collaboration and development of partnerships result in increased awareness of the Program and more effective program delivery.

The output from this activity is:

Output A.1: Provide and receive international support

Effective collaboration and development of partnerships are expected to lead to: requests for international support from external partners; and the provision of support (information, training, advice, materials) to external partners.

1.1.2 Develop and Deliver Outreach and Awareness Materials

The Program partners coordinate the joint preparation and delivery of training on issues of CAHWC to various operations personnel (e.g., hearing officers, intelligence officers, visa officers, and Program specialists).

Traditionally, Program partners have participated individually and in a coordinated way in external outreach activities and reported back to PCOC. To make the best use of available resources, the challenge for the partners is to coordinate their activities further in order to maximize the effectiveness of their participation and to ensure that the needs and concerns of all the Program partners are addressed.

Increased expertise and information are also gained through outreach activities that are quite varied and can include:

- Outreach to immigration officers, visa officers, and embassy staff throughout the world who are trained in or aware of the Program;
- Outreach to countries where crimes took place and to international organizations dealing with human rights abuses or war crimes – through visa officers posted overseas or through travel by Program partners to secure co-operation for research and investigative purposes;
- Outreach to non-governmental and ethnic organizations, both in and outside Canada;

- Meetings and visits with like-minded states and organizations who seek advice and expertise on how to develop or deliver a war crimes program;
- Outreach to the public through the Program website and annual report; and,
- Presentations at universities and schools, and national and international meetings.

These activities raise awareness of the Program, resulting in more effective program delivery, deterrence, contribution to the international fight against impunity and demonstration of Canada's leadership in this area.

The output from this activity is:

Output A.2: Training material, research products, tools

The main output from the coordination of the joint preparation and delivery of training on issues of war crimes and crimes against humanity, as well as the preparation and delivery of other outreach events and materials is the provision of training material, research products and assessment tools to operations personnel (e.g., hearing officers, intelligence officers, visa officers and Program specialists).

1.1.3 Develop Policies and Procedures; Knowledge Management

The Program partners develop joint policies and procedures through PCOC. Activities include internal and external partnership development, adopting a five-year operational plan, striking subcommittees to deal with issues such as the review of case files, and coordinating efforts in corporate knowledge management, training, and outreach. For example, PCOC provides opportunities to develop working relationships at all levels amongst the Program partners through initiatives such as its annual Open House and monthly speakers' series. In addition, the corporate knowledge management activities will include the development of a coordinated training plan and administrative measures to promote the proper recording, preservation, sharing and transfer of operational/relevant information and records. These activities facilitate the identification of priorities, resource needs, and Program limitations.

The output from this activity is:

Output A.3: Policies, decisions, reports, protocols

The main output from the development by Program partners through PCOC of joint policies and procedures is the production of relevant policies, information required for decision-making, reports such as the annual report and five-year plans, as well as protocols for Program management, reporting and accountability.

1.2 Allegation Management

Allegation management refers to the way in which the Program partners determine the disposition of individual cases. This may be decided by an individual Program partner in the case of individuals overseas or may be referred to the File Review Sub-committee of PCOC. The Sub-committee reviews all allegations received against Canadian citizens or persons present in Canada involving genocide, war crimes or crimes against humanity; determines the appropriate course of action; and channels the files to the appropriate departmental authority for action. Having a central body to oversee the disposition of cases within Canada ensures that the Program partners are not working at cross purposes.

In addition to the individual-level sanctions, the IRPA provides the authority to designate governments considered to have engaged in gross or systematic human rights violations, war crimes or crimes against humanity, which allows for exclusion of senior officials from those regimes.

Within this area, the following activities are undertaken.

1.2.1 Conduct Screening and Analysis

The framework for screening overseas focuses on prevention through detection. Under the IRPA, IRCC officers screen applications and determine whether to a) issue or refuse a visa, b) conduct an interview to determine whether to issue or refuse a visa, or c) to refer the file to CBSA for further assessment if the file contains war crimes concerns. The finding of inadmissibility and the decision to issue or deny a visa are made by IRCC immigration officers abroad.

Allegations towards individuals in Canada about their commission or complicity in war crimes, crimes against humanity or genocide, can also arise during the immigration or refugee determination process. The CBSA is responsible for cases that require immigration enforcement,

such as seeking an exclusion from or vacation of refugee status, as well as carrying out removals. The RCMP and Justice also receive allegations concerning individuals in Canada (both WWII-related and modern).

1.2.2 Provide Legal Advice and Support

Justice advises the federal government on policy development and the drafting and reforming of laws related to war crimes, as needed. At all stages, the Justice Crimes against Humanity and War Crimes Section also provides legal advice to Program partners. Justice counsel and analysts provide legal and analytical advice at home and abroad.

Justice conducts court proceedings under the IRPA, the *Citizenship Act*, the CAHWCA and the *Extradition Act*.

1.2.3 Complete Assessments and Develop Recommendations (follow-up)

For individuals applying for entry to Canada, IRCC conducts admissibility determinations as part of the visa assessment process. If further screening is required, IRCC officers may request a CBSA assessment of an applicant's involvement in CAHWC. It is important to note that a CBSA assessment is not a final decision to issue or deny a visa – that decision is always made by an IRCC official.

For individuals already in Canada, if the immigration process or allegations received raise reasonable grounds to believe that the individual committed or was complicit in CAHWC, the File Review Sub-committee considers whether to forward the case for criminal investigation and possible prosecution in Canada, or to revoke the individual's immigration status and pursue removal from Canada pursuant to the IRPA.

In cases where the individual is a citizen, IRCC can initiate the process to revoke the citizenship. If the revocation is successful, the CBSA may then commence removal proceedings.

1.2.4 Conduct Criminal Investigations

The RCMP investigates allegations of war crimes, crimes against humanity or genocide. To facilitate the investigative process, the RCMP has entered into special cooperation agreements with police departments and public offices in some countries where witnesses capable of

identifying perpetrators and relating what transpired are located. The results of those investigations may be used to:

- Recommend prosecution under the CAHWCA; or,
- Support immigration or citizenship proceedings (administrative action).

The RCMP also coordinates assistance involving other Canadian and foreign police forces as well as the INTERPOL. It coordinates assistance requests pertaining to crimes against humanity and war crimes involving foreign police requests processed through INTERPOL.

The RCMP Sensitive and International Investigations, National Division provides assistance to foreign police and international law enforcement authorities, such as the United Nations International Criminal Tribunal for the former Yugoslavia and the International Criminal Tribunal for Rwanda. This assistance can range from making general inquiries to screening potential witnesses, and to hosting and facilitating investigative travel by these foreign and international bodies to Canada.

The International Assistance Group (IAG) of Justice negotiates with foreign governments Mutual Legal Assistance Treaties and other case specific agreements for cooperation and investigations in criminal matters (e.g., war crimes). The Justice Minister's authority is set out in the *Extradition Act* and the *Mutual Legal Assistance in Criminal Matters Act*. Through the negotiations and subsequent agreements, Justice and RCMP are able to obtain the cooperation of foreign governments and agencies in CAHWC investigations.

The output from these activities is:

Output B.1: Administrative or criminal legal action or file closed

Following consideration of the relevant facts, evidence and law, a decision is made as to whether an administrative or criminal legal action should be initiated by the responsible Program partner or if the file should be closed. This could be an action to: deny a visa or exclude an individual and/or remove the person under the IRPA; revoke citizenship under the *Citizenship Act*; prosecute under the CAHWCA; or commit the person for extradition or surrender upon request under the *Extradition Act*.

To commence revocation action, the Minister of Citizenship, Immigration and Multiculturalism must issue a Notice of Revocation. To commence a prosecution, the Attorney General or the

Deputy Attorney General must give his or her consent. To commit for extradition, the Attorney General must seek, on behalf of the requesting country, an order of a provincial court for the committal.

2. Immediate Outcomes

2.1 Program Coordination Immediate Outcome

Immediate Outcome C.1: Increase knowledge and awareness of the Program

Increasing knowledge and awareness of operations personnel improve the effectiveness of identification and screening processes. The publicity surrounding administrative or criminal legal actions (e.g., citizenship revocation, prosecution, deportation) will result in an increased awareness of the Program by populations with particular interest in war crimes issues as well as the general public. The Program partners also increase awareness of the Program when participating at meetings, disseminating research materials and the annual report, providing support and assistance to other countries or international bodies, or cooperating with tribunals.

The outcome of corporate knowledge management is to enhance the capacity to deliver consistent investigative, analytical and legal services. At this formative stage, the aim will be the development of a coordinated training plan and administrative measures to promote the proper recording, preservation, sharing and transfer of operational/relevant information and records.

The increased knowledge and awareness of the Program contribute to more effective program delivery, deterrence, the international fight against impunity, and the demonstration of Canada's leadership in this area.

2.2 Allegation Management Immediate Outcome

Immediate Outcome D.1: Determination

Action taken by partners under the various pieces of legislation results in a determination regarding the status of an individual as follows:

- Overseas, the IRCC officer issues or denies a visa based on their admissibility determination, which includes assessing whether there are reasonable grounds to believe the applicant committed or was complicit in CAHWC and/or if the applicant was a senior member of a designated government regime;

- At ports of entry, the CBSA makes an admissibility determination before granting or denying entry to Canada; and,
- In Canada the appropriate bodies (the IRB, the Federal Court, the Federal Court of Appeal, Supreme Court of Canada, the provincial courts, the Governor-in-Council) consider the evidence presented by the applicable Program partner and apply the law to determine whether a person was involved in CAHWC and can therefore be:
 - Found inadmissible to Canada;
 - Excluded from refugee status;
 - Deprived of citizenship;
 - Deported from Canada; and/or,
 - Extradited.

A small number of cases are pursued through criminal prosecution which is the most time consuming, difficult and expensive remedy available.

To recommend prosecution under the *Crimes Against Humanity and War Crimes Act*, there must be a reasonable prospect for conviction and it must be in the public interest to proceed. To follow this route, the Attorney General or Deputy Attorney General must provide consent. The Provincial Superior and Appellate Courts or the Supreme Court of Canada will consider the evidence and apply the law to determine if the individual is guilty or innocent of involvement in CAHWC.

To commit for extradition or surrender, the Attorney General must seek a court order to that effect.

3. Intermediate Outcomes

Intermediate Outcome E.1: Persons believed to have committed or been complicit in CAHWC are deterred and prevented from coming to Canada

It is expected that knowledge of Canada's response to war criminals and persons believed to have committed or been complicit in CAHWC deters such persons from coming to Canada. Laying charges and securing criminal convictions in appropriate cases reinforce the message that such persons will not find safe haven in Canada. War criminals and persons believed to have committed or been complicit in CAHWC are prevented from coming to Canada as a result of the visa assessment process conducted overseas by IRCC.

Intermediate Outcome E.2: Demonstrating Canada's leadership in CAHWC issues

The existence of the coordinated Program demonstrates Canada's leadership as it continues to serve as a model for others. Canada stays at the forefront through the use of existing appropriate legislative tools and support for the international courts and tribunals.

Intermediate Outcome E.3: Compliance with international obligations

In establishing and delivering the Program, all partners must ensure compliance with Canada's international obligations. Canada has signed the Genocide Convention, the Geneva Conventions concerning War Crimes and Additional Protocols, the Torture Convention and the Rome Statute creating the International Criminal Court. It was the first country to ratify and implement the Statute, which resulted in the enactment of the CAHWCA. These instruments create an obligation for Canada to investigate and/or prosecute in appropriate cases.

Canada also has international obligations toward genuine refugees arising out of the Geneva Convention and Additional Protocols on the Status of Refugees; which means that Canada's immigration and citizenship laws must be enforced with a view to balancing all international obligations. The allegation management system put in place by the Program partners assures compliance with Canada's international obligations respecting investigation and/or prosecution, extradition or surrender, action under the IRPA or the *Citizenship Act* as appropriate in the circumstances of each case.

Intermediate Outcome E.4: Protecting Canadians, removing persons believed to have committed or been complicit in CAHWC

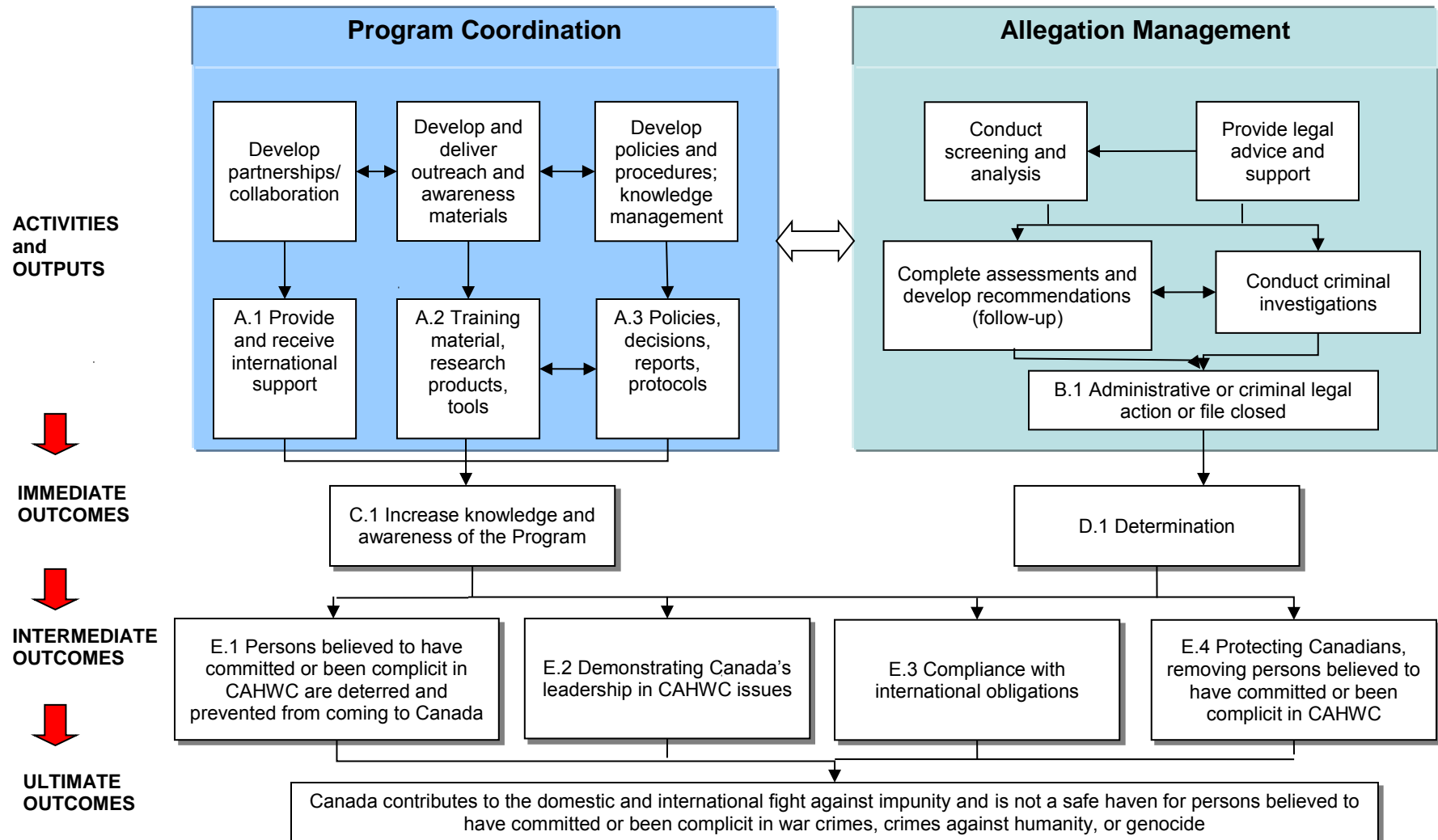
While potentially any Canadians could be at risk at the hands of known human rights violators and war criminals, the threat is particularly strong to Canadians who were victims of war crimes or human rights violations, and who are able to identify their perpetrators. Such Canadians will likely have been traumatized by such individuals and will continue to be so while these persons move freely in their midst. The concept of protection of Canadians includes the prosecution in Canada of such offenders, where appropriate.

Furthermore, it is the policy of the GoC that Canada will not be a safe haven for persons believed to have committed or been complicit in war crimes, crimes against humanity, or genocide. Consequently, protecting Canadian citizens, and Canadian society as a whole, will in some cases require that these persons be removed from Canada, and for persons who have gained Canadian citizenship, the revocation of Canadian citizenship may be required.

4. Ultimate Outcomes

The ultimate outcomes of the Program are to deny safe haven to war criminals and persons believed to have committed or been complicit in CAHWC and to contribute to the domestic and international fight against impunity for the perpetrators of such acts.

Logic Model for Crimes Against Humanity and War Crimes Program



Appendix B:

Evaluation Matrix

Evaluation matrix

Issue/question	Indicators	Data sources and methods
Relevance		
Issue 1: Continued need for the Program		
1.1 Is there a continued need for the Program?	1.1.1 Evidence and perception as to whether the context or environment related to war crimes and crimes against humanity have changed (e.g., war crimes continue to be committed/international community still committed to prosecutions)	<ul style="list-style-type: none"> • Review of Performance Information, Files, and Databases • Structured Interviews with Key Stakeholders • Survey of Departmental Staff • Case Studies Baseline information: <ul style="list-style-type: none"> • Annual Reports for the Program for 2003–04 to 2007–08 • Relevant international reports and studies for 2003–04 to 2007–08
	1.1.2 Evidence and perception as to whether national and/or international legislative or policy changes or new international accords have enhanced or reduced the need or requirement for the Program	<ul style="list-style-type: none"> • Review of Performance Information, Files, and Databases • Structured Interviews with Key Stakeholders • Survey of Departmental Staff
	1.1.3 Evidence and perception as to the extent that the Program as currently configured meets partner department and international partner needs for identification and follow-up regarding war crimes and crimes against humanity	<ul style="list-style-type: none"> • Review of Performance Information, Files, and Databases • Structured Interviews with Key Stakeholders • Survey of Departmental Staff
	1.1.4 Evidence and perception as to whether partner department and international partner needs and priorities are reflected in the current configuration of the Program	<ul style="list-style-type: none"> • Review of Performance Information, Files, and Databases • Structured Interviews with Key Stakeholders • Survey of Departmental Staff
	1.1.5 Evidence and perception of the continuing demand for the Program	<ul style="list-style-type: none"> • Review of Performance Information, Files, and Databases • Structured Interviews with Key Stakeholders • Survey of Departmental Staff • Case Studies
1.2 To what extent are the objectives of the Program still relevant?	1.2.1 Level and perceived changes of international commitment to this issue and pressure on Canada to participate	<ul style="list-style-type: none"> • Review of Performance Information, Files, and Databases • Structured Interviews with Key Stakeholders • Survey of Departmental Staff Baseline information: <ul style="list-style-type: none"> • Annual Reports for the Program for 2003–04 to 2007–08 • Relevant international reports and studies for 2003–04 to 2007–08

Issue/question	Indicators	Data sources and methods
	1.2.2 International evidence of the impact of other similar initiatives	<ul style="list-style-type: none"> • Review of Performance Information, Files, and Databases • Structured Interviews with Key Stakeholders • Survey of Departmental Staff • Country Studies
Issue 2: Alignment with government priorities		
2.1 To what extent does the Program meet the policy priorities of the government with respect to war crimes and crimes against humanity?	2.1.1 Evidence and perception as to whether the objectives are consistent with the federal government's policy priorities with respect to war crimes and crimes against humanity	<ul style="list-style-type: none"> • Review of Performance Information, Files, and Databases • Structured Interviews with Key Stakeholders • Speech from the Throne
2.2 To what extent does the Program align with the departmental strategic outcomes of each partner?	2.2.1 Evidence and perception as to whether the objectives are consistent with departmental strategic outcomes of each Program partner	<ul style="list-style-type: none"> • Review of Performance Information, Files, and Databases • Structured Interviews with Key Stakeholders
Issue 3: Alignment with federal roles and responsibilities		
3.1 Is there still a role for the federal government to deliver the Program?	3.1.1 Extent to which the federal government and/or international entities believe the GoC should deliver the CAHWCP or aspects of it	<ul style="list-style-type: none"> • Structured Interviews with Key Stakeholders
	3.1.2 Extent to which international obligations require the GoC to deliver the CAHWCP or aspects of it	<ul style="list-style-type: none"> • Structured Interviews with Key Stakeholders
Performance (effectiveness, efficiency, and economy)		
Issue 4: Achievement of expected outcomes		
4.1 To what extent has the Program contributed to an increase in knowledge and awareness of the Program among stakeholders?	4.1.1 Level of outreach activities (e.g., dissemination activities, tools, training, international support)	<ul style="list-style-type: none"> • Review of Performance Information, Files, and Databases • Structured Interviews with Key Stakeholders • Survey of Departmental Staff
	4.1.2 Extent to which training adequately prepares staff to exercise their responsibilities in relation to the Program	<ul style="list-style-type: none"> • Review of Performance Information, Files, and Databases • Structured Interviews with Key Stakeholders • Survey of Departmental Staff
	4.1.3 Level of delivery partners' knowledge of other components of the Program	<ul style="list-style-type: none"> • Structured Interviews with Key Stakeholders • Survey of Departmental Staff
	4.1.4 Perceived extent and adequacy of knowledge management	<ul style="list-style-type: none"> • Review of Performance Information, Files, and Databases • Structured Interviews with Key Stakeholders
4.2 How well have allegations been managed under the CAHWCP with respect to determination?	4.2.1 Change from 2008-09/2011-12 to 2012-13/2015-16 in the number of decisions rendered by Federal Court where revocation was considered	<ul style="list-style-type: none"> • Review of Performance Information, Files and Databases <p>Baseline information:</p> <ul style="list-style-type: none"> • Total inventory of revocation cases for period 2008-09 to 2011-12

Issue/question	Indicators	Data sources and methods
	4.2.2 Perception among stakeholders of Canada's ability to address allegations	<ul style="list-style-type: none"> • Structured Interviews with Key Stakeholders • Survey of Departmental Staff • Case Studies
	4.2.3 Change from 2008–09/2011–12 to 2012–13/2015–16 in the number of removals, extraditions and successful defence by respondent /defendant	<ul style="list-style-type: none"> • Review of Performance Information, Files and Databases Baseline information: <ul style="list-style-type: none"> • Total inventory of removals, extraditions and successful defences for period 2008–09 to 2011–12
4.3 To what extent has the Program deterred and prevented persons believed to have committed or been complicit in CAHWC from coming to Canada?	4.3.1 Level and type of publicity surrounding cases	<ul style="list-style-type: none"> • Review of Performance Information, Files and Databases
	4.3.2 Trend analysis of the allegation inventory and case outcomes from 2008-09/2011–12 to 2012–13/2015–16	<ul style="list-style-type: none"> • Review of Performance Information, Files and Databases Baseline information: <ul style="list-style-type: none"> • Total inventory of allegations and case outcomes for period 2008–09 to 2011–12
	4.3.3 Perception among stakeholders that the Program has deterred persons believed to have committed or been complicit in CAHWC from coming to Canada	<ul style="list-style-type: none"> • Structured Interviews with Key Stakeholders • Survey of Departmental Staff • Case Studies
4.4 How and to what extent has Canada demonstrated leadership regarding CAHWC issues?	4.4.1 Perception among stakeholders that Canada is a leader in CAHWC issues	<ul style="list-style-type: none"> • Structured Interviews with Key Stakeholders • Survey of Departmental Staff • Country Studies
	4.4.2 Extent to which other countries continue to learn from and emulate the Canadian model	<ul style="list-style-type: none"> • Structured Interviews with Key Stakeholders • Survey of Departmental Staff • Country Studies
	4.4.3 Adequacy of Canada's legislative framework to address CAHWC issues	<ul style="list-style-type: none"> • Structured Interviews with Key Stakeholders • Survey of Departmental Staff • Case Studies
4.5 To what extent has the Program assisted Canada to meet its international obligations?	4.5.1 Perception among domestic and international stakeholders that Canada has met its international obligations regarding CAHWC	<ul style="list-style-type: none"> • Structured Interviews with Key Stakeholders • Survey of Departmental Staff • UNHCR reports • Country Studies

Issue/question	Indicators	Data sources and methods
	4.5.2 Benefit of Canada meeting its international obligations as signatories to the Genocide Convention; the Geneva Convention concerning war crimes and Additional Protocols; the Convention Against Torture; and the Rome Statute creating the International Criminal Court	<ul style="list-style-type: none"> • Structured Interviews with Key Stakeholders • Survey of Departmental Staff • Case Studies • Country Studies
4.6 To what extent does Canada protect Canadians and successfully remove persons believed to have committed or been complicit in CAHWC through the Program?	4.6.1 Perception that the Program contributes to the protection of Canadian residents, particularly those formerly from regions where CAHWC have been committed, from the actions of persons believed to have committed or been complicit in CAHWC through the removal of such persons from Canada	<ul style="list-style-type: none"> • Structured Interviews with Key Stakeholders • Survey of Departmental Staff
	4.6.2 The number of offenders prosecuted in Canada	<ul style="list-style-type: none"> • Review of Performance Information, Files and Databases
	4.6.3 The number of inadmissible individuals removed from Canada	<ul style="list-style-type: none"> • Review of Performance Information, Files and Databases
	4.6.4 The number of inadmissible individuals whose Canadian citizenship is revoked based on misrepresentation	<ul style="list-style-type: none"> • Review of Performance Information, Files and Databases
	4.6.5 The number of inadmissible individuals refused visas	<ul style="list-style-type: none"> • Review of Performance Information, Files and Databases
	4.6.6 Justice/RCMP Inventory of suspected war crimes, crimes against humanity, and genocide cases	<ul style="list-style-type: none"> • Review of Performance Information, Files and Databases
4.7 To what extent does Canada contribute to the domestic and international fight against impunity and is not a safe haven for persons believed to have committed or been complicit in war crimes, crimes against humanity or genocide?	4.7.1 Perception among stakeholders that Canada is not a safe haven	<ul style="list-style-type: none"> • Structured Interviews with Key Stakeholders • Survey of Departmental Staff
	4.7.2 The number of inadmissible individuals refused visas	<ul style="list-style-type: none"> • Review of Performance Information, Files and Databases
4.8 Were there any unintended impacts?	4.8.1 Lessons learned from the delivery of the CAHWCP	<ul style="list-style-type: none"> • Structured Interviews with Key Stakeholders • Survey of Departmental Staff • Case Studies
	4.8.2 Evidence the horizontal approach contributed/detracted from the achievement of outcomes	<ul style="list-style-type: none"> • Structured Interviews with Key Stakeholders • Survey of Departmental Staff • Case Studies

Issue/question	Indicators	Data sources and methods
Issue 5: Demonstration of efficiency and economy		
5.1 To what extent has the Program achieved its results to date efficiently?	5.1.1 Description of the resources (FTEs, operations and program funding) allocated to the Program each year from 2012–13 to 2015–16 plus additional departmental/ partner resources contributed to achieve objectives	<ul style="list-style-type: none"> • Review of Performance Information, Files and Databases • Structured Interviews with Key Stakeholders • Cost comparisons
	5.1.2 Evidence that the resources were used for the purposes intended	<ul style="list-style-type: none"> • Review of Performance Information, Files and Databases • Structured Interviews with Key Stakeholders • Cost Comparisons by Remedy
	5.1.3 Evidence and perception of the extent to which each Program partner could have increased outputs with the same level of inputs, or whether the same level of outputs could have been achieved with a lower level of inputs	<ul style="list-style-type: none"> • Review of Performance Information, Files and Databases • Cost Comparisons by Remedy • Structured Interviews with Key Stakeholders
	5.1.4 Evidence the horizontal approach contributed to the efficiency and economy of the initiative	<ul style="list-style-type: none"> • Review of Performance Information, Files and Databases • Cost Comparisons by Remedy • Structured Interviews with Key Stakeholders • Case Studies
5.2 To what extent has the Program achieved its results to date economically?	5.2.1 Evidence and perception as to whether there are alternative ways of achieving Program objectives that might be less costly than the current approach, and description of any alternative approaches	<ul style="list-style-type: none"> • Cost Comparisons by Remedy • Structured Interviews with Key Stakeholders • International comparisons • Case Studies
Issue 6: Design and Delivery		
6.1 Was the Program designed appropriately and did it operate in the manner intended?	6.1.1 Evidence and perception of the factors that influenced the horizontal collaboration	<ul style="list-style-type: none"> • Structured Interviews with Key Stakeholders • Survey of Departmental Staff • Case Studies
	6.1.2 Evidence and perception that the governance is effective (evidence that it supports accountabilities, decision making, control and risk management)	<ul style="list-style-type: none"> • Structured Interviews with Key Stakeholders • Survey of Departmental Staff • Case Studies
	6.1.3 Evidence and perception of the impact of different departmental cultures on the management of the Program	<ul style="list-style-type: none"> • Structured Interviews with Key Stakeholders • Survey of Departmental Staff • Case Studies

Appendix C:
Data Collection Instruments

Interview guide for Program departments (Justice, CBSA, and IRCC)

The Evaluation Division of Justice Canada, in cooperation with the Royal Canadian Mounted Police (RCMP), Canada Border Services Agency (CBSA), and Immigration, Refugees and Citizenship Canada (IRCC), is conducting an evaluation of the Crimes Against Humanity and War Crimes (CAHWC) Program (“the Program”). The Program is an interdepartmental effort by the above-named departments/agencies to support the Government of Canada’s policy of denying safe haven to those who have committed or are suspected of committing crimes against humanity, war crimes, or genocide. Justice Canada has retained the services of PRA Inc. to perform this evaluation. The evaluation is required under the 2009 Treasury Board *Policy on Evaluation*, which requires that all direct program spending be evaluated. The purpose of the evaluation is to assess the Program’s relevance and performance (effectiveness, efficiency, and economy).

As part of this evaluation, and along with other methodologies, we are interviewing Program staff, as well as various Canadian and international stakeholders. Your participation is voluntary. The interview will take approximately one hour to complete. Thank you in advance for participating.

Representatives of the Evaluation Division of Justice Canada, the RCMP, the CBSA, or IRCC may sit in on interviews of their departmental/agency key informants. In addition, the Evaluation Division of each department/agency will have access to the notes from the interviews with their departmental/agency key informants. Finally, with your permission, we will audio-record the interview to ensure the accuracy of the information we gather and report.

1. Please briefly describe your role with respect to the Program. Has your role evolved or changed over time? As part of your role in the Program, have you worked with other federal departments/agencies or international partners?

Relevance of the Program

2. Has the context related to war crimes, crimes against humanity, or genocide changed over the last five years? If so, how? In your response, please consider such factors as the nature and number of these crimes, the commitment of the international community to addressing them, international legal developments, and the attention paid to these crimes by the media and the public. Does this changing context enhance or reduce the need for the Program?

3. Are the objectives of the Program still relevant to:
 - a) evolving Government of Canada priorities, including international priorities;
 - b) current departmental immigration, refugee, security, and justice policies and priorities;
 - c) Canada's evolving international legal obligations (e.g., new international accords, legislation, or policies); and
 - d) the policies and priorities of its international partners?
4. In your opinion, is there a continued need for the multi-departmental, coordinated Program, or are the current legislation, policies, processes, structures, etc. in place sufficient for Canada to address war crimes, crimes against humanity, and genocide? Please explain.

Performance — Achievement of outcomes

5. How has the Program contributed to increasing awareness and knowledge of war crimes, crimes against humanity, and genocide, and how they are being addressed? Please provide examples of how Canada has contributed. (*Probe: are they aware of any training, outreach, capacity building, collaborative initiatives?*)
6. Are any stakeholder groups not being sufficiently reached with the Program's current outreach efforts? (*Probe: international partners, domestic or international non-governmental organizations that work in the area, other federal departments*) What are the benefits from these outreach efforts? (*Probe: to the Program or to the international response to these crimes*)
7. What training does the Program offer to partner departments/agencies? How satisfied are you with the current training? What changes, if any, could improve the training? (*Probe: have standardized training plan and modules been developed and implemented?*) Please consider issues such as the frequency, subject matter, and level of training.
8. What tools or policies does the Program have to support the work of the operational personnel in each Program department/agency? Are there any gaps in tools or policies that the Program should address or improvements that it should consider?
9. How effective are the working relationships among the Program partners in terms of communication, collaboration, information-sharing, clarity of roles and responsibilities, or other issues? (*Probe: how well do partners know the other components of the Program?*)

10. What steps has the Program taken to improve or support its knowledge management efforts?
In what ways is the current knowledge management for the Program adequate, and in what ways could it be improved? (*Probe: upgrading/sharing across coordinating partners; the Modern War Crimes System database; coordinating the Program's research capacity via a Virtual Library Project*)
11. In your opinion, are allegations managed effectively at each step in the process: compiling and screening allegations, investigating allegations, selecting and implementing remedies, and monitoring outcomes?
12. How effective has the Program been in holding accountable persons believed to have committed or been complicit in war crimes, crimes against humanity, or genocide?
13. What factors have influenced its effectiveness in either a positive or negative way?
14. Based on your experience, how effective is the collaboration between Canada and its international partners in terms of gathering and sharing information and/or intelligence related to war crimes, crimes against humanity, and genocide? What has been the Program's contribution? What, if anything, can be improved?
15. In your opinion, is Canada meeting its international obligations related to war crimes, crimes against humanity, or genocide? *Probe: ask them to consider specific obligations under international accords, protocols, conventions to which Canada is a signatory, such as Convention on Torture, Genocide Convention, Geneva Convention, Rome Statute/International Criminal Court*) Is Canada demonstrating leadership at the global level? (*Probe: ask them if other countries have emulated Canada's approach in terms of legislation, operations, program structure*) What is the basis for your opinions?

Design and delivery

16. To what extent is the Program governance structure (i.e., Program Coordination and Operations Committee [PCOC], and the ADM Program Steering Committee) appropriate and effective with regard to:
 - a) clear definition of roles, responsibilities, and accountabilities;
 - b) decision-making; and
 - c) risk management?

Please provide examples.

17. Please describe any changes within your department/agency's structure or approach to the Program within the last five years.
18. What factors have promoted horizontal collaboration among partnering departments and agencies? What factors have hindered horizontal collaboration? (*Probe: awareness/knowledge of each partner's role; different department cultures, and realities; different department approaches related to communication and information-sharing*) In your opinion, has the horizontal approach contributed to or detracted from the achievement of the Program's outcomes?
19. What are the key best practices to date in the delivery of the Program? What are the key lessons learned?

Efficiency and economy

20. In your opinion, are adequate resources (e.g., human, financial, technological) in place to support the work of the Program and of your department/agency's contribution to the Program? Where are there gaps/deficits in resources? How are resource challenges managed?
21. Do you have any suggestions for how the Program or your department/agency could achieve the Program's objectives either more efficiently (i.e., do more with the same resources) or at a lower cost? (*Probe: are there ways to increase the cost-effectiveness of certain remedies?*)
22. Should the Program encourage other departments/agencies to be more involved in the Program? If so, what would be your suggestions? (*Probe: which departments/agencies and what would be their contributions to the Program*)
23. Are there more cost-effective approaches (including those used by other countries) to fulfill Canada's no safe haven policy? If so, please describe.

Thank you for your participation.

Interview guide for Program departments (RCMP)

The Evaluation Division of Justice Canada, in cooperation with the Royal Canadian Mounted Police (RCMP), Canada Border Services Agency (CBSA), and Immigration, Refugees and Citizenship Canada (IRCC), is conducting an evaluation of the Crimes Against Humanity and War Crimes (CAHWC) Program (“the Program”). The Program is an interdepartmental effort by the above-named departments/agencies to support the Government of Canada’s policy of denying safe haven to those who have committed or are suspected of committing crimes against humanity, war crimes, or genocide. Justice Canada has retained the services of PRA Inc. to perform this evaluation. The evaluation is required under the 2009 Treasury Board *Policy on Evaluation*, which requires that all direct program spending be evaluated. The purpose of the evaluation is to assess the Program’s relevance and performance (effectiveness, efficiency, and economy).

As part of this evaluation, and along with other methodologies, we are interviewing Program staff, as well as various Canadian and international stakeholders. Your participation is voluntary. The interview will take approximately one hour to complete. Thank you in advance for participating.

Representatives of the Evaluation Division of Justice Canada, the RCMP, the CBSA, or IRCC may sit in on interviews of their departmental/agency key informants. In addition, the Evaluation Division of each department/agency will have access to the notes from the interviews with their departmental/agency key informants.

1. Please briefly describe your role with respect to the Program. Has your role evolved or changed over time? As part of your role in the Program, have you worked with other federal departments/agencies or international partners?

Relevance of the Program

2. Has the context related to war crimes, crimes against humanity, or genocide changed over the last five years? If so, how? In your response, please consider such factors as the nature and number of these crimes, the commitment of the international community to addressing them, international legal developments, and the attention paid to these crimes by the media and the public. Does this changing context enhance or reduce the need for the Program?
3. Are the objectives of the Program still relevant to:
 - a) evolving Government of Canada priorities, including international priorities;

- b) current departmental immigration, refugee, security, and justice policies and priorities;
 - c) Canada's evolving international legal obligations (e.g., new international accords, legislation, or policies); and
 - d) the policies and priorities of its international partners?
4. In your opinion, is there a continued need for the multi-departmental, coordinated Program, or are the current legislation, policies, processes, structures, etc. in place sufficient for Canada to address war crimes, crimes against humanity, and genocide? Please explain.

Performance — Achievement of outcomes

5. How has the Program contributed to increasing awareness and knowledge of war crimes, crimes against humanity, and genocide, and how they are being addressed? Please provide examples of how Canada has contributed. (*Probe: are they aware of any training, outreach, capacity building, collaborative initiatives?*)
6. Are any stakeholder groups not being sufficiently reached with the Program's current outreach efforts? (*Probe: international partners, domestic or international non-governmental organizations that work in the area, other federal departments*) What are the benefits from these outreach efforts? (*Probe: to the Program or to the international response to these crimes*)
7. What training does the Program offer to partner departments/agencies? How satisfied are you with the current training? What changes, if any, could improve the training? (*Probe: have standardized training plan and modules been developed and implemented?*) Please consider issues such as the frequency, subject matter, and level of training.
8. What tools or policies does the Program have to support the work of the operational personnel in each Program department/agency? Are there any gaps in tools or policies that the Program should address or improvements that it should consider?
9. How effective are the working relationships among the Program partners in terms of communication, collaboration, information-sharing, clarity of roles and responsibilities, or other issues? (*Probe: how well do partners know the other components of the Program?*)
10. What steps has the Program taken to improve or support its knowledge management efforts? In what ways is the current knowledge management for the Program adequate, and in what ways could it be improved? (*Probe: upgrading/sharing across coordinating partners; the*

Modern War Crimes System database; coordinating the Program's research capacity via a Virtual Library Project)

11. In your opinion, are allegations managed effectively at each step in the process: compiling and screening allegations, investigating allegations, selecting and implementing remedies, and monitoring outcomes?
12. How effective has the Program been in holding accountable persons believed to have committed or been complicit in war crimes, crimes against humanity, or genocide? What factors have influenced its effectiveness in either a positive or negative way?
13. Based on your experience, how effective is the collaboration between Canada and its international partners in terms of gathering and sharing information and/or intelligence related to war crimes, crimes against humanity, and genocide? What has been the Program's contribution? What, if anything, can be improved?
14. In your opinion, is Canada meeting its international obligations related to war crimes, crimes against humanity, or genocide? *Probe: ask them to consider specific obligations under international accords, protocols, conventions to which Canada is a signatory, such as Convention on Torture, Genocide Convention, Geneva Convention, Rome Statute/International Criminal Court)* Is Canada demonstrating leadership at the global level? *(Probe: ask them if other countries have emulated Canada's approach in terms of legislation, operations, Program structure)* What is the basis for your opinions?

Design and delivery

15. To what extent is the Program governance structure (i.e., Program Coordination and Operations Committee [PCOC], and the ADM Program Steering Committee) appropriate and effective with regard to:
 - a) clear definition of roles, responsibilities, and accountabilities;
 - b) decision-making; and
 - c) risk management?Please provide examples.
16. Please describe any changes within your department/agency's structure or approach to the Program within the last five years.

17. What factors have promoted horizontal collaboration among partnering departments and agencies? What factors have hindered horizontal collaboration? (*Probe: awareness/knowledge of each partner's role; different department cultures, and realities; different department approaches related to communication and information-sharing*) In your opinion, has the horizontal approach contributed to or detracted from the achievement of the Program's outcomes?
18. What are the key best practices to date in the delivery of the Program? What are the key lessons learned?

Efficiency and economy

19. In your opinion, are adequate resources (e.g., human, financial, technological) in place to support the work of the Program and of your department/agency's contribution to the Program? Where are there gaps/deficits in resources? How are resource challenges managed?
20. Do you have any suggestions for how the Program or your department/agency could achieve the Program's objectives either more efficiently (i.e., do more with the same resources) or at a lower cost? (*Probe: are there ways to increase the cost-effectiveness of certain remedies?*)
21. Should the Program encourage other departments/agencies to be more involved in the Program? If so, what would be your suggestions? (*Probe: which departments/agencies and what would be their contributions to the Program*)
22. Are there more cost-effective approaches (including those used by other countries) to fulfill Canada's no safe haven policy? If so, please describe.

Thank you for your participation.

Interview guide for federal stakeholders

The Evaluation Division of Justice Canada, in cooperation with the Royal Canadian Mounted Police (RCMP), Canada Border Services Agency (CBSA), and Immigration, Refugees and Citizenship Canada (IRCC), is conducting an evaluation of the Crimes Against Humanity and War Crimes (CAHWC) Program (“the Program”). The Program is an interdepartmental effort by the above-named departments/agencies to support the Government of Canada’s policy of denying safe haven to those who have committed or are suspected of committing crimes against humanity, war crimes, or genocide. Justice Canada has retained the services of PRA Inc. to perform this evaluation. The evaluation is required under the 2009 Treasury Board *Policy on Evaluation*, which requires that all direct program spending be evaluated. The purpose of the evaluation is to assess the Program’s relevance and performance (effectiveness, efficiency, and economy).

As part of this evaluation, and along with other methodologies, we are interviewing Program staff, as well as various Canadian and international stakeholders. Your participation is voluntary. The interview will take approximately one hour to complete. Thank you in advance for participating.

The information we gather through this interview will be summarized in aggregate form. Interview notes will not be shared outside of PRA and the Evaluation Division of Justice Canada. With your permission, we will audio-record the interview to ensure the accuracy of the information we gather and report.

1. Please briefly describe your role with respect to the Crimes Against Humanity and War Crimes Program (“the Program”). Of the Program departments (Justice, RCMP, CBSA, and/or IRCC), which ones do you work with most closely?

Relevance of the Program

2. Has the context related to war crimes, crimes against humanity, or genocide changed over the last five years? If so, how? In your response, please consider such factors as the nature and number of these crimes, the commitment of the international community to addressing them, international legal developments, and the attention paid to these crimes by the media and the public. Does this changing context enhance or reduce the need for the Program?
3. Are the objectives of the Program still relevant to:
 - a) evolving Government of Canada priorities, including international priorities;
 - b) current departmental immigration, refugee, security, and justice policies and priorities;

- c) Canada's evolving international legal obligations (e.g., new international accords, legislation, or policies); and
 - d) the policies and priorities of its international partners?
4. In your opinion, is there a continued need for the multi-departmental, coordinated Program, or are the current legislation, policies, processes, structures, etc. in place sufficient for Canada to address war crimes, crimes against humanity, and genocide? Please explain.

Performance — Achievement of outcomes

5. How would you describe your department/agency's staff awareness and knowledge of the Program?
6. In what ways, has the Program contributed to increasing awareness and knowledge of war crimes, crimes against humanity, and genocide, and how they are being addressed? Please provide examples of how Canada has contributed. (*Probe: are they aware of any training, outreach, capacity building, collaborative initiatives?*)
7. Are any stakeholder groups not being sufficiently reached with the Program's current outreach efforts? (*Probe: international partners, domestic or international non-governmental organizations that work in the area, other federal departments*) What are the benefits from these outreach efforts? (*Probe: to the Program or to the international response to these crimes*)
8. From the perspective of your department/agency, is the Program well coordinated among the four participating departments/agencies in terms of communication, collaboration and information-sharing, clarity of roles and responsibilities, or other issues? Please explain or provide examples.
9. How effective has the working relationship been between your department/agency and the Program departments/agencies? Do you have any suggestions for improvements?
10. How effective has the Program been in holding accountable persons believed to have committed or been complicit in war crimes, crimes against humanity, or genocide? What factors have influenced its effectiveness in either a positive or negative way?
11. Based on your experience, how effective is the collaboration between Canada and its international partners in terms of gathering and sharing information and/or intelligence related

to war crimes, crimes against humanity, and genocide? What has been the Program's contribution? What, if anything, can be improved?

12. In your opinion, is Canada meeting its international obligations related to war crimes, crimes against humanity, or genocide? *Probe: ask them to consider specific obligations under international accords, protocols, conventions to which Canada is a signatory, such as Convention on Torture, Genocide Convention, Geneva Convention, Rome Statute/International Criminal Court*) Is Canada demonstrating leadership at the global level? *(Probe: ask them if other countries have emulated Canada's approach in terms of legislation, operations, program structure)* What is the basis for your opinions?

Efficiency and economy

13. Do you have any suggestions for how the Program or your department/agency could achieve the Program's objectives either more efficiently (i.e., do more with the same resources) or at a lower cost? *(Probe: are there ways to increase the cost-effectiveness of certain remedies?)*
14. Should the Program encourage other departments/agencies to be more involved in the Program? If so, what would be your suggestions? *(Probe: which departments/agencies and what would be their contributions to the Program)*
15. Are there more cost-effective approaches (including those used by other countries) to fulfill Canada's no safe haven policy? If so, please describe.

Thank you for your participation.

Interview guide for international stakeholders

The Evaluation Division of Justice Canada, in cooperation with the Royal Canadian Mounted Police (RCMP), Canada Border Services Agency (CBSA), and Immigration, Refugees and Citizenship Canada (IRCC), is conducting an evaluation of the Crimes Against Humanity and War Crimes (CAHWC) Program (“the Program”). The Program is an interdepartmental effort by the above-named departments/agencies to support the Government of Canada’s policy of denying safe haven to those who have committed or are suspected of committing crimes against humanity, war crimes, or genocide. Justice Canada has retained the services of PRA Inc. to perform this evaluation. The evaluation is required under the 2009 Treasury Board *Policy on Evaluation*, which requires that all direct program spending be evaluated. The purpose of the evaluation is to assess the Program’s relevance and performance (effectiveness, efficiency, and economy).

As part of this evaluation, and along with other methodologies, we are interviewing representatives of the Canadian government, as well as various Canadian and international stakeholders. Your participation is voluntary. The interview will take approximately one hour to complete. Thank you in advance for participating.

The information we gather through this interview will be summarized in aggregate form. Interview notes will not be shared outside of PRA and the Evaluation Division of Justice Canada. With your permission, we will audio-record the interview to ensure the accuracy of the information we gather and report.

1. Please briefly describe your role and the role of your organization in addressing crimes against humanity, war crimes, and genocide.
2. In doing this work, do you ever interact directly with your counterparts in Canada? Please describe how you have worked with them.

Relevance of the Program

3. Has the context related to war crimes, crimes against humanity, or genocide changed over the last five years? If so, how? In your response, please consider such factors as the nature and number of these crimes, the commitment of the international community to addressing them, international legal developments, and the attention paid to these crimes by the media and the public.

4. Does the current context affect the demand for and continued relevance of prosecution, deportation, extradition, or exclusion of persons believed to have committed or been complicit in war crimes, crimes against humanity, or genocide? Are these remedies sufficient to address these crimes?
5. What evidence is there that international initiatives, including Canada's, have had an impact on denying safe havens to persons believed to have committed or been complicit in war crimes, crimes against humanity, or genocide?

Performance — Achievement of outcomes

6. Have you received or been involved in any outreach activities offered by the Canadian Program? What were they? (*Probe: training, capacity building, collaborative initiatives*) What would you consider to be the benefits of these activities? Do you have any improvements to suggest?
7. Based on your experience, how effective is the collaboration between Canada and its international partners in terms of gathering and sharing information and/or intelligence related to war crimes, crimes against humanity, and genocide? What has been the Program's contribution? What, if anything, can be improved?
8. Is Canada meeting its international obligations related to crimes against humanity, war crimes, or genocide? In what ways has Canada exceeded, met, or fallen short? (*Probe: ask them to consider specific obligations under international accords, protocols, conventions to which Canada is a signatory, such as Convention on Torture, Genocide Convention, Geneva Convention, Rome Statute/International Criminal Court.*) What has been the effect on the global ability to respond to crimes against humanity, war crimes, or genocide?
9. To what extent has Canada demonstrated leadership on war crimes at the global level? Please give specific examples. (*Probe: have other countries emulated Canada's approach in terms of legislation, operations, program structure, etc.?*)
10. Based on your contacts with the Canadian Program, in your view, are allegations of involvement in war crimes, crimes against humanity, or genocide managed efficiently and effectively in Canada? Please explain or give examples.
11. How effective has the Canadian Program been in holding accountable persons believed to have committed or been complicit in war crimes, crimes against humanity, or genocide?

12. Based on your experience and contacts with the Canadian Program, what factors have influenced its effectiveness in either a positive or negative way?

Efficiency and economy

13. Based on your experience, what are the most cost-effective approaches that you have observed for countries implementing their policies related to war crimes, crimes against humanity, and genocide?
14. What are the most effective and efficient ways to increase knowledge and awareness of the Program among international partners and stakeholders?

Thank you for your participation.

Interview guide for non-governmental organizations and academics

The Evaluation Division of Justice Canada, in cooperation with the Royal Canadian Mounted Police (RCMP), Canada Border Services Agency (CBSA), and Immigration, Refugees and Citizenship Canada (IRCC), is conducting an evaluation of the Crimes Against Humanity and War Crimes (CAHWC) Program (“the Program”). The Program is an interdepartmental effort by the above-named departments/agencies to support the Government of Canada’s policy of denying safe haven to those who have committed or are suspected of committing crimes against humanity, war crimes, or genocide. Justice Canada has retained the services of PRA Inc. to perform this evaluation. The evaluation is required under the 2009 Treasury Board *Policy on Evaluation*, which requires that all direct program spending be evaluated. The purpose of the evaluation is to assess the Program’s relevance and performance (effectiveness, efficiency, and economy).

As part of this evaluation, and along with other methodologies, we are interviewing representatives of the Canadian government, as well as various Canadian and international stakeholders. Your participation is voluntary. The interview will take approximately one hour to complete. Thank you in advance for participating.

The information we gather through this interview will be summarized in aggregate form. Interview notes will not be shared outside of PRA and the Evaluation Division of Justice Canada. With your permission, we will audio-record the interview to ensure the accuracy of the information we gather and report.

1. Please briefly describe the work of your organization or your individual work related to crimes against humanity, war crimes, and genocide.
2. In doing this work, do you ever interact directly with the Program departments in Canada (Justice Canada, RCMP, CBSA, and IRCC)? Please describe the nature of any interactions you have had.

Relevance of the Program

3. Has the context related to war crimes, crimes against humanity, or genocide changed over the last five years? If so, how? In your response, please consider such factors as the nature and number of these crimes, the commitment of the international community to addressing them, international legal developments, and the attention paid to these crimes by the media and the public.

4. Does the current context affect the demand for and continued relevance of prosecution, deportation, extradition, or exclusion of persons believed to have committed or been complicit in war crimes, crimes against humanity, or genocide? Are these remedies sufficient to address these crimes?
5. What evidence is there that international initiatives, including Canada's, have had an impact on denying safe havens to persons believed to have committed or been complicit in war crimes, crimes against humanity, or genocide?

Performance — Achievement of outcomes

6. Has the Canadian Program contributed to increasing international awareness and knowledge of war crimes, crimes against humanity, and genocide, and how they are being addressed? Please provide examples of how Canada has contributed. (*Probe: are they aware of any training, outreach, capacity building, collaborative initiatives?*) Are there any stakeholder groups that are not sufficiently being reached yet? What are the benefits of these outreach activities?
7. Based on your experience, how effective is the collaboration between Canada and its international partners in terms of gathering and sharing information and/or intelligence related to war crimes, crimes against humanity, and genocide? What has been the Program's contribution? What, if anything, can be improved?
8. Is Canada meeting its international obligations related to crimes against humanity, war crimes, or genocide? In what ways has Canada exceeded, met, or fallen short? (*Probe: ask them to consider specific obligations under international accords, protocols, conventions to which Canada is a signatory, such as Convention on Torture, Genocide Convention, Geneva Convention, Rome Statute/International Criminal Court.*) What has been the effect on the global ability to respond to crimes against humanity, war crimes, or genocide?
9. To what extent has Canada demonstrated leadership on war crimes at the global level? Please give specific examples. (*Probe: have other countries emulated Canada's approach in terms of legislation, operations, program structure, etc.?*)
10. In your view, are allegations of involvement in war crimes, crimes against humanity, or genocide managed efficiently and effectively in Canada? Please explain or give examples.

11. How effective has the Canadian Program been in holding accountable persons believed to have committed or been complicit in war crimes, crimes against humanity, or genocide?
12. Based on your experience and contacts with the Canadian Program, what factors have influenced its effectiveness in either a positive or negative way?

Efficiency and economy

13. Based on your experience, what are the most cost-effective approaches that you have observed for countries implementing their policies related to war crimes, crimes against humanity, and genocide?
14. What are the most effective and efficient ways to increase knowledge and awareness of the Program among international partners and stakeholders?

Thank you for your participation.

Survey questionnaire for departmental staff

Welcome to the survey for the Evaluation of the Crimes Against Humanity and War Crimes (CAHWC) Program (“the Program”). One component of the evaluation is to conduct this online survey of departmental staff of Program departments and agencies (Department of Justice Canada, Canada Border Services Agency, Royal Canadian Mounted Police, and Citizenship and Immigration Canada). The evaluation is required under the 2009 Treasury Board *Policy on Evaluation*, which requires that all direct program spending be evaluated. The purpose of the evaluation is to assess the Program’s relevance and performance (effectiveness, efficiency, and economy).

The survey will take approximately 20 minutes to complete. Your participation is voluntary, and the information you provide is confidential; results will be reported in aggregate. You may leave the survey at any time and come back later to complete the questions. If you do leave the survey prior to completion, we ask that you wait approximately 15 minutes to re-enter, in order to give the survey a chance to refresh.

If you have any questions about the survey, please contact one of PRA Inc.’s staff: Amy Richmond at 1-888-877-6744 for assistance in English, or Éric Albert at 1-866-422-8468 for assistance in French. If at any time you experience technical difficulties while completing the survey, please contact support@pra-surveys.ca. If you have any questions about the evaluation, please contact Paula McLenaghan of the Department of Justice Canada at 1-613-952-3594 or paula.mclenaghan@justice.gc.ca.

The survey will remain open until [insert date].

Introduction

To start, please tell us about yourself. We understand that some survey respondents may no longer work within the context of the Program. Please answer the questions below based on when you were working within the Program.

1. For what department/agency do/did you work?

Canada Border Services Agency	1
Citizenship and Immigration Canada	2
Department of Justice Canada	3
Royal Canadian Mounted Police	4

2. Where do/did you work? Check all that apply.

Headquarters or satellite offices in Ottawa/Gatineau	01
Regional units	02
Overseas mission	03
Other (please specify)	04

3. How long have you worked in areas related to addressing war crimes, crimes against humanity, or genocide?

Less than one year	1
One to five years	2
Six to ten years	3
Over ten years	4

Context

The next several questions ask you to consider the context related to war crimes, crimes against humanity, and genocide.

4. Based on your experience, have you noticed a change in any of the following: [Q1.1, Q1.1.5, Q1.2]

Response categories: Major increase, Small increase, No change, Small decrease, Major decrease, Don't know

- Allegations of war crimes, crimes against humanity, and genocide
- Commitment of international community to accountability for war crimes, crimes against humanity, and genocide
- Commitment of domestic stakeholders to accountability for war crimes, crimes against humanity, and genocide
- Media attention paid to war crimes, crimes against humanity, and genocide
- Public desire to pursue individuals who are believed to have committed or been complicit in war crimes, crimes against humanity, and genocide
- Impact of war crimes, crimes against humanity, and genocide programs in other countries

5. Within the last five years, have there been any changes in Canadian legislation or policies that have enhanced or reduced the need for the Program? [Q1.1.2]

Response categories: Enhanced need for the Program; Some changes have enhanced need, some changes have reduced need for the Program; Reduced need for the Program; No effect; Don't know

6. (If No effect or don't know to Q5, skip to Q7) Please explain. [OPEN-END] [Q1.1.2]

7. Within the last five years, have there been any changes in international law, policies, or accords that have enhanced or reduced the need for the Program? [Q1.1.2]

Response categories: Enhanced need for the Program; Some changes have enhanced need, some changes have reduced need for the Program; Reduced need for the Program; No effect; Don't know

8. (If No effect or don't know to Q7, skip to Q9) Please explain. [OPEN-END] [Q1.1.2]

9. How would you describe the Program's contribution related to war crimes, crimes against humanity, and genocide in the following areas? To the extent possible, please consider the Program as a whole and not only your department or agency. [Q1.1.3 and Q1.1.4]

Response categories: Substantial contribution, Minor contribution, No contribution, Negative contribution

- Gathering information and/or intelligence on the context and history
- Sharing information and/or intelligence with partner departments on the context and history
- Sharing information and/or intelligence with international partners on the context and history
- Gathering information and/or intelligence on the allegations against specific individuals
- Sharing information and/or intelligence with partner departments on the allegations against specific individuals
- Sharing information and/or intelligence with international partners on the allegations against specific individuals

10. In your opinion, is there a continued need for the multi-departmental, coordinated Program, or are the current legislation, policies, processes, structures, etc. in place sufficient for Canada to hold accountable persons believed to have committed or been complicit in war crimes, crimes against humanity, and genocide? [Q1.2, Q4.8.3]

Response categories: Yes, continued need for the Program; Continued need for the Program, but with changes to address evolving context; No need for the Program anymore; Don't know

11. Please explain. [OPEN-END]

Outcomes

The next set of questions asks about the Program's anticipated outcomes.

12. How would you rate awareness of the Program and its aims among the following groups? [Q4.1]

Response categories: Very aware, Somewhat aware, Somewhat unaware, Very unaware, Don't know

- Canadian organizations that deal with human rights abuses, war crimes, crimes against humanity, or genocide
- International organizations that deal with human rights abuses, war crimes, crimes against humanity, or genocide
- Non-government organizations that assist victims and communities that have experienced war crimes, crimes against humanity, or genocide
- Representatives of agencies working in immigration, security, military, and humanitarian law in other countries
- The public

13. How would you rate your level of knowledge of **all** components of the Program (not just your own program component)? [Q4.1.3]

Response categories: Very knowledgeable, Knowledgeable, Somewhat knowledgeable, Not knowledgeable

14. To what extent has the Program demonstrated Canadian leadership on war crimes, crimes against humanity, and genocide at the global level? [Q4.2.2, Q4.4.1, Q4.4.2, Q4.4.3]

Response categories: To a great extent; To a reasonable extent; Very little; Not at all; Don't know

- In providing an effective legislative framework
- In the effective management of allegations
- In providing support to international organizations addressing war crimes issues
- By other countries learning from and emulating Canada's approach to addressing war crimes

15. Based on your experience, to what extent has the Program been successful in the following activities as related to persons believed to have committed or been complicit in war crimes, crimes against humanity, or genocide? [Q4.2.2, Q4.3.3, Q4.6.1]

Response categories: Very successful, Somewhat successful, Somewhat unsuccessful, Very unsuccessful, Don't know, Not applicable to my work

- Denial of visas
- Denial of refugee status
- Revocation of citizenship
- Removal of individuals from Canada under the *Immigration and Refugee Protection Act*
- Extradition upon request by other countries
- Prosecution

16. How adequate are the following in holding accountable persons believed to have committed or been complicit in war crimes, crimes against humanity, or genocide? [Q4.4, Q4.5]

Response categories: Very adequate, Somewhat adequate, Somewhat inadequate, Very inadequate, Don't know

- Legislation
- International agreements and treaties (e.g., Memoranda of Understanding)

17. How would you describe the working relationships between your department/agency and the following organizations related to your work on war crimes, crimes against humanity, and genocide? [Note: The online survey will remove respondent's response to Q1 from list below] [Q6.1.3]

Response categories: Very effective, Somewhat effective, Somewhat ineffective, Very ineffective, Don't know, Not applicable to my work

- Canada Border Services Agency
- Citizenship and Immigration Canada
- Department of Justice Canada
- Royal Canadian Mounted Police
- Public Prosecution Service of Canada
- Department of Foreign Affairs, Trade, and Development Canada
- Partner agencies in other countries

18. How have the working relationships between the Program departments/agencies (Department of Justice Canada, RCMP, CBSA, IRCC) affected the ability to do any of the following activities related to war crimes, crimes against humanity, or genocide? [Q4.8.3]

Response categories: Very positive effect, Positive effect, No effect, Negative effect, Very negative effect, Don't know, Not applicable to my work

- Gather information and/or intelligence
- Share information and/or intelligence
- Identify individuals complicit in these crimes
- Take action against individuals complicit in these crimes

19. How would you describe your level of satisfaction with the Program as a response to denying safe haven in Canada to those involved in war crimes, crimes against humanity, or genocide? [Q4.7.1]

Response categories: Highly satisfied, Somewhat satisfied, Somewhat unsatisfied, Highly unsatisfied, Don't know

20. How useful are the following tools, policies, and procedures to your work related to war crimes, crimes against humanity, and genocide? [Q4.1]

Response categories: Very useful, Somewhat useful, Not very useful, Not at all useful, Don't know, Not applicable to my work

- Department/agency manuals
- Department/agency procedures
- Department/agency policies
- Screening tools
- Country reports
- CBSA 24-hour telephone support line
- Lookouts in computer system
- File review criteria

21. Are the tools, policies, and procedures that you use kept up-to-date so that they remain relevant to your work? [Q4.1]

Yes	1
No	0
Don't know	8
Not applicable to my work	7

22. (IF RESPOND 0 TO Q21) Which ones need updating? [OPEN-END] [Q4.1]

23. To what extent do you agree with the following statements? Please answer based on your work related to crimes against humanity, war crimes, and genocide. [Q4.1, Q4.4]

Response categories: Agree, Somewhat agree, Somewhat disagree, Disagree, Don't know, Not applicable to my work

- Roles of other departments and agencies are clear.
- Communication and coordination among departments and agencies is effective.
- Communication and coordination between the Program and international organizations is effective.

- The amount of training provided is adequate.
- The subject matter of current training meets my needs.
- The level of training is suitable for someone with my time on the job and responsibilities.
- The outreach efforts to raise awareness with domestic stakeholders are sufficient.
- The outreach efforts to raise awareness with international stakeholders are sufficient.

24. For each of the following, are there adequate resources for dealing with war crimes, crimes against humanity, and genocide? [Q5.1]

Response categories: Very adequate, Somewhat adequate, Somewhat inadequate, Very inadequate, Don't know, Not applicable to my work

- Screening visa applications for entry to Canada
- Denying visas
- Training and professional development
- Gathering and disseminating information and/or intelligence data
- Investigations
- Outreach and communications
- Preparation of cases for hearings/reviews
- Preparation of cases for trial

25. Please identify three elements of the Program that, in your opinion, work particularly well. [Q4.8.2]

26. Please identify three potential areas for improving the Program. [Q4.8.2]

27. Do you have any other comments that you would like to make about the Program?

Interview guide for case studies

The Evaluation Division of Justice Canada, in cooperation with the Royal Canadian Mounted Police (RCMP), Canada Border Services Agency (CBSA), and Immigration, Refugees and Citizenship Canada (IRCC), is conducting an evaluation of the Crimes Against Humanity and War Crimes (CAHWC) Program (“the Program”). The Program is an interdepartmental effort by the above-named departments/agencies to support the Government of Canada’s policy of denying safe haven to those who have committed or are suspected of committing crimes against humanity, war crimes, or genocide. Justice Canada has retained the services of PRA Inc. to perform this evaluation. The evaluation is required under the 2009 Treasury Board *Policy on Evaluation*, which requires that all direct program spending be evaluated. The purpose of the evaluation is to assess the program’s relevance and performance (effectiveness, efficiency, and economy).

In addition to other methodologies, the evaluation includes case studies of the use of five remedies available under the Program. Each case study will include a review of relevant documents and files and key informant interviews. Your participation is voluntary. The interview will take approximately one hour to complete. Thank you in advance for your participation.

Representatives of the Evaluation Division of Justice Canada, the RCMP, the CBSA, or IRCC may sit in on interviews of their departmental/agency key informants. In addition, the Evaluation Division of each department/agency will have access to the notes from the interviews with their departmental/agency key informants. Finally, with your permission, we will audio-record the interview to ensure the accuracy of the information we gather and report.

1. What was your role on the specific case that we will be discussing today?
2. Please review the attached diagram. Is the process used for this remedy accurately depicted? (Probe: does your department/agency have any documentation or data on the costs of the remedy?)

Collaboration

3. What other federal departments and agencies did you work directly with on this case, if any? Did you indirectly work with any other federal departments or agencies (i.e., did not have direct contact with them but relied on their work)? If so, which ones? Please describe how you worked, directly or indirectly, with each department and agency.

4. For each of the departments/agencies with which you worked directly, how would you describe the working relationship in terms of communication, collaboration, information sharing, and clarity of roles and responsibilities? *(Probe: do departmental cultural differences affect collaboration/coordination? What about different departmental realities and/or restrictions on sharing information across departments? Did each department/agency understand the roles of the other departments/agencies?)*
5. Did you work with any international partners on this case? What role, if any, did international partners play in this case in terms of gathering and/or sharing intelligence or other types of supports? What factors facilitated cooperation and what factors inhibited it?

Results

6. Why was this remedy used in this case? Were other remedies considered? Do you believe the appropriate remedy was selected? Why or why not?
7. What tools, policies, or other supports were available to you on this case? Are there any gaps or improvements to existing tools, policies, or other supports that the Program should consider?
8. How effectively were the allegations managed at each step in the process including the following:
 - a) compiling allegations
 - b) screening allegations
 - c) investigating allegations
 - d) selecting remedies
 - e) implementing remedies
 - f) monitoring and reporting on outcomes

Did any departments/agencies have difficulties meeting their obligations?

9. Were there any impediments to conducting your work in terms of the following:
 - a) being able to access the information necessary to substantiate claims
 - b) having sufficient information to substantiate claims
 - c) having sufficient time to conduct your work

Were there any other impediments?

10. What was the result of this case, and did it involve or reveal any broader operational or policy implications for addressing war crimes, crimes against humanity, or genocide?
11. What were the key best practices in how this case was handled? What are the key lessons learned?
12. In your opinion, is Canada meeting its international obligations related to war crimes, crimes against humanity, or genocide? *Probe: ask them to consider specific obligations under international accords, protocols, conventions to which Canada is a signatory, such as Convention on Torture, Genocide Convention, Geneva Convention, Rome Statute/International Criminal Court*) Is Canada demonstrating leadership at the global level? *(Probe: ask them if other countries have emulated Canada's approach in terms of legislation, operations, program structure)* What is the basis for your opinions?

Efficiency and economy

13. In your opinion, were there adequate resources (e.g., human, financial, technological) in place to support your department/agency's contribution to the Program for this case? Where are there gaps/deficits in resources? How are resource challenges managed?
14. Based on your experience with this case, do you have any suggestions for how the Program or your department/agency could increase the cost effectiveness of the remedy used? *(Probe: either do more with the same resources or do the work at lower cost?)*
15. Thinking about the Program overall, are there more cost-effective approaches (including those used by other countries) to fulfill Canada's no safe haven policy? If so, please describe.

Thank you for your participation.

Interview guide for case studies – RCMP

The Evaluation Division of Justice Canada, in cooperation with the Royal Canadian Mounted Police (RCMP), Canada Border Services Agency (CBSA), and Immigration, Refugees and Citizenship Canada (IRCC), is conducting an evaluation of the Crimes Against Humanity and War Crimes (CAHWC) Program (“the Program”). The Program is an interdepartmental effort by the above-named departments/agencies to support the Government of Canada’s policy of denying safe haven to those who have committed or are suspected of committing crimes against humanity, war crimes, or genocide. Justice Canada has retained the services of PRA Inc. to perform this evaluation. The evaluation is required under the 2009 Treasury Board *Policy on Evaluation*, which requires that all direct Program spending be evaluated. The purpose of the evaluation is to assess the Program’s relevance and performance (effectiveness, efficiency, and economy).

In addition to other methodologies, the evaluation includes case studies of the use of five remedies available under the Program. Each case study will include a review of relevant documents and files and key informant interviews. Your participation is voluntary. The interview will take approximately one hour to complete. Thank you in advance for participating.

Representatives of the Evaluation Division of Justice Canada, the RCMP, the CBSA, or IRCC may sit in on interviews of their departmental/agency key informants. In addition, the Evaluation Division of each department/agency will have access to the notes from the interviews with their departmental/agency key informants.

1. What was your role on the specific case that we will be discussing today?
2. Please review the attached diagram. Is the process used for this remedy accurately depicted? (Probe: does your department/agency have any documentation or data on the costs of the remedy?)

Collaboration

3. What other federal departments and agencies did you work directly with on this case, if any? Did you indirectly work with any other federal departments or agencies (i.e., did not have direct contact with them but relied on their work)? If so, which ones? Please describe how you worked, directly or indirectly, with each department and agency.
4. For each of the departments/agencies with which you worked directly, how would you describe the working relationship in terms of communication, collaboration, information sharing, and

clarity of roles and responsibilities? *(Probe: do departmental cultural differences affect collaboration/coordination? What about different departmental realities and/or restrictions on sharing information across departments? Did each department/agency understand the roles of the other departments/agencies?)*

5. Did you work with any international partners on this case? What role, if any, did international partners play in this case in terms of gathering and/or sharing intelligence or other types of supports? What factors facilitated cooperation and what factors inhibited it?

Results

6. Why was this remedy used in this case? Were other remedies considered? Do you believe the appropriate remedy was selected? Why or why not?
7. What tools, policies, or other supports were available to you on this case? Are there any gaps or improvements to existing tools, policies, or other supports that the Program should consider?
8. How effectively were the allegations managed at each step in the process including the following:
 - a) compiling allegations
 - b) screening allegations
 - c) investigating allegations
 - d) selecting remedies
 - e) implementing remedies
 - f) monitoring and reporting on outcomes

Did any departments/agencies have difficulties meeting their obligations?

9. Were there any impediments to conducting your work in terms of the following:
 - a) being able to access the information necessary to substantiate claims
 - b) having sufficient information to substantiate claims
 - c) having sufficient time to conduct your work

Were there any other impediments?

10. What was the result of this case, and did it involve or reveal any broader operational or policy implications for addressing war crimes, crimes against humanity, or genocide?
11. What were the key best practices in how this case was handled? What are the key lessons learned?
12. In your opinion, is Canada meeting its international obligations related to war crimes, crimes against humanity, or genocide? *Probe: ask them to consider specific obligations under international accords, protocols, conventions to which Canada is a signatory, such as Convention on Torture, Genocide Convention, Geneva Convention, Rome Statute/International Criminal Court*) Is Canada demonstrating leadership at the global level? *(Probe: ask them if other countries have emulated Canada's approach in terms of legislation, operations, program structure)* What is the basis for your opinions?

Efficiency and economy

13. In your opinion, were there adequate resources (e.g., human, financial, technological) in place to support your department/agency's contribution to the Program for this case? Where are there gaps/deficits in resources? How are resource challenges managed?
14. Based on your experience with this case, do you have any suggestions for how the Program or your department/agency could increase the cost effectiveness of the remedy used? *(Probe: either do more with the same resources or do the work at lower cost?)*
15. Thinking about the Program overall, are there more cost-effective approaches (including those used by other countries) to fulfill Canada's no safe haven policy? If so, please describe.

Thank you for your participation.

Interview guide for country studies

The Evaluation Division of Justice Canada, in cooperation with the Royal Canadian Mounted Police (RCMP), Canada Border Services Agency (CBSA), and Immigration, Refugees and Citizenship Canada (IRCC) is conducting an evaluation of the Crimes Against Humanity and War Crimes (CAHWC) Program (“the Program”). The Program is an interdepartmental effort by the above-named departments/agencies to support the Government of Canada’s policy of denying safe haven to those who have committed or are suspected of committing crimes against humanity, war crimes, or genocide. Justice Canada has retained the services of PRA Inc. to perform this evaluation. The evaluation is required under the 2009 Treasury Board *Policy on Evaluation*, which requires that all direct program spending be evaluated. The purpose of the evaluation is to assess the Program’s relevance and performance (effectiveness, efficiency, and economy).

As part of this evaluation, we are examining the approaches used to address war crimes, crimes against humanity, and genocide in France, New Zealand, and England and Wales. Your participation is voluntary. The interview will take approximately one hour to complete. With your permission, we will audio-record the interview to ensure the accuracy of the information we gather and report. Interview notes will not be shared outside of PRA and the Evaluation Division of Justice Canada. Thank you in advance for participating.

Background

1. Please describe your role within the context of your government’s approach to addressing war crimes, crimes against humanity, or genocide.
2. In doing this work, do you ever interact directly with your counterparts in Canada? Please describe how you have worked with Canada. (*Probe: academic or other international conferences, EU Genocide Network or other international meetings, case-specific cooperation*)
3. How would you describe your country’s working relationship with Canada in terms of information-sharing and collaboration related to war crimes, crimes against humanity, and genocide? What factors have affected collaborating with Canada, either positively or negatively, in the last five years?

Relevance

4. Has the context related to war crimes, crimes against humanity, or genocide changed over the last five years? If so, how? In your response, please consider such factors as the nature and number of these crimes, the commitment of the international community to addressing them, international legal developments, and the attention paid to these crimes by the media and the public.
5. From your organization's perspective, have any new or different needs arisen recently related to the prosecution, deportation, exclusion, or extradition of persons believed to have committed or been complicit in war crimes, crimes against humanity, or genocide? Are these needs being adequately addressed within your country and by the international community?
6. What evidence is there that international initiatives, including Canada's, have had an impact on denying safe havens to war criminals or persons believed to have committed or been complicit in crimes against humanity or genocide?

Design and delivery

7. What do you consider to be the key features of your country's approach to crimes against humanity, war crimes, and genocide? Please consider the following features:
 - a) legislative framework
 - b) program structure
 - c) available remedies
 - d) coordination domestically
 - e) collaboration internationally
 - f) training staff
 - g) outreach to external domestic or international stakeholders
8. Do you believe that sufficient human, financial, and technological resources are available to your department/agency to conduct its work related to apprehending and deterring those involved in crimes against humanity, war crimes, and genocide? If possible, please quantify the human and financial resources available to your department or agency for its work in this area.

Outcomes

9. Has your department/agency identified outcomes in order to measure your success in apprehending and deterring those involved in war crimes, crimes against humanity, or genocide? What are those outcomes? Are they systematically measured? What have been the results? *(Probe: can they provide the number of individuals suspected of war crimes or crimes against humanity that have been prevented from entering the country or removed from the country or prosecuted.)*
10. What domestic or international factors have facilitated or hindered the success in achieving expected outcomes?
11. What are the key lessons learned or best practices to date with regard to your country's approach to the fight against impunity for war crimes and crimes against humanity (e.g., with regard to legislative tools, investigative and/or prosecutorial resources, refusal and removal mechanisms)
12. To your knowledge, what unintended impacts or effects (positive or negative) have resulted from your country's approach to the fight against impunity for war crimes and crimes against humanity?

Experience with Canada

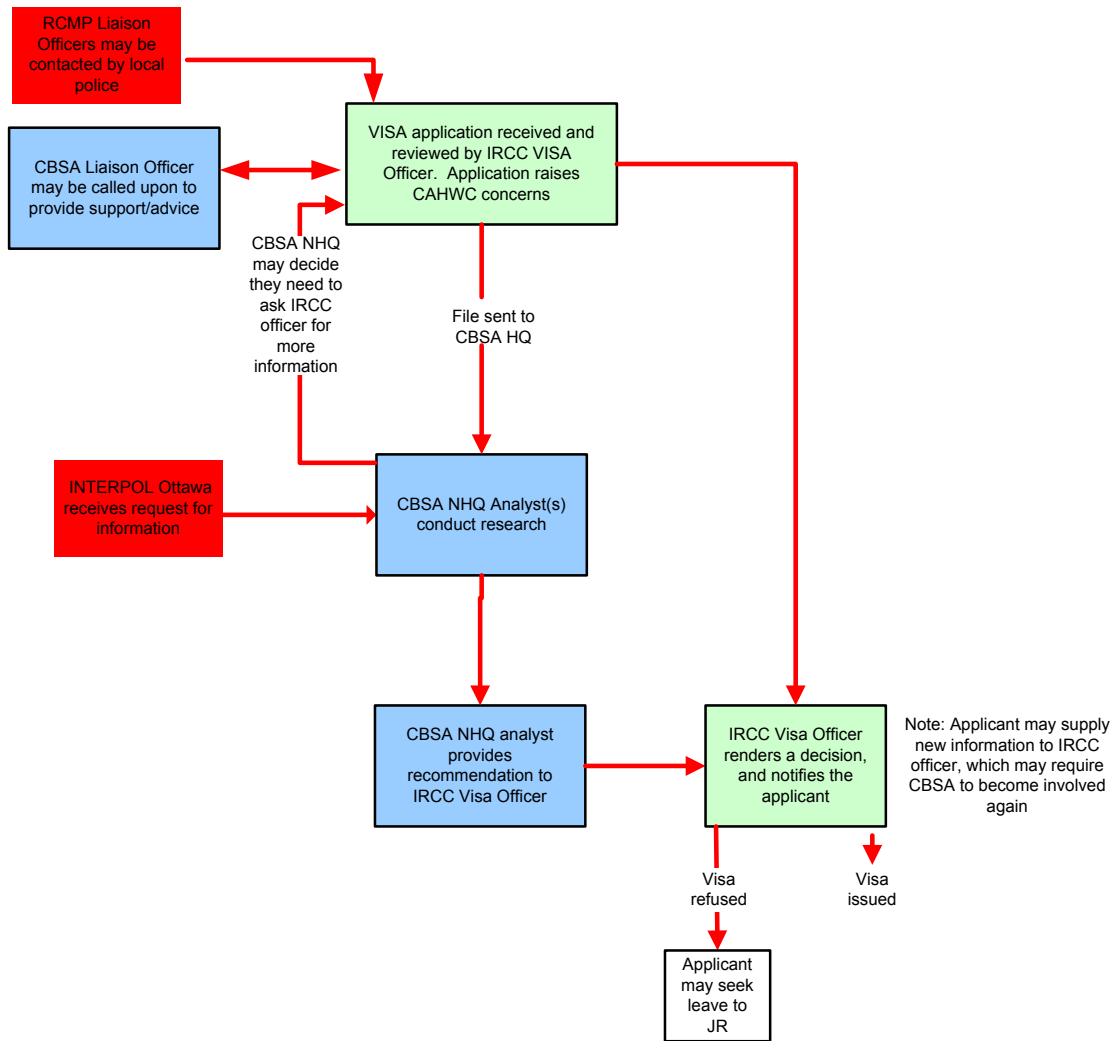
13. Is Canada meeting its international obligations related to crimes against humanity, war crimes, or genocide? In what ways has Canada exceeded, met, or fallen short? *(Probe: ask them to consider specific obligations under international accords, protocols, conventions to which Canada is a signatory, such as Convention on Torture, Genocide Convention, Geneva Convention, Rome Statute/International Criminal Court.)* What has been the effect on the global ability to respond to crimes against humanity, war crimes, or genocide?
14. Based on your contacts with the Canadian Program, in your view, are allegations of involvement in war crimes, crimes against humanity, or genocide managed efficiently and effectively in Canada? Please explain or give examples.
15. How effective has the Canadian Program been in holding accountable persons believed to have committed or been complicit in war crimes, crimes against humanity, or genocide? Based on your experience and contacts with the Canadian Program, what factors have influenced its effectiveness in either a positive or negative way?

16. In your view, how effective is the collaboration between Canada and its international partners in terms of gathering and sharing information and/or intelligence related to war crimes, crimes against humanity, and genocide? What has been the Program's contribution? What, if anything, can be improved?
17. To what extent has Canada demonstrated leadership on war crimes at the global level? Please give specific examples. (*Probe: have other countries emulated Canada's approach in terms of legislation, operations, etc.?*)

Thank you for your participation.

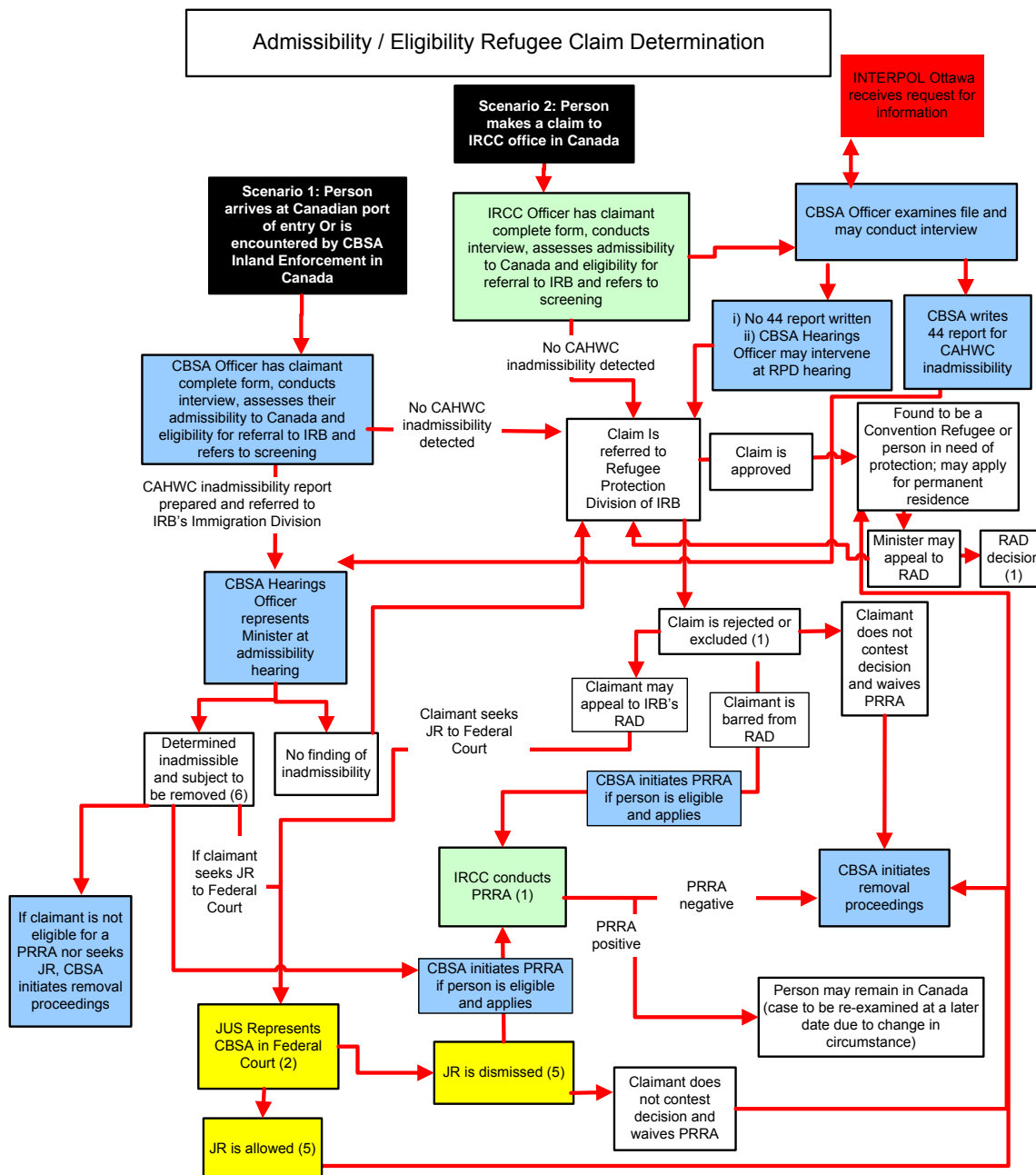
Appendix D:
Process Maps of Remedies

Denial of Visa to Persons Outside Canada



Notes:

1. In cases where a person is denied status because they are a senior official from a government that engaged in terrorism, systematic or gross human rights violations, war crimes or crimes against humanity, that person may seek ministerial relief.
2. In exceptional cases, a client may submit an application for a temporary residence permit to overcome an inadmissibility.

**Notes:**

PRRA: Pre-Removal Risk Assessment

1. Indicates option to seek a judicial review

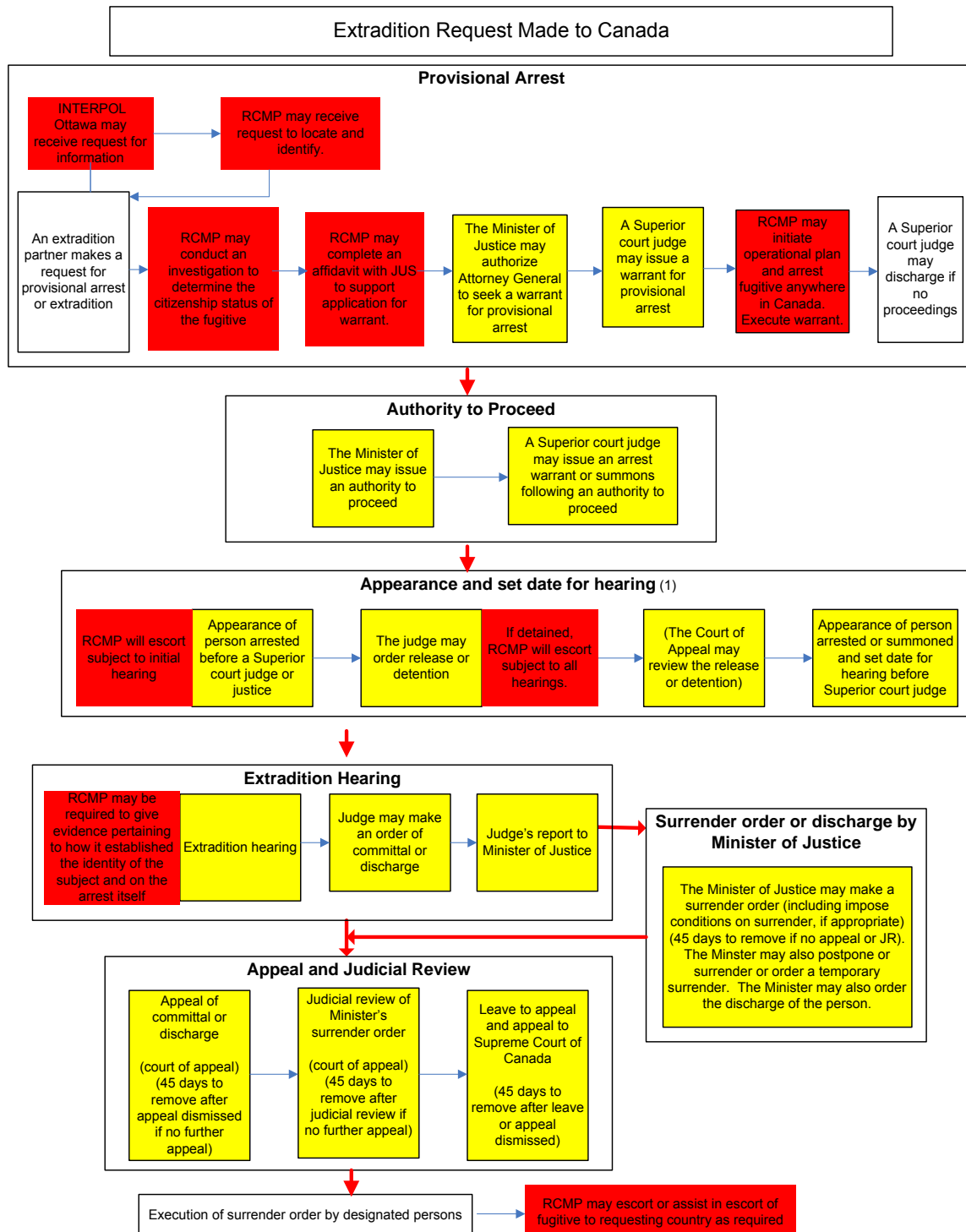
2. Person can be removed if no judicial stay (This is the same in the case of a JR or a PRRA decision).

3. In cases where a person is denied status because they are a senior official from a government that engaged in terrorism, systematic or gross human rights violations, war crimes or crimes against humanity, that person may seek ministerial relief. However, the application in and of itself does not stay the removal.

4. In exceptional cases, a client may submit an application for a temporary residence permit to overcome an inadmissibility.

5. Process may be challenged further by both parties at the Federal Court of Appeal and all the way to the Supreme Court of Canada.

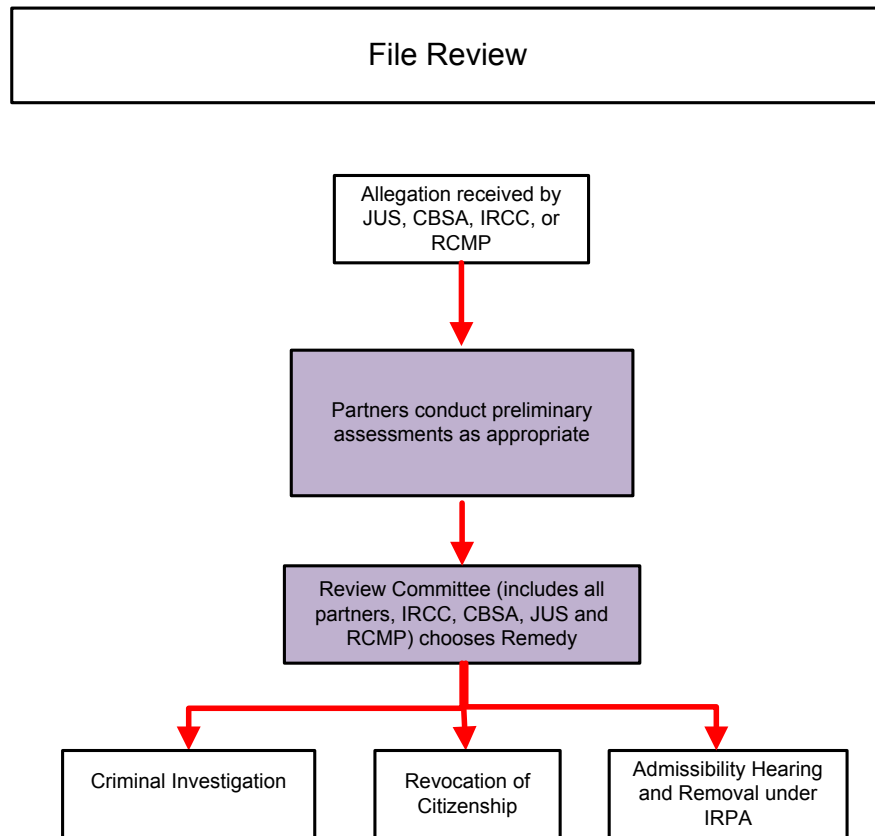
6. Danger Opinion Process: if person had Convention Refugee or protected person status, CBSA would need to seek danger opinion from IRCC Minister before removal process may begin.



Notes:

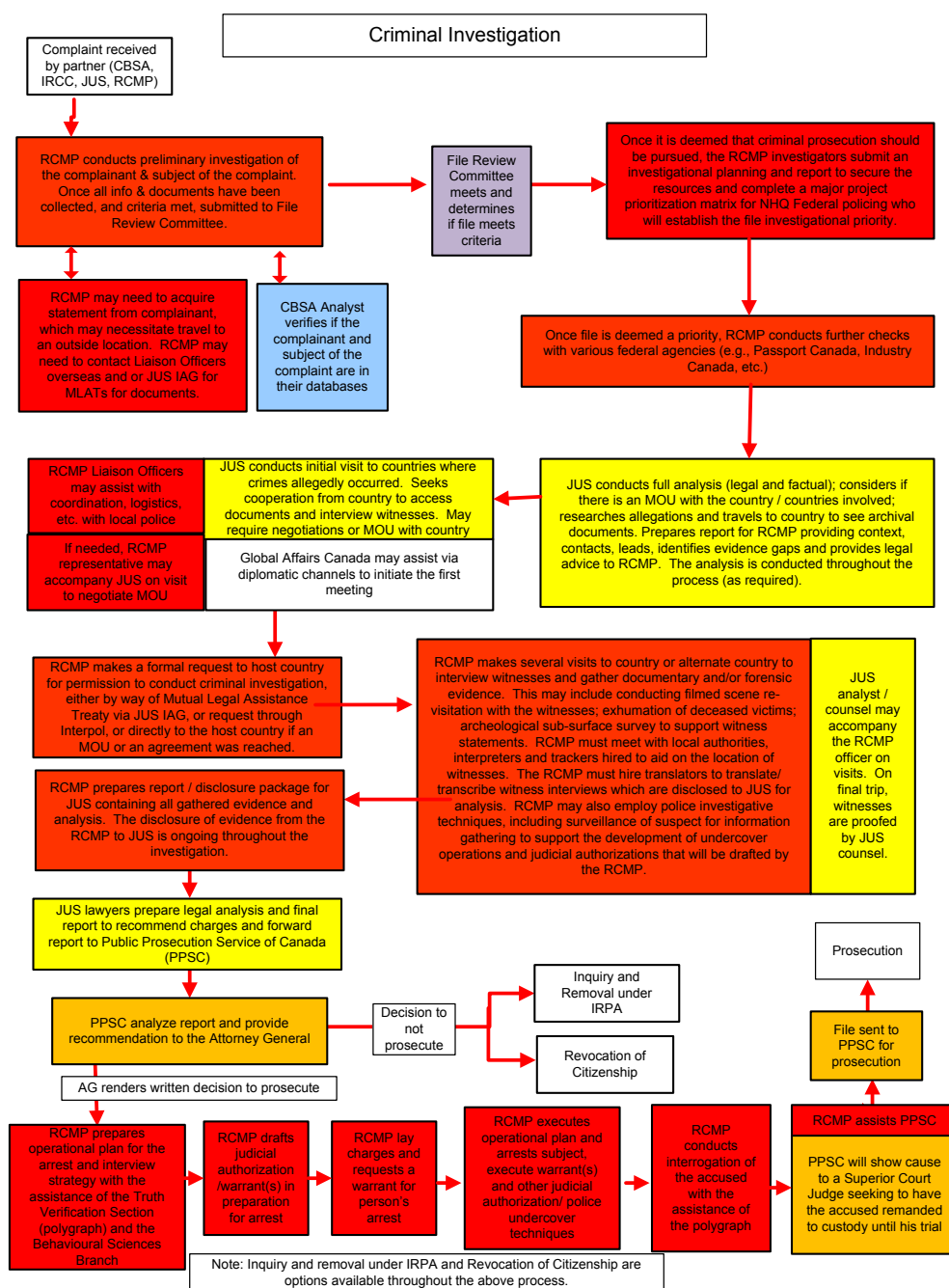
- 1) A person may, any time after arrest or appearance, waive extradition in writing and before a judge.
- 2) IRCC may be consulted or asked to verify information regarding concerned person throughout the process.

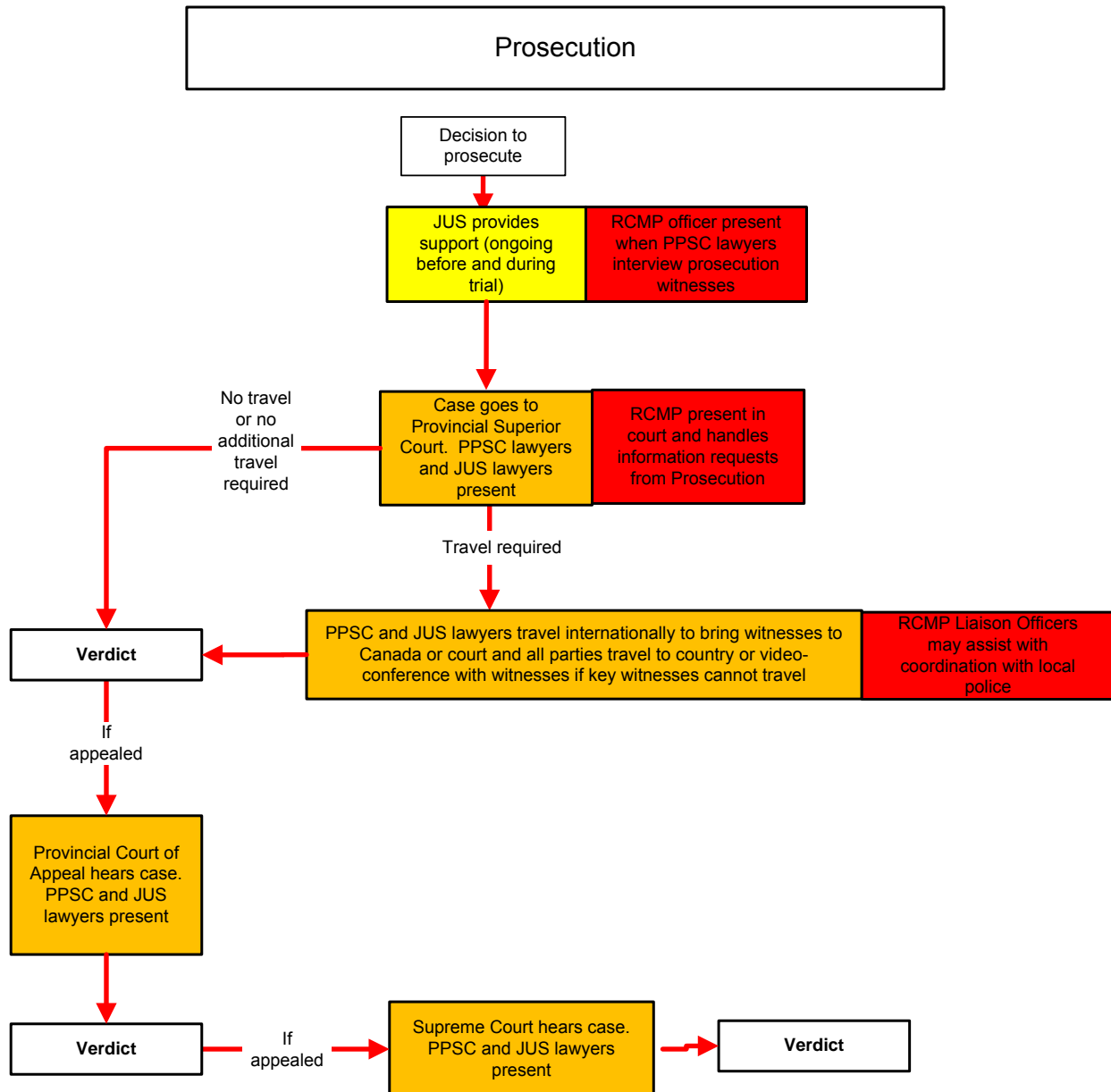
Files sent to PCOC for review and choice of remedy

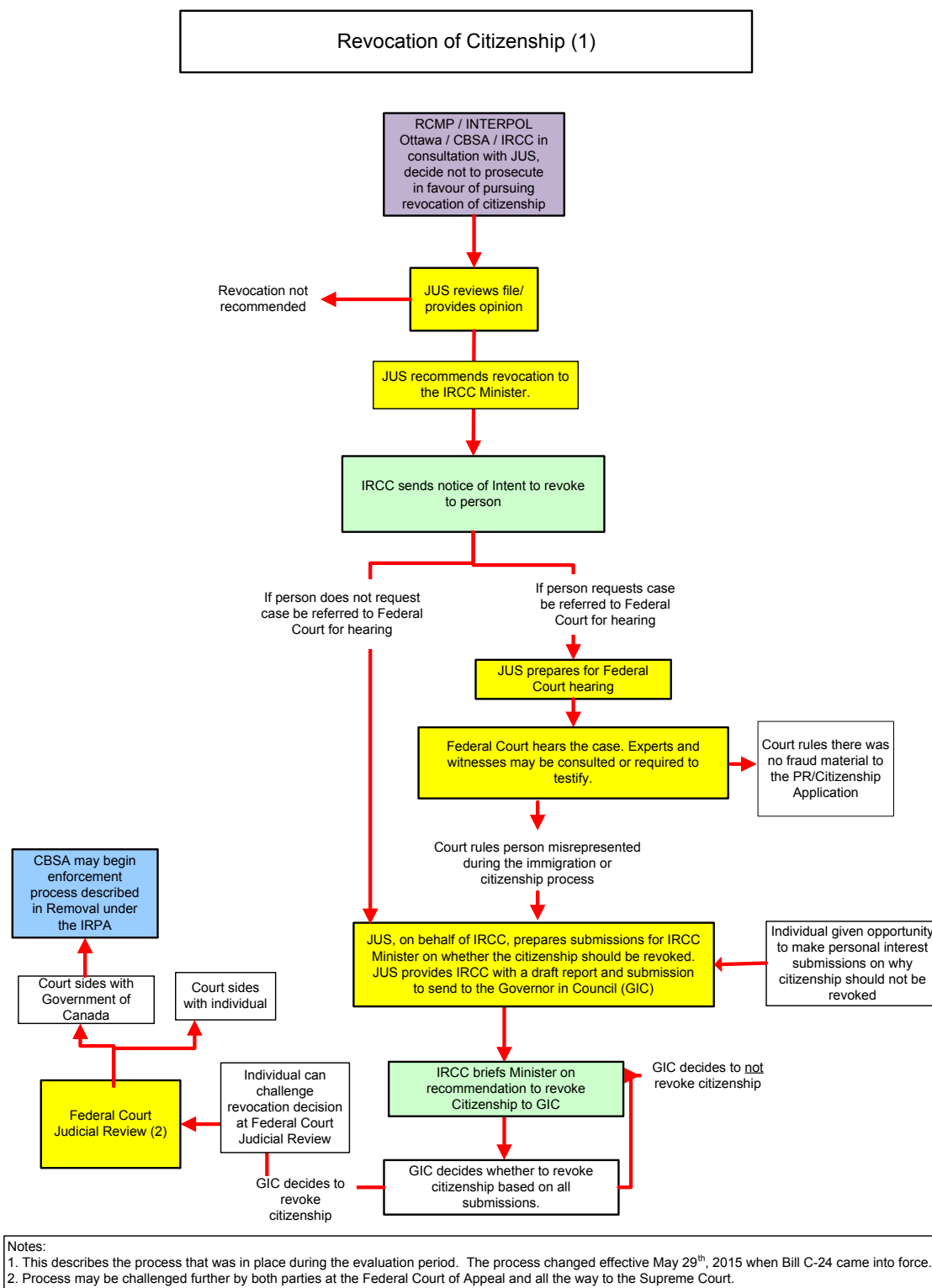


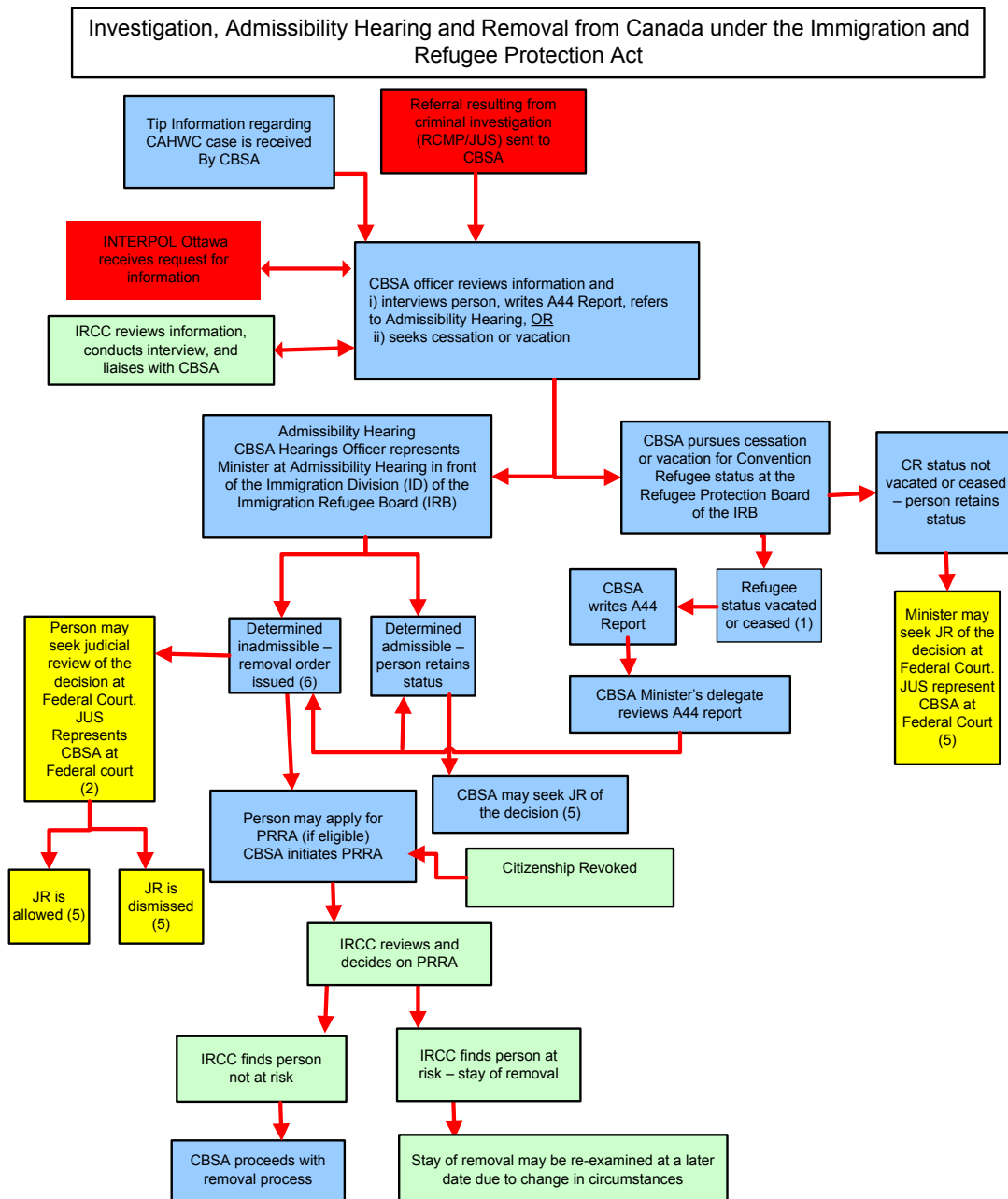
Note:

The partner departments have each been assigned a colour in the process flows: RCMP is red; Justice is yellow; CBSA is blue and IRCC green. Purple boxes indicates all four partners are involved.









Notes:

1. Indicates option to seek a judicial review
2. Person can be removed if no judicial stay (This is the same in the case of a JR or a PRRA decision).
3. In cases where a person is denied status because they are a senior official from a government that engaged in terrorism, systematic or gross human rights violations, war crimes or crimes against humanity, that person may seek ministerial relief. However, the application in and of itself does not stay the removal.
4. In exceptional cases, a client may submit an application for a temporary residence permit to overcome an inadmissibility.
5. Process may be challenged further by both parties at the Federal Court of Appeal and all the way to the Supreme Court.
6. danger Opinion Process: if person had convention refugee or protected person status, CBSA would need to seek danger opinion from IRCC Minister before removal process may begin.