

**BEFORE THE COMMISSIONER OF INQUIRY
INTO THE INVESTIGATION OF THE BOMBING OF AIR INDIA FLIGHT 182**

REASONS

The World Sikh Organization of Canada (“WSO”) has brought a motion to call three individuals as witnesses at this Inquiry.

The witnesses in question are Gary Bass, Zuhair Kashmeri and David Kilgour.

Pursuant to the *Rules of Practice* of this Inquiry, the first step when an Intervenor proposes that a witness be called is to suggest the name of that witness to Commission Counsel. Commission Counsel have indicated that they intend to call Gary Bass as a witness. Accordingly, insofar as Gary Bass is concerned, this motion is superfluous.

With respect to Zuhair Kashmeri and David Kilgour, the Affidavits submitted on behalf of the WSO indicate that the purpose of calling these witnesses is to deal with the allegation that the Government of India (“GOI”) may have been involved in the bombing of Air India Flight 182 and that this allegation was not investigated adequately in the aftermath of the bombing.

A review of the Terms of Reference of this Commission of Inquiry reveals that the investigation of the bombing of Air India Flight 182 is intended to serve as a backdrop and reference point for issues as to the degree of co-operation demonstrated between the departments and agencies of the Government of Canada, including the RCMP and CSIS. The investigation is also intended to present a reference point for the issue of transforming security intelligence into evidence admissible in a criminal trial.

None of the Terms of Reference calls for an inquiry into the issue of who was responsible for the bombing of Flight 182 nor of the role, if any, of the GOI, nor of the thoroughness of the investigation of any such role by the RCMP and/or CSIS. This contrasts with the mandate of the 1991-92 SIRC Review.

Since the subject matter of the WSO's request is not to be found in our Terms of Reference, the motions to call oral evidence on that subject through Messrs. Kashmiri and Kilgour are hereby dismissed.

John C. Major, Q.C.
Commissioner