

VOLUME TWO

PART 1: PRE-BOMBING

CHAPTER V: THE DAY OF THE BOMBING

5.0 CP Air Checked In Unaccompanied Luggage

The suitcases containing the bombs that exploded aboard Air India Flight 182 and at Narita Airport were first checked aboard two CP Air flights at Vancouver International Airport on June 22, 1985.¹ Early that Saturday morning, an unknown man of Indian descent entered the line for the CP Air check-in counter. It was a busy morning, and the line of passengers waiting to check in and board was a long one.² When the unknown man reached the front of the line, he was served by CP Air passenger service agent Jeanne Adams (now Jeanne Bakermans). He presented a ticket bearing the name "M. Singh," and sought to check in himself and one suitcase.

Adams checked the ticket and the CP Air reservation system and noted that "M. Singh" had a reservation for CP Air Flight 060 to Toronto, with a waitlisted connection from Toronto to Mirabel aboard Air India Flight 181, and from Mirabel to Delhi aboard Flight 182.³ Adams then affixed an orange checked baggage tag indicating that the bag was to be offloaded at Toronto's Lester B. Pearson International Airport (Pearson).⁴ The individual holding the ticket for "M. Singh" was not satisfied with this, however, and insisted that Adams check his bag directly to Delhi.

A long discussion ensued, in which "M. Singh" became increasingly agitated. Another traveller, waiting in line behind the unknown man, was able to overhear Adams repeatedly explain that she was unable to check his bag directly to his destination in Delhi because he did not have a reservation for the flight.⁵ In reply, the man claimed that he did have a reservation for the flight and that he had paid the full cost of a business fare in order to obtain it.

Adams could find no indication of a reservation to Delhi. As time dragged on, however, and the line for her counter grew longer on that busy morning, she made a fateful decision. The unknown man stated that he would go and find his brother who apparently knew more about the reservation. The prospect of holding up the line any further for this adamant man was too much. She relented,

¹ Exhibit P-157, p. 30.

² Exhibit P-101 CAF0667, p. 1.

³ *R. v. Malik and Bagri*, 2005 BCSC 350 at para. 19.

⁴ Exhibit P-101 CAF0667, p. 1.

⁵ Exhibit P-101 CAF0786.

and tagged his bag for direct interline delivery to Delhi, telling him several times that he would have to confirm with Air India that he had a reservation for Flight 181/182 when he arrived at Pearson.⁶

Tagging the suitcase for interline delivery to Delhi meant that when CP Air Flight 060 reached Pearson, the bag would be offloaded from that flight and sent to Air India's baggage handlers for loading directly aboard Air India Flight 181/182. This eliminated the need for the passenger to collect it in person off the baggage carousel at Pearson and check it again at the Air India counter. Tagging the bag in this way, without a reservation for the Air India flights, was contrary to both CP Air's own security program and industry practice.

The traveller, known only as "M. Singh," was issued a boarding pass for seat 10B aboard CP Air Flight 060. The flight was airborne by 9:18 AM, en route to Toronto with a bomb aboard. "M. Singh" 's luggage left Vancouver on that flight, but he did not. His flight coupon was never collected at the gate, and his seat was empty when the plane departed.⁷ Finally, "M. Singh" did not attempt to check in at Pearson at any time that day.⁸

At some point that morning, Adams also checked a bag belonging to a traveller holding a ticket in the name of "L. Singh." He was assigned seat 38H aboard CP Air Flight 003 to Tokyo's Narita Airport.⁹ His bag was interline tagged to a connecting Air India flight departing from that airport, as he had a reservation for that flight. When CP Air Flight 003 departed, the traveller known as "L. Singh" was not aboard. His flight coupon was also not collected at the gate, and the seat assigned to him was empty.¹⁰

Failure to Flag Suspicious Behaviour

In August 1985, CP Air's Passenger Service Manager wrote a letter to the RCMP to defend CP Air's security arrangements prior to the bombings of Air India Flight 182 and at Narita airport, as well as to confirm the security measures in effect afterwards. Among his assertions was the claim that, prior to the bombing, CP Air was following measures for identifying potential problem passengers, such as "...agitated behaviour, one-way tickets, cash payment, late bookings, etc."¹¹ Strikingly, however, no red flags were raised when the tickets were booked on June 19, 1985 for a June 22nd flight. Nor was any notice paid to the fact that the reservations for the tickets were changed to different names the next day. The initial reservations had been under the names Jaswand Singh and Mohinderbel Singh, but were changed to "M. Singh" and "L. Singh" when the tickets were paid for on June 20th.¹² Additionally, the flight reservation for "L. Singh" was changed

⁶ Exhibit P-101 CAF0667, p. 2.

⁷ *R. v. Malik and Bagri*, 2005 BCSC 350 at para. 20.

⁸ Exhibit P-164, p. 35.

⁹ Exhibit P-167, pp. 4-5.

¹⁰ *R. v. Malik and Bagri*, 2005 BCSC 350 at paras. 21-22.

¹¹ Exhibit P-101 CAF0691.

¹² Exhibit P-167, p. 3.

to a one-way ticket on June 20th. The “M. Singh” ticket from Vancouver to Toronto to Delhi had previously been reserved as a one-way ticket.¹³ Finally, the tickets for “L. Singh” and “M. Singh” were both paid for in cash on June 20th.¹⁴

According to the testimony of Rodney Wallis, an aviation expert who was IATA’s Director of Security between 1980 and 1991, European airlines were much more alert to the risks posed by passengers purchasing one-way tickets, particularly with cash, due to strict immigration rules set down by the United States. Due to that nation’s concerns about illegal immigration, the European air carriers would be fined \$1000 each time they delivered a passenger to the US who was subsequently refused entry. As a result, the airlines were extremely vigilant, and were continually devising strategies to reduce this problem. One strategy focused on training front-line staff, who came face to face with passengers, regarding common warning signs. One particular flag emphasized in their training was the passenger who attempted to purchase a one-way ticket with cash – these were viewed as being very high-risk by the European airlines.

Wallis noted that although the European air carriers’ focus was on illegal immigration, it was still the case that the conduct of a passenger such as “M. Singh,” who was intent on doing harm and was behaving very suspiciously, would immediately stand out to the ticket agents and passenger agents at a European airport in 1985. Wallis said that the staff at check-in counters developed a “sixth sense” for signs of trouble from passengers:

But they were being exposed to it a great deal. So had this happened in Europe, the potential was that red flags would have been raised. Certainly when you got to the airport, if someone had behaved like Singh had behaved, I would have expected the agent to have called the supervisor if they felt they couldn’t deal with the subject themselves. Many of them were quite tough. You know, they had been used to handling difficult passengers. This was just another difficult passenger, but if they needed support, they would go to a supervisor. That would have rung at the airport not so much alarm bells, but it would tell you something is not right. What is this man going on about? Or you might just call the supervisor because you wanted to get rid of him anyways because he’s difficult.¹⁵

CP Air Security Requirements

Unlike Air India, CP Air was operating at a normal threat level in June 1985,¹⁶ and took no additional security measures at the airport, such as X-raying checked

¹³ Exhibit P-283, Tab 12.

¹⁴ *R. v. Malik and Bagri*, 2005 BCSC 350 at paras. 7-16.

¹⁵ Testimony of Rodney Wallis, vol. 41, June 6, 2007, pp. 5022-5023.

¹⁶ Exhibit P-157, p. 30.

baggage.¹⁷ The airline had been given no information regarding the fact that Air India was operating under a high threat, and took no special precautions concerning interlined passengers and baggage. CP Air had, however, responded to a number of bomb threats in Canada in the past and was handling an increasing number of threats in the 1980s.¹⁸ The failure to warn the other air carriers in Canada about the threat to Air India in June 1985 was an unfortunate omission on the part of Air India and the government agencies responsible for aviation security. As the *CATSA Act* Review Advisory Panel noted in its report, the CP Air passenger agent might have exercised more caution when “M. Singh” insisted his bag be directly interlined to Delhi through Air India if she had known of the danger.¹⁹

The CP Air Security Program in place in 1985²⁰ had been given *de facto* approval by Transport Canada in 1978, according to the *CATSA Act* Review Advisory Panel.²¹ According to a Transport Canada audit, the program instituted a “... very acceptable system and procedures in place for combating possible acts of unlawful interference with aviation.”²²

CP Air’s Security Program did not authorize passenger agents to directly tag an article of checked baggage to a final destination in situations such as that of “M. Singh.” The requirements for checked baggage were set out as follows:

A. Procedures for Identification and Handling of Baggage

Passengers checking baggage must present to an airline agent a valid ticket to the destination to which the bag is being checked. On acceptance, the checked bag is identified with a baggage tag which shows the destination of the bag and a serialized number which matches the number on a stub portion which is then attached to the passenger portion of the airline ticket.

...

C. Procedures for Unaccompanied Baggage

Unaccompanied baggage normally shall not be carried, but when carried for specific reasons such as missed connections, etc., will be handled in the same manner as a cargo shipment.²³

¹⁷ Exhibit P-101 CAF0691.

¹⁸ Exhibit P-101 CAF0637, p. 1.

¹⁹ Exhibit P-157, p. 50.

²⁰ Exhibit P-101 CAF0761.

²¹ Exhibit P-157, p. 31.

²² Exhibit P-101 CAF0637, p. 1.

²³ Exhibit P-101 CAF0761, p. 5.

Under the heading *Predeparture Screening Procedures for Passengers and Carry-on Baggage*, CP Air's Security Program also established requirements for offloading checked baggage in certain situations. If a passenger refused to be screened, he or she would be denied boarding and his or her checked baggage would be removed. Additionally, it stated that "...if a passenger who has checked in for a flight decides not to travel, or is refused passage for any reason, his/her checked baggage shall be removed from that flight under the direction of the Airport Service Supervisor on duty."²⁴ An earlier draft of CP Air's Security Program, produced in 1974, also included the requirement to offload checked baggage when a passenger who had checked in decided not to travel. In that draft, however, this provision was included under the plan's checked baggage security measures.²⁵

It is unclear whether this measure was meant to impose a requirement for general passenger-baggage reconciliation, but it does seem to apply perfectly to the circumstances of "M. Singh" and "L. Singh," who checked in and checked bags aboard their flights, but did not go to the departure gate to board (such passengers are referred to in the aviation industry as "no show" passengers).²⁶ CP Air was certainly aware of the immense value of this security measure in preventing acts of sabotage. Moreover, during the 1980s, CP Air implemented passenger-baggage reconciliation at major airports during threat situations. Transport Canada noted that the reconciliation system worked well, and that it ensured that no checked baggage would be loaded aboard the aircraft until it was confirmed that the passenger it belonged to was also aboard.²⁷

In an August 1985 letter to the Vancouver Airport detachment of the RCMP, CP Air's Passenger Service Manager insisted that, prior to the bombing, all CP Air flights were "...reconciled to ensure that all passengers had boarded."²⁸ With respect to the two June 22nd flights, however, this statement is incorrect. Two passengers had not boarded their respective flights, and yet their failure to board apparently prompted no action on CP Air's part. Their bags were not offloaded prior to departure, and no attempt was made to notify Air India.

Industry Practice

Wallis testified that the airlines relied on one another for a large variety of complex transactions, including booking passengers from one airline to another and ground handling at different locations. For this reason, the industry had agreed upon a set of recommended practices and procedures that all the carriers could rely on.²⁹ Many of these practices and procedures were contained within the IATA *Airport Handling Manual*,³⁰ along with documents such as the IATA Interline Traffic Agreement.³¹

²⁴ Exhibit P-101 CAF0761, p. 3.

²⁵ Exhibit P-101 CAF0557, p. 6.

²⁶ Testimony of Chern Heed, vol. 36, May 30, 2007, p. 4341.

²⁷ Exhibit P-101 CAF0637, pp. 6, 18.

²⁸ Exhibit P-101 CAF0691.

²⁹ Testimony of Rodney Wallis, vol. 37, May 31, 2007, pp. 4393-4395.

³⁰ Exhibit P-158.

³¹ Exhibit P-159.

T.N. Kumar of Air India testified that he believed Air India was entitled to expect that CP Air would comply with section 4.1.5 of the IATA *Airport Handling Manual's* recommended practices, which provided that, under normal conditions, air carriers should ensure that all baggage loaded onto a flight, aside from expedited baggage, belonged to passengers who were travelling on the flight itself.³² Moreover, according to Wallis, "...if one was receiving passengers and baggage from one airline, you would assume that the recommended practices were in fact being followed by that carrier. It was more than an act of faith ... it was a commercial agreement."³³

Rajesh Chopra, Air India's Manager for Canadian Operations, also testified that, when "M. Singh" was issued a boarding pass by CP Air and checked his bag aboard Flight 060, in keeping with the IATA agreements and industry practice, CP Air should have provided a passenger transfer manifest to Air India advising of a connecting passenger and baggage. Instead, Air India received "no intimation" of either a connecting passenger or of baggage coming to Pearson airport.³⁴ On that same point, Kumar testified that he could not find any record of such a manifest/memorandum in his records.³⁵ Wallis testified that the use of passenger transfer manifests between airlines was "spasmodic" in 1985, but was certainly good practice and good customer service.³⁶ Had Air India received a passenger transfer manifest indicating that "M. Singh" had not boarded CP Air Flight 060, but that his checked bag was aboard, Air India would have offloaded the bag.³⁷

Additionally, CP Air was remiss in failing to notify Air India of the fact that neither "L. Singh" nor "M. Singh" had boarded their flights. Chern Heed of the *CATSA Act Review Advisory Panel* testified that it should have been obvious to CP Air that when Flight 060 departed, the passenger known as "M. Singh" was not aboard. According to Heed, the practice at the time meant that Air India should have been alerted to the fact that "M. Singh" was a "no show."³⁸ Neither the *CATSA Act Review Advisory Panel* nor Commission counsel could find any indication that this had been done.

Similarly, the IATA *Interline Passenger Reservations Procedure* provided that:

[W]henver a passenger is known to be a no-show on a flight of a Member, such Member shall promptly recommend cancellation of all space of which it has knowledge, and shall indicate the reason for recommendation of cancellation ... provided that any onward carrier so notified may cancel or not as it elects.³⁹

³² Exhibit P-158, p. 3.

³³ Testimony of Rodney Wallis, vol. 37, May 31, 2007, pp. 4394-4395.

³⁴ Testimony of Rajesh Chopra, vol. 37, May 31, 2007, pp. 4390-4391.

³⁵ Testimony of T.N. Kumar, vol. 37, May 31, 2007, p. 4392.

³⁶ Testimony of Rodney Wallis, vol. 37, May 31, 2007, p. 4392.

³⁷ Testimony of Rajesh Chopra, vol. 37, May 31, 2007, pp. 4403-4404.

³⁸ Testimony of Chern Heed, vol. 36, May 30, 2007, pp. 4327, 4352.

³⁹ Exhibit P-159, p 26.

At best, Air India's systems indicated that there was one waitlisted passenger from CP Air Flight 060 at Pearson. Wallis testified that, in 1985, airline reservation systems were linked by a well-established, industry-owned system, and that this allowed the reservation systems to communicate with each other instantly. This is how Adams was able to repeatedly verify that "M. Singh" did not have a reservation for Air India Flight 181/182. Wallis confirmed that what was lacking at that time, unfortunately, were the linkages between the airlines' reservation systems and their departure control systems.⁴⁰ Additionally, according to Chopra, Air India did not make a practice of keeping a waitlist manifest at the airport. Air India relied instead on a passenger name list, composed of the names of confirmed passengers. Consequently, "M. Singh" was simply a "ghost passenger,"⁴¹ whose existence was unknown to Air India personnel at the airport. Further, as discussed in the following section, Air India had no systems in place to detect the ownerless, interlined bag. This meant that the bag entered Air India's baggage system without notice.

Conclusion

In its report, the *CATSA Act Review Advisory Panel* wrote about a number of "human failures" that contributed to the bombing of Air India Flight 182.⁴² As the Panel noted, even complex systems, such as an aviation security program, cannot account for every situation. At some point, individuals must make decisions based on their own judgment and experience. These decisions, however, will be affected by the human failings that impact upon better judgment, such as stress, fatigue, anger, inattention, and prejudice. Thus, the CP Air passenger agent relented in the face of an adamant, loud passenger and a long and growing lineup, and checked the "M. Singh" bag for interlining to Delhi.

Other failures also contributed to the flawed handling of this interlined bag. The regulatory regime and security awareness culture were both starkly deficient in this period, and actions took place in the context of strong pressure to please customers and a subdued attention to security. CP Air failed to comply with its own security plan and took no steps to remove the bag checked by "M. Singh" when he did not board the aircraft. It also failed to comply with industry practice and did not inform Air India of the "no show" passenger. Additionally, neither Air India nor the government agencies had informed the other airlines of the threat to the airline in June 1985, resulting in few people having any reason to believe that the situation was other than "business as usual".

One individual making a very human mistake resulted in a bomb being loaded aboard Air India Flight 182. As discussed throughout this Report, however, a myriad of regulatory, policy, and organizational failures contributed to this mistake and also prevented the bomb from being detected and removed.

⁴⁰ Testimony of Rodney Wallis, vol. 37, May 31, 2007, pp. 4399-4400.

⁴¹ Testimony of Rajesh Chopra, vol. 37, May 31, 2007, pp. 4397-4398.

⁴² Exhibit P-157, p. 68.

5.1 Unaccompanied Bag “Infiltrated” Air India’s System

When CP Air Flight 060 arrived at 4:20 PM at Pearson, the bag of “M. Singh” was offloaded by a CP Air ground handling crew with the other articles of checked baggage aboard. It was the only bag to be interlined from this flight to Air India.⁴³ A driver from Consolidated Aviation Fuelling and Services (CAFAS) picked up the bag at Terminal 1, and delivered it to Air Canada personnel at Terminal 2.⁴⁴ From there it was sent on to Air India’s baggage handling area for security screening by X-ray.⁴⁵ From the perspective of the CAFAS driver and the ground handling personnel, the interlined bag would have appeared perfectly normal and commonplace.⁴⁶ It had a valid tag, and Air Canada had been given no information about the threat to Air India or special instructions on how to handle interlined bags.

Interlined baggage was a common and foreseeable fact of life for any airline, and the bag checked by “M. Singh” was not the only interlined bag that was loaded aboard the Air India aircraft *Kanishka* at Pearson. According to a manifest for Flight 181 that was compiled by investigators after the bombing and included in the Canadian Aviation Safety Board’s submissions to the Kirpal Inquiry, twenty-one other passengers from connecting flights out of Saskatoon, Winnipeg, Edmonton and Vancouver boarded the aircraft at Pearson, along with their checked bags.⁴⁷ “M. Singh” was the only standby passenger out of this list of connecting passengers. Accordingly, it is almost certain that all of their checked bags would have been tagged for interlining to Air India as per industry practice, and then sent to Air India’s baggage handling area from the connecting Air Canada flights.

The Air India security program prescribed actions regarding baggage handling according to either “normal” or “emergency” conditions. Under normal conditions, item 4.1.1 of the Air India security program stated that “...unaccompanied baggage must be associated with bona fide passengers and documents before it is boarded.” Under the program, emergency conditions applied in situations involving danger or threat to a specified flight or series of flights over a specific period, and the emergency measures were to be taken “...when increased or heightened security is warranted.”⁴⁸ The emergency measures of Air India’s security program were applicable in June 1985.⁴⁹

The emergency measures of the Air India security plan, intended for a high threat level, imposed the following additional requirements:

⁴³ *R. v. Malik and Bagri*, 2005 BCSC 350 at paras. 23-25.

⁴⁴ Exhibit P-167, p. 7.

⁴⁵ Exhibit P-283, Tab 32, p. 3.

⁴⁶ Testimony of Rodney Wallis, vol. 41, June 6, 2007, pp. 5024-5025.

⁴⁷ Exhibit P-167, p. 5.

⁴⁸ Exhibit P-284, Tab 68, pp. 17, 21.

⁴⁹ See Testimony of T.N. Kumar, vol. 37, May 31, 2007, p. 4406.

- a) ...ensure that only the bona fide baggage carrying a valid baggage tag with a pre-determined code number is loaded into the container or in the aircraft.
- b) The baggage trolleys carrying baggage to the aircraft shall be escorted.
- c) All unaccompanied baggage shall be held over for 24 hours prior to dispatch or shall be subjected to 100% examination.
- d) Checked-in baggages [*sic*] belonging to "No Shows" shall not be loaded into the aircraft.
- e) All unaccompanied baggage shall be inspected physically or held for 24 hours prior to forwarding.⁵⁰

T.N. Kumar of Air India testified that the interlined baggage for "M. Singh" was not "unaccompanied," from the perspective of Air India, but "unauthorized."⁵¹ An "unaccompanied" bag was a bag that the airline was aware of and that was associated with a travelling passenger, such as a bag that had been misdirected at the airport and flown to its owner's destination on a later flight.⁵² Because Air India had not received a passenger transfer manifest indicating that a waitlisted passenger was arriving from a connecting flight with checked baggage, it only passively received the interlined bag via Air Canada's ground handlers. In this instance, Air India had no information in its own system to indicate that the "M. Singh" bag was present and being loaded aboard Flight 182.

The "unauthorized" entry of the "M. Singh" bag into Air India's baggage system does not absolve Air India of its responsibility for failing to detect and remove the bag. Under the *Foreign Aircraft Security Measures Regulations*, Air India was required to design a security program that would prevent bags, goods and cargo from being placed aboard one of its aircraft unless authorized by the owner or operator.⁵³ Its program did not address the threat posed by interlined bags. The very fact that an "unauthorized" bag could be placed aboard the aircraft without Air India's knowledge is evidence of that system's failure.

Air India identified "no show" passengers by matching the number of coupons collected against the number of boarding cards issued. If a passenger failed

⁵⁰ Exhibit P-183, Tab 68, p. 21.

⁵¹ Testimony of T.N. Kumar, vol. 37, May 31, 2007, pp. 4406-4407. See also Testimony of Rodney Wallis, vol. 37, May 31, 2007, p. 4408. This is discussed in detail in Section 2.3.3 (Pre-bombing), Over-Reliance on Technology.

⁵² Exhibit P-168.

⁵³ *Foreign Aircraft Security Measures Regulations*, S.O.R./76-593, s. 3(1)(f).

to board, they would be paged at the gate and, if they did not report, their luggage would be offloaded.⁵⁴ Aside from this step, however, Air India made no other attempts to ensure that only checked baggage belonging to travelling passengers came aboard the flight. Had Air India implemented passenger-baggage reconciliation for its flights in June 1985, the “M. Singh” bag would almost certainly have been removed.

5.2 No Dogmaster on Duty at Pearson and Mirabel International Airports

Air India’s operations at Pearson and Mirabel were under a state of high alert in June 1985. Due to the mounting threat of violence from Sikh extremists seeking to target Indian interests and symbols in Canada, Air India had requested and received additional security coverage from Transport Canada and the RCMP for the month of June. The RCMP had, in fact, decided that the threat to Air India was so great that it had imposed level 4 security measures, its second highest airport security level, for Air India’s operations at Pearson during the entire month.⁵⁵ This security level had already been imposed for Air India’s operations at Mirabel, and had been at that level for over a year by the time of the bombing.⁵⁶

The RCMP airport security levels were set out in an RCMP checklist that had been developed at Mirabel in 1983, and specified the applicable security measures for given levels.⁵⁷ According to J.B. (“Joe”) MacDonald, the RCMP officer at the Airport Policing Branch at RCMP Headquarters who set airport security levels in 1985, the checklist was used as a national standard.⁵⁸ Levels 3 and 4 mandated the use of the RCMP explosives detection dog team.⁵⁹ This level entailed the presence of the explosives dog detection team to search the passenger section of the aircraft, as well as any suspect luggage, prior to departure. The explosives detection dog unit would also be used in circumstances of a so-called “specific threat,” during which the dog would also sniff all of the luggage, spread out on the tarmac, and all bags would be matched to the passengers on the aircraft.⁶⁰ The RCMP dog handler generally had the final say on how the dog would be deployed.⁶¹

On June 1, 1985, Air India’s head office in Bombay sent a telex to Air India stations around the world, specifically warning of the possibility of time-delayed explosive devices being placed aboard Air India aircraft or in checked baggage.⁶² The telex called for the meticulous implementation of anti-sabotage measures for all Air India flights, recommending that explosives detection dogs and

⁵⁴ Exhibit P-283, Tab 26, p. 2.

⁵⁵ Testimony of J.B. MacDonald, vol. 27, May 14, 2007, pp. 2787-2789.

⁵⁶ Exhibit P-101 CAC0528, p. 10.

⁵⁷ Exhibit P-101 CAA0025.

⁵⁸ Testimony of J.B. MacDonald, vol. 27, May 14, 2007, pp. 2765-2766.

⁵⁹ Exhibit P-101 CAA0025.

⁶⁰ See Section 4.3 (Pre-bombing), The Role of the “Specific Threat” in the 1985 Threat-Response Regime, for further discussion of these threat-response protocols.

⁶¹ Exhibit P-101 CAC0310, p. 16.

⁶² Exhibit P-101 CAA0185.

electronic explosives detection devices be used to screen checked baggage in light of the threat. The message also recommended random physical searches of checked bags, especially where explosives detection devices were not available. A few days later, Air India sent a follow-up telex advising that these measures should be applied for the entire month of June.⁶³

As the *CATSA Act Review Advisory Panel* noted in its report, the use of explosives detection dogs was a particularly effective means of finding explosives concealed in the airport terminal building, on aircraft, in baggage and cargo, and outdoors.⁶⁴ A study conducted after the 1976 Olympic Games concluded that a combination of an explosives detection dog and a search team was 92 per cent accurate in finding hidden explosives.⁶⁵ The dogs did have limitations, however, such as the requirement for rest breaks after 20 to 30 minutes of searching, and the need for continual training and testing.⁶⁶ Nevertheless, the explosives detection dogs were a proven and well-used resource, with no match to be found among the technological tools available at the time. Explosives detection dogs were readily capable of locating such explosives as dynamite, nitroglycerine, TNT, RDX, Semtex, DNT, and plastic explosives.⁶⁷ Even today, explosives detection dogs are an effective tool and are more affordable than many of the sophisticated detection systems available.⁶⁸

There were a small number of canine units available that were trained to identify explosives at airports in Canada in 1985. Most of the teams were from the RCMP, although some police forces also employed explosives detection dog teams. The teams were principally used to search the terminal building and aircraft for explosive devices during bomb threats, and to check unattended bags and other suspicious packages left in the terminal building.⁶⁹ An airline could also call on the dog team if it found a suspicious piece of checked baggage.⁷⁰ Finally, the Panel noted that in the event a specific threat against a flight was received, the entire plane would be emptied of both passengers and baggage, and the dog would be brought in to sniff the baggage spread out on the tarmac.⁷¹

The threat of explosives concealed aboard aircraft or in the airport buildings was becoming of increasing concern in 1985. Gary Carlson, who was an RCMP Constable and dogmaster at Pearson airport between November 1983 and November 1985, testified that, at the time of the bombing of Air India Flight 182, he and his dog, Thor, would answer approximately 100 calls a year to search for explosives at the airport.⁷²

63 Exhibit P-101 CAA0205.

64 Exhibit P-157, p. 25.

65 Exhibit P-101 CAC0517, p. 3.

66 Exhibit P-157, p. 25.

67 Testimony of Gary Carlson, vol. 28, May 15, 2007, pp. 3016-3017.

68 Testimony of Rodney Wallis, vol. 41, June 6, 2007, p. 5006. In comparison, the extensive flaws of the PD4, the explosives detection device used by Air India on June 22, 1985, are explored in detail in Section 2.3.3 (Pre-bombing), *Over-Reliance on Technology*.

69 Exhibit P-157, p. 25.

70 Testimony of Gary Carlson, vol. 28, May 15, 2007, p. 2996.

71 Exhibit P-157, p. 25.

72 Testimony of Gary Carlson, vol. 28, May 15, 2007, pp. 2988-2989, 3005.

On June 22, 1985, however, the RCMP explosives detection dog teams for the detachments at Pearson⁷³ and Mirabel⁷⁴ airports were away at a training course in Vancouver. In fact, all of the RCMP bomb dogs from across the country were there. The RCMP and the Sûreté du Québec (SQ) had an arrangement to supplement each other's explosives sniffer dogs at Mirabel in case one was not available. Pearson, on the other hand, had only one dog available in June 1985.⁷⁵ The RCMP's operational manual for major incidents, disasters and emergencies at Pearson recommended that when the Pearson dog team was unavailable and the use of an explosives detection dog was required, the Mirabel RCMP team should be considered as a replacement.⁷⁶ As the Mirabel team was also unavailable, Pearson had no coverage on June 22, 1985.

Carlson also testified that there were no other dogs available to replace him when he and his dog, Thor, left for the training course:

There was no other bomb dog in the area from Peel Regional to Toronto Metro. Back in those days, Toronto Metro didn't even have dogs. So that was not a possibility and Peel Regional did not have bomb dogs. They had four dogs and they didn't have bomb dog capability. So the only provision was then set out through our policy that we would utilize hand search teams and the use of Peel Regional Bomb Squad to assist in any suspicious – or packages that might come up or any package we deemed might be an explosive device.⁷⁷

Carlson and Thor flew to Vancouver on the morning of June 21, 1985, just a day before the bombing. Carlson agreed with the proposition put to him on cross-examination that Pearson was not as safe when he and Thor were absent.⁷⁸

Searches for Explosives

Normally, Carlson was on call for the RCMP whenever suspicious packages or bags were found, or an airline required additional assistance. Carlson testified that he had been called to search the interior and contents of large planes like the Boeing 747 before, giving the example of bomb threats that had been made against Wardair flights in the 1980s. Carlson and Thor would be called in to check the plane for explosives once it returned to the airport and taxied to a secure zone.⁷⁹ The emergency protocol required the passengers to be taken off the aircraft and bused to a secure terminal.⁸⁰ In following these protocols, Carlson

⁷³ Testimony of Gary Carlson, vol. 28, May 15, 2007, p. 2999.

⁷⁴ Testimony of Serge Carignan, vol. 26, May 9, 2007, p. 2665.

⁷⁵ Testimony of Gary Carlson, vol. 28, May 15, 2007, pp. 2989-2990, 3018.

⁷⁶ Exhibit P-101 CAC0310, p. 16.

⁷⁷ Testimony of Gary Carlson, vol. 28, May 15, 2007, p. 3000.

⁷⁸ Testimony of Gary Carlson, vol. 28, May 15, 2007, pp. 3007, 3013.

⁷⁹ Testimony of Gary Carlson, vol. 28, May 15, 2007, pp. 3005, 3020.

⁸⁰ This is discussed in detail in Section 4.3 (Pre-bombing), The Role of the "Specific Threat" in the 1985 Threat-Response Regime.

would enter the aircraft and have Thor search the interior, while the ground crews unloaded the luggage and the hand search team arranged the luggage on the tarmac in a series of rows to facilitate the dog's subsequent search of the bags.⁸¹

Once he and Thor had finished searching the most likely locations in the interior of the aircraft, which took approximately half an hour, they would proceed to the luggage. Carlson would encourage and motivate Thor during the searches by hiding "dummy" samples of explosives for the dog to find. While he and Thor examined the baggage, the RCMP hand search teams would go aboard the aircraft and finish searching the areas of the cabin that were less accessible to the dog, such as the overhead cabins.⁸² Finally, the passengers would return and claim their bags. Claimed baggage would be loaded back aboard the aircraft, while unclaimed bags would be considered suspect and removed.

Carlson was asked how he and Thor would have conducted a search for explosives if they had been at Pearson on June 22, 1985, and had been asked to search the checked baggage for Air India Flight 181/182 in light of the failure of the X-ray machine.⁸³ He testified that, as outlined earlier, he would have required that the flight's luggage be unloaded from its containers for Thor to inspect. He said:

A flight of this magnitude, and I would assume a 747 would have roughly 400 passengers on it, everybody carrying roughly two pieces of luggage, with 800 pieces of luggage, that would require a space of approximately three feet between each piece of luggage for Thor to wind his way through. Utilizing any air currents, all the detection, he'd be detecting any odours coming out of these suitcases. So it wasn't a matter that we could go to the luggage cart and go through it, nor could we utilize any air currents from a dog walking on the suitcase.

Often you see drug dogs being able to utilize that; the scent comes out much better. So that wasn't an option due to safety reasons. He requires a lot more time. So we would have to find an area that's long enough for him to wind his way through, working upwards of 100 to 125 bags at a time, and then he'd be required to rest, which would take him say 20-25 minutes to work that luggage, to do it thoroughly, and then he'd require time to rest, and then he'd be able to do another say 125 bags again.⁸⁴

81 Testimony of Gary Carlson, vol. 28, May 15, 2007, p. 3020.

82 Testimony of Gary Carlson, vol. 28, May 15, 2007, pp. 3020-3021.

83 Testimony of Gary Carlson, vol. 28, May 15, 2007, p. 3001.

84 Testimony of Gary Carlson, vol. 28, May 15, 2007, pp. 3001-3002.

When asked what would have happened had he been called knowing that a large part of the baggage had been X-rayed, Carlson said he would not have felt it necessary to search those bags and would have concentrated on the bags that had not been scanned. Assuming 50 per cent of the bags had been screened by security employees using the X-ray machine, with 50 per cent of the bags remaining, he testified, "I'm guessing an hour-and-a-half to two hours quite possibly, yes." Carlson noted that the search would have taken even less time if one assumed the plane was not completely full at Pearson, since it was picking up more passengers at Mirabel.⁸⁵ Carlson also said that he would have had more time to search as a result of the delay caused while a fifth engine pod⁸⁶ was being mounted onto the wing of the aircraft.⁸⁷

On cross-examination, Carlson further clarified that it would have taken him "...less than 20 minutes" to examine the 60 to 70 pieces of baggage that were estimated to have not been checked by X-ray.⁸⁸

Hand Search Teams as a Replacement

Carlson agreed that, given that level 4 security measures were in effect at Pearson, and that this called for the use of the dogmaster, additional steps would have been necessary to minimize the security consequences of his absence.⁸⁹ In the absence of the Pearson explosives detection dog team, the options were to call in the Mirabel team or, as prescribed in the RCMP operational manual, to use "hand search teams".⁹⁰

Carlson testified that he and Detective Fred Lemieux of the Peel Regional Police Force had trained a number of RCMP personnel to locate explosives devices, but not to handle them or defuse them.⁹¹ The hand search teams would be available to assist in searches during every shift if the need arose. They participated in searches of the aircraft interior, and of suspicious packages. Carlson testified that, in his two years at the airport, the hand search teams had never searched the checked baggage for a flight.⁹²

There was some confusion as to the precise role of the hand search team on the part of one witness, but the evidence is that hand search teams did not open checked baggage.⁹³ Dale Mattson, Pearson's Manager of Safety and Security in

⁸⁵ In fact, 202 passengers boarded at Pearson for the flight to India, with the remaining 105 joining at Mirabel. See Exhibit P-164, pp. 36, 43.

⁸⁶ The aircraft had a lengthy delay at Pearson because of difficulties encountered in mounting a fifth engine pod to its wing. The engine had failed on a prior flight and was being returned to India for servicing. Several crates of engine parts were also loaded aboard. It took longer than expected to complete the loading and installation.

⁸⁷ Testimony of Gary Carlson, vol. 28, May 15, 2007, p. 3002.

⁸⁸ Testimony of Gary Carlson, vol. 28, May 15, 2007, p. 3018.

⁸⁹ Testimony of Gary Carlson, vol. 28, May 15, 2007, p. 3007.

⁹⁰ Exhibit P-101 CAC0310, p. 16.

⁹¹ Testimony of Gary Carlson, vol. 28, May 15, 2007, pp. 3023-3024. See also Section 4.6 (Pre-bombing), RCMP Implementation Deficiencies in the Threat-Response Regime.

⁹² Testimony of Gary Carlson, vol. 28, May 15, 2007, pp. 3000-3001.

⁹³ This is discussed in Section 4.6 (Pre-bombing), RCMP Implementation Deficiencies in the Threat-Response Regime.

1985, testified that the hand search teams were, instead, special constables who were trained to work in conjunction with the dog. Their job would be to arrange the luggage for the sniffer dog to meander through in searching for explosives, and to search the cabin of the aircraft. They would also be used in passenger-baggage reconciliation efforts, during which they arranged the luggage along the tarmac to be identified by the passengers. As noted earlier, once the dog had cleared the bags and passengers had claimed all their baggage, any unclaimed baggage would then be removed. When asked whether the hand search teams actually opened and searched luggage, Mattson replied, "No, they do not."⁹⁴

In the absence of the explosives detection dog, then, the hand search team would be called upon only to search the interior of the aircraft and to line up the checked baggage to be identified by the passengers,⁹⁵ in a form of passenger-baggage reconciliation.⁹⁶ As with other passenger-baggage reconciliation systems, any unclaimed baggage would be treated as suspect.

Air India, conversely, had conducted manual searches of checked baggage in the past. In June 1984, Air India was under threat of attack from Sikh extremists⁹⁷ that was very similar to the threat in June 1985. In response, the Station Manager at Mirabel implemented physical searches of checked baggage for the next three weekly flights. A sniffer dog was also called in for use and made available to search for explosives hidden within the lockers, baggage, cargo, and aboard the aircraft.⁹⁸ Air India did not use X-ray machines for screening checked baggage at that point, and it is sadly ironic that the allure of expedient searches, made possible with technological tools, ruled out any apparent interest in conducting the manual searches again. Chern Heed of the *CATSA Act Review Advisory Panel* testified that searches of checked baggage conducted by carriers were time-consuming undertakings,⁹⁹ making the prospect highly unattractive, if quick and easy methods (even if unproven or unreliable), such as X-ray machines and PD4 explosives detection devices, were available.

Had Air India contacted the RCMP on June 22, 1985, seeking the assistance of the explosives detection dog or the hand search team, and the RCMP had agreed to provide the assistance of the hand search team in the absence of a specific threat, good use could still have been made of their services. The act of matching passengers to baggage alone would have singled out the bag checked in at Vancouver International Airport by "M. Singh". As an unclaimed bag, it would have been treated as suspicious and handled accordingly.

Air India headquarters had recommended random physical searches of checked baggage for the month of June 1985, and the airline was remiss in failing to implement these searches at Pearson and Mirabel. The Commission

⁹⁴ Testimony of Dale Mattson, vol. 29, May 16, 2007, pp. 3222-3223.

⁹⁵ Testimony of Dale Mattson, vol. 29, May 16, 2007, p. 3250.

⁹⁶ See Section 4.6 (Pre-bombing), RCMP Implementation Deficiencies in the Threat-Response Regime.

⁹⁷ Exhibit P-101 CAF0161.

⁹⁸ Exhibit P-101 CAF0161, p. 2.

⁹⁹ Testimony of Chern Heed, vol. 36, May 30, 2007, p. 4340.

heard evidence that manual searches of luggage would have been much more effective if the inspection included the disassembly of electronic devices, given that a search of bags might only reveal an apparently innocuous device such as a stereo tuner that would not necessarily hint at the bomb hidden within. Air India was, in fact, aware that explosives could be concealed in this manner. It was already common in 1985 for terrorists to conceal bombs in seemingly innocent electronic devices such as radios.¹⁰⁰ An Air India telex dated April 22, 1985, warned about a threat from Sikh extremists and recommended that special attention be given to cameras, electronic equipment and parcels during searches of carry-on baggage, as explosives could be “cleverly hidden” within them.¹⁰¹

Additionally, the statement of Dorothy Gilbert, the Burns International Security terminal manager at Pearson, indicated that, in the spring of 1985, Ashwani Sarwal had instructed her to ensure that the Burns employees were on the lookout for unusual boxes and bags.¹⁰² She recommended that the Burns personnel actually click the shutter release buttons of cameras as well as turn on all radios to ensure that these worked and were not being used to conceal explosives. Sarwal liked the idea, and the searches had been conducted accordingly for each flight in the three weeks prior to the disaster. Had Air India instructed Burns Security to open and search 25 to 30 per cent of its checked baggage as directed, it would have been possible that even a well-hidden explosive device would not have been overlooked. Although it would actually have been unwise to physically test objects that potentially contained explosives, a search of checked baggage by Burns personnel could have flagged suspicious items to be drawn to the attention of the authorities.

Decision to Send All Explosives Detection Dogs Away at Once

On June 23, 1985, as news of the bombing of Air India Flight 182 reached a stunned nation, Carlson and Thor were recalled back to Pearson.¹⁰³ It is regrettable that they were taken away from their duties at Pearson in the first place.

Air India was under a heightened alert for the entire month of June, 1985. In fact, it was under the RCMP’s second-highest alert level. MacDonald testified that in light of the threat level in place, he would be “...very surprised if they then let the dog go on training.” He did not feel that the team should have been sent away under those circumstances, unless there was a backup dog available from the local police force of jurisdiction, as was done with the SQ dog at Mirabel.¹⁰⁴

Additionally, Air India only had flights out of Pearson and Mirabel once a week, on Saturdays. Carlson and Thor departed for British Columbia on the morning

¹⁰⁰ Testimony of Rodney Wallis, vol. 37, May 31, 2007, pp. 4416-4419.

¹⁰¹ Exhibit P-284, Tab 50.

¹⁰² Exhibit P-101 CAF0801.

¹⁰³ Testimony of Gary Carlson, vol. 28, May 15, 2007, pp. 3011-3012.

¹⁰⁴ Testimony of J.B. MacDonald, vol. 27, May 14, 2007, pp. 2875-2876.

of Friday, June 21st, leaving the next day's flight without any coverage. Carlson testified that he would likely have informed his superior of the fact that he would be attending the upcoming training conference sometime in the period of one month to six weeks in advance, at a time when Air India was not under such a heightened alert at Pearson.¹⁰⁵ By the time the conference approached, however, the security situation had changed considerably.

With the RCMP's level 4 security measures in place at Pearson, it was necessary to have an explosives detection dog available. It was unreasonable to send the only available explosives detection dog away one day before the next Air India flight. Although the dogs required continual training, the high alert set for Air India's operations at Pearson and Mirabel ought to have weighed heavily against sending the dog teams away when there was no possibility of a backup unit for Pearson.

Pearson's RCMP detachment sent a telex to RCMP headquarters on June 23, 1985, advising that, in light of the bombing, the explosives detection team had been recalled. The RCMP was also providing additional uniformed personnel at the airport to deal with any suspicious persons at the check-in counters, as well as to provide support to air carrier security personnel.¹⁰⁶ The telex added that the detachment was considering requesting the provision of a second explosives dog team, and subsequent documents indicate that, by June 26, 1985, that request had in fact been made, and the second explosives detection dog was already being used at the airport.¹⁰⁷ This raises the natural question: if the training of one or more of the dog units could be suspended to meet emergency needs after the bombing, why was it not done before the bombing?

In July 1985, the continuing tense security situation meant that the RCMP explosives detection dogs were now frequently used; a report from Mirabel stated that the volume of bomb threats and suspicious bags had reached the point where the dog was fast approaching the limits of its ability to work.¹⁰⁸ In fact, the Airport General Manager wrote to Transport Canada headquarters and stated that another dog would be required. He added that just one of eight X-ray machines required for examining checked baggage had been delivered, and that, in light of the circumstances, he required the additional units as soon as possible. This is a good indication that the small number of explosives detection dogs available in 1985 was not sufficient to meet the needs of civil aviation security during periods of threat, and warranted the training and deployment of additional dog teams to meet such needs and serve as backups in the event that the threat level increased and existing teams were overtaxed.

Air India Did Not Request Searches

At a January 1985 meeting convened by Air India, Transport Canada and RCMP officials met with Mahendra Saxena, Air India's Senior Security Officer, to discuss

¹⁰⁵ Testimony of Gary Carlson, vol. 28, May 15, 2007, pp. 3013-3014.

¹⁰⁶ Exhibit P-101 CAF0557, p. 44.

¹⁰⁷ Exhibit P-101 CAF0676, p. 3.

¹⁰⁸ Exhibit P-101 CAF0687, p. 2.

the airline's pending operations out of Pearson. Saxena expressed great interest in the use of an explosives detection dog for inspecting checked baggage, and stated that Air India would like to have the RCMP explosives detection dog examine Air India's checked baggage prior to each flight. Mattson replied that Transport Canada was not prepared to grant this request. He indicated that the explosives detection dog could be used if Air India found a suspicious bag. He added that if the dog did not detect any explosives, the police would still open the bag. If the dog did detect explosives, it would likely be necessary to evacuate the area.¹⁰⁹

Air India's security program called for the use of an X-ray machine at Pearson and at Mirabel to examine checked baggage for explosives before any bags would be loaded aboard their aircraft. Air India also employed an electronic explosives detection device, the PD4, and used it as a backup if the X-ray machine was broken or not available.¹¹⁰ Carlson was present at the January 18, 1985 demonstration of the PD4 and witnessed the device's remarkably poor performance.¹¹¹ Carlson and the other police officers present expressed their lack of confidence in the effectiveness of the device to the Air India representatives present. Carlson emphasized that he and his explosives detection dog Thor would be available at any time to check all suspicious bags.

The next day, Carlson conducted an impromptu test while the PD4 was being used by Burns International Security employees to screen checked baggage for Air India's first flight out of Pearson airport. It totally failed to detect a sample of plastic explosives. Carlson offered his services and those of Thor to the Burns personnel. In a statement made to investigators after the bombing, he indicated that his orders were to comply with any Air India requests for the use of the dog.¹¹² Carlson was always eager to obtain work for Thor and gain as much experience as possible. Despite his offers to help, Carlson was never asked to assist with any Air India flights between its inaugural flight from Toronto on January 19, 1985 and the day of the bombing.¹¹³

On June 22, 1985, at approximately 4:45 PM, the X-ray machine being used by Burns personnel to search Air India's checked baggage for explosives malfunctioned.¹¹⁴ By the time of the malfunction, approximately 50 to 75 per cent of the checked baggage had been examined by X-ray. John D'Souza, the Air India Security Officer, learned of the malfunction while making his rounds. He directed the Burns officers to use the PD4 to screen the remainder of the checked baggage for explosives, providing only a cursory demonstration of its use.¹¹⁵ No bags were opened and searched manually, despite Air India headquarters having specifically called for this measure to be taken for all flights in June,¹¹⁶

¹⁰⁹ Exhibit P-101 CAA0118, p. 4.

¹¹⁰ Exhibit P-101 CAA0119, p. 1.

¹¹¹ Exhibit P-101 CAC0268, p. 2.

¹¹² Exhibit P-101 CAC0268, p. 2.

¹¹³ Testimony of Gary Carlson, vol. 28, May 15, 2007, pp. 3006, 3019.

¹¹⁴ Exhibit P-157, p. 37.

¹¹⁵ Exhibit P-101 CAF0143, p. 3.

¹¹⁶ Exhibit P-101 CAA0185.

and despite a spring 1985 warning from the Government of India to all Indian airlines to be vigilant in applying anti-sabotage measures. In fact, the spring 1985 message specifically urged that 25 to 30 per cent of all checked bags be opened and searched, even when X-ray machines were used for screening.¹¹⁷ There is no evidence that D'Souza requested the use of an explosives detection dog or that he notified the RCMP of any difficulties with the X-ray machine. He does not mention taking either action in his written statements for the RCMP investigation after the bombing.¹¹⁸ D'Souza is now deceased.

There is some evidence that the PD4 may have reacted loudly to one bag in particular.¹¹⁹ The Burns employees had never used the device before, however, and their unfamiliarity with it meant that they were not in a position to understand what the noises it made may have indicated. Although some of the Burns employees stated that the device "beeped" at certain points, it always made some noise, and such sounds required interpretation. Their lack of experience rendered them incapable of appreciating that any noises from the device could be significant warning signs. In any case, the bag in question was cleared for loading aboard the *Kanishka* because it did not cause the PD4 to make the same loud, piercing noise that it had when D'Souza lit a match to demonstrate how it worked.¹²⁰ The Burns personnel did not mention this bag until after the bombing, when RCMP investigators asked about Air India's checked baggage screening at Pearson.

Delays at Mirabel

When Air India Flight 181/182 arrived at Mirabel at 9:10 PM on June 22, 1985, it was one hour and 25 minutes behind schedule.¹²¹ The delay was due primarily to the mounting of the fifth engine pod to be returned to India for repairs. Despite these delays, there was no thought given to using this additional time in the high threat environment to conduct more rigorous searches of the bags or to reconcile each bag to a travelling passenger. To the contrary, the focus was to reduce the delay and minimize the expense of the additional fees that were accruing to Air India.

D'Souza and another Air India official left Pearson and travelled to Mirabel aboard Flight 181.¹²² On arrival, they were informed that three suspicious bags had been found by Burns employees screening checked baggage by X-ray.¹²³ None of the passengers were called to come and identify the bags, even though this response was called for by Air India's security program.¹²⁴ Additionally, no one

117 Exhibit P-101 CAC0419, p. 5.

118 See Exhibit P-101 CAF0093 and CAF0531.

119 See, for example, Exhibit P-101 CAF0159, p. 3. See also Section 2.3.3 (Pre-bombing), Over-Reliance on Technology.

120 Exhibit P-101 CAF0159, p. 3.

121 Exhibit P-101 CAB0434, p. 4.

122 Section 1.11 (Pre-bombing), The Cost of Delay – Testimony of Daniel Lalonde, discusses the events at Mirabel Airport on June 22, 1985.

123 Exhibit P-101 CAF0093, p. 4.

124 Exhibit P-101 CAA0118, p. 2.

at Air India notified the RCMP about this discovery although Mirabel had an SQ explosives detection dog unit available. By the time the RCMP were aware of the suspicious bags, Air India Flight 182 had departed. There is evidence suggesting that Air India's concerns over the high costs and passenger inconvenience incurred by delays were a factor in the decision to clear Air India Flight 182 for departure without taking further security precautions.¹²⁵

The SQ dog team arrived after the flight's departure and examined the three suspicious bags left off the plane. The explosives detection dog, Arko, did not detect any explosives in the bags. Arko's handler, Serge Carignan, has been haunted by the tragedy. He testified that he believed that if he had been called in earlier and given an opportunity to inspect the unaccompanied checked baggage aboard Flight 182, that the bomb would have been found.¹²⁶

Although Carlson should have been called in prior to each Air India flight from Pearson during the month of June, 1985 to search the cabin of the Air India aircraft prior to the flight's departure, when asked whether he had been called in for any of those flights during that month (when the level 4 security measures that stipulated the dogmaster should be utilized were in effect), Carlson testified: "I specifically remember not being required to be there for those flights."¹²⁷ Similarly, Carignan, who was the SQ dogmaster filling in at Mirabel on June 22, 1985, testified he had not been called in to search any Air India aircraft.¹²⁸

Conclusion

It is not clear whether Air India personnel had been made aware of the absence of the explosives detection dog from Pearson airport on June 22, 1985, or whether this fact had any impact on the decision not to seek assistance from the RCMP when the X-ray machine at Pearson failed. There can be no doubt, however, that Air India should have given serious consideration to doing so. Air India wasted a genuine opportunity to prevent the bombing by failing to take the prudent actions that were called for in light of the severe threat the airline faced, such as conducting manual searches of checked baggage and passenger-baggage reconciliation. For its part, the RCMP did Air India a grave disservice by sending its only available explosives detection dog away during a period of severe threat to the airline.

5.3 Lack of Surveillance of Air India Aircraft

The heightened threat faced by Air India in June 1985 demanded constant vigilance from Air India, Burns International Security, and the RCMP. The airline had been directed by its head office to implement meticulously a stringent list of anti-sabotage measures,¹²⁹ and had requested, and received, additional

¹²⁵ See, for example, Testimony of Daniel Lalonde, vol. 29, May 16, 2007, pp. 3122, 3129.

¹²⁶ Testimony of Serge Carignan, vol. 26, May 9, 2007, pp. 2669, 2671, 2678.

¹²⁷ Testimony of Gary Carlson, vol. 28, May 15, 2007, pp. 3026-3027.

¹²⁸ Testimony of Serge Carignan, vol. 26, May 9, 2007, pp. 2671-2672.

¹²⁹ See Exhibit P-101 CAA0185.

assistance from the RCMP in protecting its aircraft and airport operations. Gary Clarke, who in 1985 was in charge of Protective Policing at O Division in Toronto, testified that the threat to the airline could not have been much higher than June.¹³⁰

Due to the threat of sabotage and hijacking, the physical protection and surveillance of Air India's aircraft were as important to the safety of each flight as checked baggage security and pre-board screening. In fact, the emergency procedures for Air India's security program dictated that the aircraft should be guarded around the clock.¹³¹ There is no doubt these emergency procedures were applicable in June 1985,¹³² but they were not always observed. One example of this faltering attention occurred on the evening of June 8, 1985, when the Air India flight arriving at Pearson encountered engine trouble. The aircraft could not continue its flight to Mirabel, so it was towed to an Air Canada hangar area and left for 24 hours. For the entire period, the aircraft was left unguarded in an area accessible to the public.¹³³

Prior to the bombing of Air India Flight 182, the security awareness culture in North America was marked by complacency.¹³⁴ The incidence of hijacking had greatly decreased since the 1970s and, although a new threat of sabotage had clearly emerged, airport personnel were complacent about it. A pervasive feeling that "it cannot happen here" flourished. The threat was at a peak in June 1985, but, on the day of the bombing, the lack of focus and direction among those charged with keeping Air India's aircraft and passengers safe was still evident. Security at Pearson airport was lax in many significant respects.¹³⁵ One of the lapses centred on the fact that many of those providing security at Pearson, as well as at airports around the country, were inexperienced, inattentive, incompetent or unfocused. What was missing was a purposive approach to providing security. Many security guards and RCMP officers went through the routine of providing security, without being focused on what they were guarding against or for what they should be alert.

Brian Simpson was a student working full-time for Air Canada that summer and, when reporting for work, on June 22, 1985, he saw the recently arrived *Kanishka*. He testified that, as a cabin cleaner, he was driven by curiosity to go aboard Flight 181/182 to see the condition of such a large plane after a long international flight. He admitted that he was not supposed to be inside the aircraft, and that he would not have approached the aircraft if he had seen any RCMP officers or security guards nearby. He saw no one, however, and emphasized that the relaxed security environment was such that there would have been no repercussions or stigma had he been caught aboard the plane, even by his own supervisor. Simpson testified that he approached the *Kanishka*

¹³⁰ Testimony of Gary Clarke, vol. 28, May 15, 2007, p. 3085.

¹³¹ Exhibit P-284, Tab 48, p. 20.

¹³² Testimony of T.N. Kumar, vol. 37, May 31, 2007, p. 4406.

¹³³ Exhibit P-101 CAC0439, pp. 3-4.

¹³⁴ See Section 2.4 (Pre-bombing), Security Culture at Canada's Airports.

¹³⁵ This is discussed in detail in Section 1.9 (Pre-bombing), Mr. Simpson's Visit to the Air India Aircraft.

through the airside corridor, and that when he boarded the plane he saw no one guarding the bridge door, or the main entry door of the aircraft, and he saw no guards or other personnel inside the aircraft. He wandered about and eventually visited the cockpit, where he took a seat in the captain's chair. He was aboard for approximately 10 minutes.¹³⁶

Simpson saw nothing suspicious or out of the ordinary; he voluntarily reported to the Commission about the events of that day, as he was critical of the very lax attitude towards security at the time. He testified that the secure door combinations were widely known, had not been changed in many years, and were easy to figure out.¹³⁷ He had even seen door codes for various bridge doors written on the wall near the lock.

Simpson's testimony was corroborated by a written statement from one of the CP Air Flight Kitchens employees, Vincent Ezoua.¹³⁸ Ezoua noted that, as he was going upstairs to the first class area of the plane on the day of the bombing, he saw a young man coming down the stairs whom he had never seen before. Aside from Ezoua, however, no one present and providing security that day noted any unauthorized persons. There were no systems in place for Air India flights to record who boarded an aircraft or for what reason. If we accept the argument that the Burns guards or RCMP members were present at the aircraft door or the bridgehead, it is difficult to understand why he was not challenged. Simpson stated that he often kept his pass in his pocket instead of displaying it as required, yet was not asked for it. He had been questioned about his ID only twice in the twelve years he worked at the airport, starting in 1973. He was not assigned to work aboard the flight, and should not have been allowed aboard, but he blended into the background and escaped notice.

5.4 Air India Personnel – Confusion about Duties

The action and inaction of Air India officials with respect to the high threat level against the airline in June 1985, the malfunction of the X-ray machine at Pearson airport on June 22, 1985, and the discovery of three suspicious bags at Mirabel later that day, were events that were exacerbated by "organizational chaos"¹³⁹ within the airline's reporting structure. The confusion is highlighted in an RCMP investigative status report, dated January 6, 1986, which states, "A number of discrepancies exist in the statements of Vaney and other senior Air India personnel, and it appears that no airline employee was prepared to accept the position and responsibilities of airport manager on the date in question."¹⁴⁰

Air India's station manager for Pearson and Mirabel airports in 1985 was Ashwani Sarwal. From the time Air India had begun operations in Canada in 1982, Sarwal was the representative most frequently in contact with Transport Canada and

¹³⁶ Testimony of Brian Simpson, vol. 32, May 23, 2007, pp. 3641-3643, 3645, 3649.

¹³⁷ Testimony of Brian Simpson, vol. 32, May 23, 2007, pp. 3643, 3651-3652, 3677, 3691.

¹³⁸ Exhibit P-395, p. 74.

¹³⁹ Final Submissions of Raj Anand on behalf of Lata Pada's group, paras. 38-45.

¹⁴⁰ Exhibit P-101 CAF0537, p. 7.

RCMP officials. He frequently forwarded security intelligence reports to both agencies. On June 22, 1985, he was away on vacation.¹⁴¹ In his absence, a number of Air India officials were present at both airports that day. Even today, there is great confusion about who was ultimately in authority. It is clear from the statements and testimony of those involved that few of the key Air India employees were certain of their responsibilities or those of their colleagues, and each made assumptions about what the others were doing. Once the bombing occurred, blame was rapidly passed back and forth for decisions made that day, and those involved denied that they were the ones responsible for, or capable of, making the security decisions required.

Air India Organization

Rajesh Chopra, Air India's Duty Officer at Delhi airport in 1985, testified that Air India's organizational structure in 1985 was roughly as follows.¹⁴² Ramesh Puri was Air India's Canadian Manager, supervising Canadian operations. He reported to Air India's Regional Manager in New York. Mahendra Saxena was Air India's Security Manager, based out of John F. Kennedy (JFK) Airport in New York. There was no security manager in Canada. John D'Souza was an Air India Security Officer who reported to Saxena. He was responsible for Air India's flights out of New York and the once-weekly flights from Canada. Aswhani Sarwal was the Air India station manager for Mirabel; he was also responsible for Pearson airport. Herb Vaney was Air India's Area Sales Manager in Toronto. Divyang Yodh was Air India's Passenger Service Supervisor at JFK airport. He was on duty at Pearson and Mirabel airports on June 22, 1985, replacing Sarwal.¹⁴³ Derek Menezes was the Air India Area Sales Manager in Montreal.¹⁴⁴ Finally, Jainul Abid was the Air India Traffic Manager and Sales Representative on duty at Mirabel airport on June 22, 1985.¹⁴⁵

John D'Souza

John D'Souza was on duty at Pearson and Mirabel on June 22, 1985.¹⁴⁶ He provided a written statement to the RCMP after the bombing in which he admitted he had been assigned to supervise the security measures taken at Toronto for Flight 181/182. In his capacity as Security Officer, he made the decision to have Burns personnel use the PD4 to examine Air India's checked baggage when the X-ray machine at Pearson failed. He stated that he had asked Vaney whether it was possible to have the machine repaired, and was told that, because it was a weekend, no service would be available until the coming Monday.¹⁴⁷ After giving a cursory demonstration on the use of the PD4 to the Burns personnel

¹⁴¹ Exhibit P-167, pp. 6, 19.

¹⁴² Testimony of Rajesh Chopra, vol. 37, May 31, 2007, p. 4390; Testimony of Rajesh Chopra, vol. 43, June 14, 2007, pp. 5330-5332, 5335 and Testimony of Rajesh Chopra, vol. 89, December 5, 2007, p. 11730.

¹⁴³ Exhibit P-101 CAF0442, p. 2.

¹⁴⁴ Exhibit P-101 CAF0793.

¹⁴⁵ Exhibit P-101 CAF0092, p. 3.

¹⁴⁶ Exhibit P-101 CAF0531.

¹⁴⁷ Exhibit P-101 CAF0531, pp. 2-3.

at Pearson, D'Souza then travelled to Mirabel aboard Flight 181. There, he was met by Abid, who informed him of three suspicious bags that had been found by Burns personnel.¹⁴⁸ It was D'Souza who decided that the bags would not be loaded aboard the flight and, according to the testimony of Daniel Lalonde, made the decision to clear the flight for departure because of his concern over the high costs incurred by the growing delay.¹⁴⁹

In his written statement to the RCMP, however, D'Souza indicated that it was Vaney who was ultimately in charge of Air India's operations as the station head on June 22, 1985.¹⁵⁰ Moreover, with respect to the three suspicious bags incident at Mirabel, D'Souza minimized his role in the decision to clear Air India Flight 182 for departure without notifying the RCMP or having the passengers deplane to identify the suspicious bags. He stated that the decision to allow the plane to take off was made jointly by Abid, Yodh, Thimiri Rajendra (the Air India engineer who supervised the installation of the fifth engine pod), and the Air Canada duty officer and his staff. D'Souza emphatically disavowed any personal responsibility for the decision, insisting that he felt that, even before he had arrived at Mirabel and assessed the situation, the decision to clear the flight had already been made. D'Souza stated that he believed Abid had made up his mind not to conduct any searches for explosives or hold up the flight any further since the flight was so delayed.¹⁵¹ This should be contrasted with Lalonde's testimony that D'Souza was very concerned about the expenses incurred by the delayed flight, and his decision to clear it for departure in light of those concerns.¹⁵²

D'Souza also made no attempt to contact the owners of the bags and have the bags identified because they were already on their way to the aircraft, "...and could not have been brought back easily."¹⁵³ This statement is problematic in light of the following facts. D'Souza's statement would only be accurate if he and Yodh had not heard about the suspicious bags until after the passengers had already departed for boarding. In fact, Abid indicated in his statement that, after the aircraft had arrived at Mirabel (or was "on block"), he and Yodh accompanied the passengers to Air India Flight 182 aboard a passenger transfer vehicle (PTV). This is important because Yodh, who had come up from New York and arrived on the Air India flight from Pearson with D'Souza, was present when Abid advised D'Souza of the suspicious bags at the Air Canada counter.¹⁵⁴ As such, it can only be the case that the passengers boarded the aircraft *after* Yodh and D'Souza had arrived and spoken with Abid at the Air Canada counter. D'Souza therefore knew of the suspect bags *before* the passengers were sent to the aircraft aboard the PTV.

148 Exhibit P-101 CAF0093.

149 See, for example, Testimony of Daniel Lalonde, vol. 29, May 16, 2007, pp. 3122, 3129.

150 Exhibit P-101 CAF0531, p. 5.

151 Exhibit P-101 CAF0093, pp. 13-14.

152 See Section 1.11 (Pre-bombing), The Cost of Delay – Testimony of Daniel Lalonde.

153 Exhibit P-101 CAF0093, pp. 4-5.

154 Exhibit P-101 CAF0092, pp. 4-5.

Chopra testified that between D'Souza and Yodh, D'Souza was responsible for the security side of Air India's operations. Yodh, as the acting airport manager, was ultimately responsible for the decision to release the aircraft for departure, but this decision required the approval of D'Souza as the security officer.¹⁵⁵

D'Souza acknowledged in his written statement that he had the authority to recall the aircraft and could have done so if he believed there was anything harmful aboard. In spite of the suspect suitcases and the strict security measures that he had been asked to implement for the month of June, D'Souza did not recall the aircraft because he had no suspicion that there was anything harmful on the flight.¹⁵⁶ Given the events at the airports that day and the prevailing security conditions, it is difficult to comprehend how he could have had no suspicion of potential danger to the aircraft or its passengers.

D'Souza is no longer alive to provide clarification. The fact remains that he did not take any steps to have the passengers identify their bags, and his explanation for his failure to do so is inconsistent with the evidentiary record.

Herbert Vaney

Herbert Vaney was Air India's Area Sales Manager for Toronto in 1985. He reported to Puri.¹⁵⁷ The statement Vaney provided to the RCMP gave an entirely different account of Air India's hierarchy on the day of the bombing. According to Vaney's statement, no one employed by Air India reported to him that day. He stated that they would instead report to the acting airport manager, namely Yodh. Vaney was clear in asserting that Yodh was in charge at Pearson airport that day.¹⁵⁸ In his testimony, Vaney again disputed the statements made by the other Air India representatives that he was in authority on the day of the bombing. Vaney testified that he was normally preoccupied with his duties in sales, which he described as promoting tourism to India, as well as "...trying to obtain business in the Indian community and the general administration of the Toronto office."¹⁵⁹

Vaney contradicted Yodh's 1985 written statement that he (Vaney) was in charge on June 22nd and had the final say on security decisions.¹⁶⁰ Vaney also disputed the assertion, made by Air India Traffic Sales Representative Rui Filipe de Jesus in his 1985 written statement, that Vaney was the individual "overall in charge" that day.¹⁶¹ Vaney reiterated that he had nothing to do with security decisions.

According to Vaney, he did not deal with security information as part of his duties, although in the spring of 1985 he forwarded a number of reports regarding

¹⁵⁵ Testimony of Rajesh Chopra, vol. 89, December 5, 2007, pp. 11730-11731, 11733-11734.

¹⁵⁶ Exhibit P-101 CAF0093, p. 14.

¹⁵⁷ Testimony of Herbert Vaney, vol. 89, December 5, 2007, p. 11625.

¹⁵⁸ Exhibit P-101 CAF0533, p. 5.

¹⁵⁹ Testimony of Herbert Vaney, vol. 89, December 5, 2007, p. 11624.

¹⁶⁰ Testimony of Herbert Vaney, vol. 89, December 5, 2007, p. 11666.

¹⁶¹ Exhibit P-101 CAF0530.

Air India's security to different Canadian agencies. His testimony was that he had a very passive role in security matters when they arose, describing himself as merely a "conduit" of threat information.¹⁶² He indicated he had standing instructions from Saxena to forward threat information to the concerned agencies. Although Vaney indicated he had been provided with a standard list of addressees,¹⁶³ his correspondence was not routed consistently, and it seems more likely that he would forward the threat reports on a case-by-case basis.¹⁶⁴

Vaney represented Air India at a number of meetings discussing security for the airline. Vaney testified that he attended these meetings whenever he was told to, but did not believe it was a part of his duties to attend security-related meetings that were held in Toronto.¹⁶⁵ He attended the meeting held on January 18, 1985 with members of Transport Canada, the RCMP and the Peel Regional Police Force to discuss Air India's security requirements for its flights out of Pearson, and to demonstrate the PD4 explosives detection device.¹⁶⁶ The PD4 performed poorly during the demonstration, and the police officers present indicated to Sarwal and Vaney that they did not feel Air India should rely on it to search checked baggage. Although he did not dispute that he was there, Vaney did not recall being at the January 18, 1985 demonstration of the PD4 sniffer, and did not recall any discussion about the efficacy of the device.¹⁶⁷

Vaney oversaw some matters at the airport as well. When the X-ray machine used by Air India to screen checked baggage malfunctioned on June 8, 1985, Vaney obtained service from Corrigan Instrumentation Services, and sent a telex to Puri to follow up on their telephone conversations and advise him of the technician's findings.¹⁶⁸ He stated that the foot mat on the X-ray machine had four breaks in its electrical wiring and the wiring would need to be replaced. He advised Puri that he had authorized the repairs to ensure that the X-ray would be ready for the next flight on the coming Saturday.

Vaney was at Pearson airport on June 22, 1985, when the checked baggage X-ray machine again malfunctioned during the examination of baggage destined for Flight 181/182. Vaney recalled in his testimony that D'Souza approached him and Yodh at the airport to inform them of what had happened. D'Souza confirmed that there was no one available to service the machine on the weekend. Vaney testified that he would not have taken part in any discussion about security or what to do next. He only recalled that D'Souza informed Yodh and himself of the malfunction, and that D'Souza indicated he would have the remainder of the checked baggage screened with the PD4.¹⁶⁹ There was no discussion at that time of the PD4's considerable limitations, and both D'Souza and Yodh were very matter-of-fact about the situation.

¹⁶² Testimony of Herbert Vaney, vol. 89, December 5, 2007, p. 11632.

¹⁶³ Testimony of Herbert Vaney, vol. 89, December 5, 2007, p. 11632.

¹⁶⁴ The erratic distribution of such information from Vaney's office is discussed in detail in Section 4.4 (Pre-bombing), Failures in Sharing of Information.

¹⁶⁵ Testimony of Herbert Vaney, vol. 89, December 5, 2007, pp. 11628-11630.

¹⁶⁶ This is highlighted in Section 2.3.3 (Pre-bombing), Over-Reliance on Technology.

¹⁶⁷ Testimony of Herbert Vaney, vol. 89, December 5, 2007, pp. 11651, 11687-11688.

¹⁶⁸ Exhibit P-284, Tab 61.

¹⁶⁹ Testimony of Herbert Vaney, vol. 89, December 5, 2007, pp. 11651-11656.

Vaney also attended a meeting convened by the RCMP on May 30, 1985. The meeting was called to discuss the security measures that would be required in light of the string of telexes forwarded by Air India. But Vaney did not recall being there and indicated that this was not his usual function.¹⁷⁰

It is unclear why Vaney, if his evidence is accurate, was involved in security matters for Air India at all. He testified that he was not regularly briefed on security, and was not familiar with Air India's security program or its current security measures.¹⁷¹ He also did not follow up with the agencies to ensure that appropriate action was being taken. When asked why he was being directed to forward threat information to the authorities, given that it seemed to be more properly Sarwal's role, Vaney replied:

Oh, he would probably do it also. You have the [Toronto] station over here, an administrative function and in this case, during that period, I guess more was better than less.... Why one would pass it on? I see nothing wrong with it. This is part of the task, the administrative task one has to do.¹⁷²

Some Air India officials may have assumed that Vaney had a more active role in airport matters, however, and may even have expected him to take on a leadership or managing role. For example, Vaney sent a telex to Air India's New York office on June 18, 1985, indicating that he had learned that Sarwal, who managed the flights at Pearson and Mirabel each week, would be away.¹⁷³ Sarwal would thus be unavailable for the June 22nd flight, and Vaney requested that someone be assigned to fill in as the airport manager for that flight. Although he received a reply on June 20th from a Mr. Misra indicating that Yodh would be arriving to handle the June 22nd flight, he also received a reply on June 21st from N. L. Mital, the New York-based Regional Director for the US and Canada, which conveyed apparent frustration with Vaney's request:

Vaney as advised earlier please confirm that you are attending our flight every Saturday at airport. Furthermore I personally feel that it is not necessary for us to send a supervisor from JFK every Saturday. We commenced operations to Pearson on January 19, 1985 and you now should be fully conversant with airport handling/procedures, etc. If you still feel unsure then I would be happy to arrange for you to come down to JFK for two or three days and get a suitable briefing from Mr. Misra to help you in handling the one flight a week which you have.¹⁷⁴

¹⁷⁰ Testimony of Herbert Vaney, vol. 89, December 5, 2007, pp. 11629-11630.

¹⁷¹ Testimony of Herbert Vaney, vol. 89, December 5, 2007, pp. 11646-11647.

¹⁷² Testimony of Herbert Vaney, vol. 89, December 5, 2007, p. 11644.

¹⁷³ Exhibit P-101 CAF0533, p. 9.

¹⁷⁴ Exhibit P-101 CAF0533, p. 8. Note that the text of the telex is abbreviated in some places (e.g. "PLS" for "please" and "ACK" for "acknowledge") and the quoted passage has been rendered in plain language.

In fairness to Vaney, he was not trained in security procedures and was kept very busy with sales in Toronto. He testified that 75 per cent of Air India's 1985 Canadian sales revenue came from the Toronto market.¹⁷⁵ Vaney maintained that his duties at the airport were confined to sales, promotion, public relations and general administrative duties. Chopra described Vaney's duties similarly.¹⁷⁶ Vaney testified that it was his opinion that Mital was asking him to go to the airport to engage in public relations work for the flight,¹⁷⁷ although this seems at odds with the tone and content of Mital's message. Indeed, Vaney testified that Mital's remarks with respect to "airport handling/procedures" actually referred to the duties normally assumed by the airport manager. This suggests that Mital believed there was no need to send someone to replace Sarwal because he expected that Vaney was, by that point, "fully conversant" with the procedures.

After the bombing, Vaney's role continued to involve more duties than merely sales, public relations, and office administration. For example, he requested a report from Corrigan Instrumentation Services, the company that provided maintenance for the X-ray machine at Pearson, regarding its malfunction on the day of the bombing.¹⁷⁸ This again suggests Air India's personnel based in Canada would take on multiple roles as needed.

What can be concluded with respect to Vaney is that, even though his duties were focused on sales and promotion rather than airport operations or security, he was asked, and expected, to do more. The Air India officials outside Canada in all likelihood viewed him as a Toronto-based counterpart to Sarwal. Air India apparently expected him to juggle competing priorities and fill multiple roles, despite the fact that he had little practical knowledge of the demanding security requirements for Air India's flights. Conversely, Vaney maintained that his understanding was that he was not in a position of final authority on June 22, 1985, and that Yodh was filling in as airport manager.

These conflicting expectations are good examples of the organizational confusion within Air India as it strove to meet the heavy operational burden of expanding its services to a second major Canadian city.

Divyang Yodh

The statements given by Divyang Yodh to the RCMP investigators after the bombing provide yet another perspective on the organizational question.¹⁷⁹ Yodh indicated that he did not ordinarily work on the Toronto-Mirabel-Delhi flight. He was a passenger service agent from New York, and he replaced Sarwal at Pearson on June 22, 1985 because Sarwal was away on vacation. According to Yodh, however, his duties were limited to addressing "...any last minute problems which the crew may have regarding passengers, and traffic handling."

¹⁷⁵ Testimony of Herbert Vaney, vol. 89, December 5, 2007, p. 11674.

¹⁷⁶ Testimony of Rajesh Chopra, vol. 43, June 14, 2007, p. 5330.

¹⁷⁷ Testimony of Herbert Vaney, vol. 89, December 5, 2007, p. 11660.

¹⁷⁸ Exhibit P-101 CAF0529.

¹⁷⁹ Exhibit P-101 CAF0442 and CAF0795.

Despite the fact that he was at Pearson and Mirabel to replace Sarwal, he stated that he was nevertheless not in charge at Toronto, and that he answered to Vaney.¹⁸⁰ When asked who from Air India was performing Sarwal's duties on that day, Yodh replied that he did not know. He reiterated his belief that Vaney was responsible for Air India's operations in Toronto on that day, and stated that if he had any problems at Mirabel, he would discuss them with Derek Menezes, who he stated "...was the senior man at the Mirabel airport."¹⁸¹ He was clearly unwilling to accept having any position of responsibility with respect to Air India Flight 181/182. In fairness, an RCMP overview of the various accounts from the Air India officials suggested that it was possible that when he was told to go to Toronto, Yodh had not been told he would be filling in for Sarwal as airport manager, and instead assumed he would perform the duties he had performed in the past.¹⁸²

Jainul Abid

According to the statement made by Jainul Abid to the RCMP, he was on duty on June 22, 1985 at Mirabel as Air India's Traffic and Sales Representative. In addition to sales, his responsibilities included preparing boarding passes, supervising the check-in counter, allocating seats for pre-arranged seating, updating meal information, attending to VIPs and supervising the flight's loading plan for baggage and cargo. He also assisted Yodh, who he stated was in charge of the departure of Flight 182.¹⁸³

At approximately 8:30 PM, Abid was informed by an Air Canada representative that the contents of three checked suitcases could not be identified on the X-ray machine being used by Burns Security in the baggage area, and that they were, accordingly, being treated as suspicious. Abid decided to wait for Yodh and D'Souza to arrive at Mirabel and let them take any action that was needed. Abid informed Yodh and D'Souza about the situation when they arrived at the airport, but, to his knowledge, neither Yodh nor D'Souza reported to the police or airport officials about the three suspect cases containing unidentifiable objects.¹⁸⁴ Abid himself did not advise the RCMP¹⁸⁵ or any other officials about the three suspect suitcases.¹⁸⁶

In his testimony about the events at Mirabel on June 22, 1985, Abid stated that, normally, he worked at Air India's offices in downtown Montreal conducting sales, but went to Mirabel once a week to fulfill traffic duties for each flight. When the three suspicious bags were found, Abid was the only Air India representative at the airport.¹⁸⁷ In keeping with the multi-tasking environment seemingly expected of Air India officials, Abid testified that in the absence of the other officials, he would perform their tasks in addition to his own until they arrived.

¹⁸⁰ Exhibit P-101 CAF0442, p. 2.

¹⁸¹ Exhibit P-101 CAF0795, pp. 2-3.

¹⁸² Exhibit P-101 CAF0802, p. 1.

¹⁸³ Exhibit P-101 CAF0092, p. 3.

¹⁸⁴ Exhibit P-101 CAF0092, pp. 5, 7.

¹⁸⁵ Exhibit P-101 CAE0249, p. 8.

¹⁸⁶ Testimony of Jainul Abid, vol. 89, December 5, 2007, pp. 11719-11721.

¹⁸⁷ Testimony of Jainul Abid, vol. 89, December 5, 2007, pp. 11694-11695.

Abid acknowledged that Sarwal's absence added some confusion to the handling of the flight, however, and that he was not certain about precisely what would be expected of him until the others arrived. He did not take any action with respect to the suspicious bags other than having them held off the aircraft. He believed that Burns security would handle the matter appropriately until D'Souza arrived. He told the Commission that Yodh also mentioned "in passing" that the X-ray machine at Pearson had malfunctioned.¹⁸⁸

Abid professed no part in the decision to hold the bags off the flight without having them identified by the passengers or in the decision to clear the flight for departure before the authorities were notified. In particular, he rejected the assertion made in D'Souza's written statement that he had any part in the decision to allow Flight 182 to depart.¹⁸⁹ He reiterated that, as the station manager that night, Yodh was the decision-maker. According to Abid, his only involvement was to confirm the passenger head counts and confirm that there were not any "no show" passengers at Mirabel.

Abid also disputed D'Souza's assertion that he had made up his mind not to search the aircraft even before D'Souza had arrived at Mirabel. Abid's view of the Air India hierarchy at Mirabel was that Yodh had final authority over the flight, and D'Souza was responsible for all security decisions concerning the flight. He believed that it would have been up to D'Souza to notify the RCMP or Transport Canada about the situation. As far as his own place in Air India's reporting structure, Abid repeatedly denied that he had any role in the decision-making process. In essence, his testimony was that he was told what to do by the airport manager, and he did it.¹⁹⁰

Ashwani Sarwal

Ashwani Sarwal's statement provides some clarification. It indicated that Yodh was filling in for him at Mirabel, along with the Air India Area Sales Manager at Mirabel, Menezes. When asked by the RCMP who the "boss" was at Pearson airport on June 22, 1985, Sarwal replied "Mr. Vaney."¹⁹¹ This may mean that Vaney was in charge at Pearson, while Yodh, who flew to Mirabel with D'Souza, may have been the acting manager in conjunction with Menezes at Mirabel. This is a speculative scenario but it is one that makes some sense of the conflicting evidence.

Sarwal also stated that security supervision was not a part of the airport manager's duties, and that this was the responsibility of Air India's local security officer. On the Air India flights to Mirabel and Delhi on June 1 and 15, 1985, the security officer was a Mr. Polanki.¹⁹² On June 22, 1985, the security officer was John D'Souza.

¹⁸⁸ Testimony of Jainul Abid, vol. 89, December 5, 2007, pp. 11696-11697, 11704-11710.

¹⁸⁹ Testimony of Jainul Abid, vol. 89, December 5, 2007, pp. 11699-11701.

¹⁹⁰ Testimony of Jainul Abid, vol. 89, December 5, 2007, pp. 11701-11702, 11711-11712.

¹⁹¹ Exhibit P-101 CAF0534, pp. 4-5.

¹⁹² Exhibit P-101 CAF0534, pp. 6, 8. The Air India flight on June 8, 1985 did not proceed to Mirabel because of an engine malfunction that resulted in the engine being removed and loaded aboard Flight 181/182 on June 22, 1985.

Derek Menezes

Just as Vaney was the Area Sales Manager at Toronto, Derek Menezes was Air India's Area Sales Manager for Eastern Canada at Montreal. According to his 1985 statement to the RCMP, Menezes stated that Yodh was replacing Sarwal as airport manager at Mirabel for the June 22, 1985 flight. Menezes stated that Yodh was responsible for traffic handling for the flight, which comprised the check-in of passengers and baggage, the loading of baggage, cargo and mail onto the aircraft, as well as approving the load and balance charts that indicated the weight distribution in the aircraft, and, finally, for overseeing the catering service. According to Menezes, security matters for the flight were the responsibility of the security officer, D'Souza.¹⁹³ Menezes added that, to the best of his knowledge, a security decision made by the security officer could not be overridden by the airport manager.

As for his own role, Menezes stated that he was present at the airport for a purely public relations function, as well as to provide assistance to Yodh.¹⁹⁴ He stated that he was completely unaware of the three suspicious bags that had been found by Burns personnel on June 22nd, and he did not go into the baggage handling area or aboard the aircraft.

Conclusion

Despite the confusing and often contradictory information regarding Air India's organization in the spring of 1985, a basic picture emerges as to the most likely organizational structure that existed on June 22, 1985 – or, at least, as to the structure that was intended. Air India seemed to believe that Vaney was a capable substitute for Sarwal as airport manager in Toronto. His duties were certainly broader than sales and public relations, and he often filled a role played by Sarwal, such as attending security meetings and forwarding threat intelligence to Canadian authorities. Moreover, the correspondence from Mital at New York indicates that much was expected of him. Nevertheless, at Vaney's request, Yodh was sent to assist him at Pearson in Sarwal's absence.

D'Souza was in charge of security operations at both Pearson and Mirabel, and although he answered to the airport manager, he evidently made the security decisions regarding the use of the PD4 and the handling of the three suspicious bags, and his concurrence seemed to be essential for other major decisions, such as the decision to clear Air India Flight 182 for departure.

When the *Kanishka* departed Pearson airport on the evening of June 22, 1985, D'Souza and Yodh were aboard. Vaney remained at Pearson. On arrival at Mirabel, D'Souza continued his duties as security officer. Yodh, now in conjunction with Menezes, oversaw the operations for the final leg of the flight as airport manager.

¹⁹³ Exhibit P-101 CAF0793, pp. 2-3.

¹⁹⁴ Exhibit P-101 CAF0793, p. 3.

Nonetheless, Air India's reporting structure was poorly defined and confusing. While it is possible that some of the confusion is the result of various attempts to deny any of the blame for the poor decisions made on June 22, 1985, the evidence suggests that the Air India officials present that day were unclear as to who was actually in charge. The RCMP investigators who interviewed the Air India representatives even considered the possibility that "...it may well be that no one was acting in this capacity [as airport manager] on 85-06-22 through poor communication and/or misunderstanding of the assigned duties."¹⁹⁵

The Air India representatives were expected to fill multiple roles as needed, and this led to increased confusion as to the final lines of authority. In that confused state, the airline's officials were unwilling to accept any of the responsibility or the blame for the poor security decisions made that day, and in the aftermath of the tragedy, they further clouded the picture in their efforts to absolve themselves and spread the responsibility to others.

5.5 Breakdown of the X-ray Machine and Use of the PD4

Owing to the risk of sabotage that Air India faced because of increased Sikh extremist activity and worrisome intelligence reports, particularly since the attack on the Golden Temple in June 1984, Air India's security program required that its checked baggage be searched prior to loading onto the aircraft. This was to minimize the risk of a concealed explosive device making its way onto a flight.¹⁹⁶ Air India relied upon Burns Security personnel at Pearson and Mirabel for these searches.

Air India's backup for the X-ray machine was the Graseby Dynamics PD4-C (PD4) explosives detection device, a hand-held electronic unit that examined air samples for explosive vapours. The PD4 was supplied by Air India and it was under its control when not in use.¹⁹⁷ Security personnel would pass the device along the seam of a piece of luggage and the device would, in principle, make a loud, high pitched noise if it detected explosive compounds. Prior to relying on the X-ray and PD4, however, Air India responded to bomb threats by simpler but more time-consuming methods, such as manually opening and searching each article of checked baggage before it would be loaded onto the aircraft. Air India had done so with success on prior occasions, including three flights in June 1984.¹⁹⁸

The PD4 was a flawed device that should not have been relied on to detect explosives under any circumstances.¹⁹⁹ Tests conducted by the RCMP²⁰⁰ revealed that the PD4 was unreliable and inadequately sensitive for the critical role it was expected to play in Air India's security. Two Air India officials, Ashwani Sarwal and

¹⁹⁵ Exhibit P-101 CAF0802, p. 1.

¹⁹⁶ Exhibit P-101 CAF0119.

¹⁹⁷ Exhibit P-101 CAF0801, p. 3.

¹⁹⁸ Exhibit P-101 CAF0161, p. 2.

¹⁹⁹ This is discussed extensively in Section 2.3.3 (Pre-bombing), Over-Reliance on Technology.

²⁰⁰ Exhibit P-101 CAC0268, p. 2.

Herbert Vaney, were present at one demonstration. After witnessing the poor performance of the PD4, the RCMP cautioned Air India against the use of the PD4.²⁰¹ Nick Cartwright testified that laboratory tests conducted by the RCMP also indicated that it was unreliable and unsuitable for use.²⁰² Another expert, Timothy Sheldon, concluded in 1988 that it was not effective as anything other than a deterrent.²⁰³ While it could charitably be said about the PD4 that using it when the X-ray malfunctioned or was unavailable was "...certainly better than not doing anything,"²⁰⁴ in reality it was appreciably worse because it imparted a false sense of security.

When the X-ray machine malfunctioned at Toronto airport on June 22nd, the Air India security officer, D'Souza, instructed the Burns personnel to use the PD4 sniffer, despite the fact that Air India was aware of the device's shortcomings in detecting explosives.²⁰⁵ Air India did not notify the RCMP or Transport Canada of the failure of the X-ray machine, or of their decision to use the PD4 to screen the remaining checked baggage. The Air India flight was running over an hour late, and there is evidence that D'Souza's decisions that day were the result of a focus on avoiding any further expensive delays.²⁰⁶ The flight was being held up due to a series of difficulties encountered in loading engine parts into the aircraft's cargo hold and mounting a fifth engine on its wing. The engine and its components were to be taken back to India for repairs.

D'Souza had demonstrated the PD4 in a cursory fashion by holding a lit match near the device, causing it to react by making a loud, shrill noise. As noted above, the Burns security officers were not otherwise experienced with the PD4, and did not realize that its alarm sound varied in pitch depending on the concentration of explosive vapour detected.²⁰⁷

There are conflicting accounts of what happened once the X-ray scanner failed and Burns security personnel began using the PD4 sniffer to inspect checked baggage. After the bombing, James Post, the Burns employee who used the PD4, stated that the PD4 did not react to any baggage, but that it made a "beep" when switched on and off.²⁰⁸ Other Burns personnel who were present told RCMP investigators that the PD4 did react to a bag by making noise, but that the bag was put aboard the aircraft anyway.²⁰⁹ The Burns employees' unfamiliarity with the PD4 and its inherent unreliability meant that any opportunity to avert the bombing by examining checked baggage was squandered when its use was authorized. A much more effective technique, known as passenger-baggage reconciliation, involved linking each bag to a passenger travelling on the aircraft

201 Exhibit P-101 CAA0369, p. 2.

202 Testimony of Nick Cartwright, vol. 42, June 13, 2007, pp. 5108-5109.

203 *R. v. Malik and Bagri*, 2005 BCSC 350 at para. 30.

204 Testimony of Nick Cartwright, vol. 42, June 13, 2007, p. 5152.

205 Exhibit P-101 CAF0531, p. 3.

206 See Section 1.11 (Pre-bombing), *The Cost of Delay – Testimony of Daniel Lalonde*.

207 Exhibit P-410.

208 Exhibit P-101 CAF0156, p. 2.

209 Exhibit P-101 CAF0159, p. 3.

before it was loaded aboard.²¹⁰ This was a time-consuming method, but it was without doubt the single most effective means of identifying an unaccompanied checked bag, such as the one carrying the bomb that destroyed Air India Flight 182. Such a system might well have segregated the bag carrying the bomb, as no passenger would have been associated with it.

After the bombing, the cause of the X-ray machine's failure was not fully determined, but the most likely reason was that the device was moved back and forth each week as Air India prepared for the Saturday flight. This movement was criticized as "unwise at best" by the president of the company that serviced the X-ray machine.²¹¹

Air India relied on technological tools like X-ray machines and PD4 sniffers to speed the screening process for checked baggage despite having good reasons to doubt their reliability and effectiveness. When the X-ray machine failed, Air India's security officer opted to have the remainder of the baggage screened by PD4 rather than by slower but more effective methods like passenger-baggage reconciliation. A theme that repeats throughout this Report is that Air India was overly concerned with the expenses and customer inconvenience caused by delay. It was not alone in this regard; many air carriers in North America placed customer satisfaction ahead of security in this period.²¹² The bombing of Air India Flight 182 was the tragic wake-up call for an entire industry.

5.6 Handling of the Three Suspect Bags Incident at Mirabel

Daniel Lalonde, who worked for Burns International Security at Mirabel in 1985, was assisting with the examination of checked baggage by X-ray on June 22nd. Lalonde testified that, during the screening process, three bags were flagged as suspicious because their contents could not be identified on the X-ray image. This suggested that they might contain explosive devices. Lalonde was present when the suspect bags were found. He had no idea of who should be contacted or what to do in the case of the discovery of suspicious checked bags. He had received only limited training, and that was only in the context of carry-on baggage.²¹³

When Abid, the Air India representative on duty, was informed of the bags, he had the three bags held off the flight and did nothing further. Two more Air India representatives, Yodh and D'Souza, would be arriving aboard Flight 181 from Pearson, and Abid decided to leave the matter up to D'Souza, Air India's security officer. Air India's security program required it to take specific action when suspicious bags were found. The passengers would have to be called off the plane to identify and open their bags; if the passengers could not be located,

²¹⁰ Section 2.3.3 (Pre-bombing), *Over-Reliance on Technology*, describes this process in detail.

²¹¹ Exhibit P-101 CAF0529, p. 3.

²¹² Exhibit P-157, p. 72.

²¹³ Testimony of Daniel Lalonde, vol. 29, May 16, 2007, pp. 3120, 3136, 3139. Lalonde's observations and testimony are discussed in greater detail in Section 1.11 (Pre-bombing), *The Cost of Delay – Testimony of Daniel Lalonde*.

then the RCMP would have to be contacted and an explosives detection dog brought in to examine the bags. No one at Air India took either of these steps that evening.²¹⁴

The written statement of Serge Goyer, an Air Canada employee who had been informed of the suspicious bags, stated that he had advised Abid to contact the RCMP about them. When Abid did not do so, Goyer contacted the RCMP himself at 10:00 PM and advised them about the three bags.²¹⁵ It was too late for the RCMP to assist, however, as within minutes of the call to the RCMP, Air India Flight 182 was airborne.²¹⁶ An RCMP officer, Special Constable Guy De La Boursodière, responded to the call at approximately 10:10 PM and went to the baggage room only to find, to his surprise, that the three suspicious bags – which at that point were still believed to potentially contain explosive devices – had been left unattended.²¹⁷

RCMP Sgt. J. Normand Leblanc learned of the three suspicious bags from De La Boursodière, and he also went to the Air India baggage area.²¹⁸ Leblanc and De La Boursodière met Lalonde when he returned shortly afterwards. They requested the presence of an Air India representative, and were told that the security officer could not attend immediately.²¹⁹ At approximately 10:25 PM, D'Souza and Abid arrived.²²⁰ The bags were run through the X-ray machine again and, as the images remained ambiguous, Leblanc asked D'Souza to have the bags identified by their owners. It was at that point that he was informed that the plane had already departed. Leblanc asked why the RCMP had not been advised of the suspicious bags much sooner, but he received no answer from either D'Souza or Abid. Leblanc decided not to have the plane recalled to the airport, however, as the suspicious bags were not aboard and they were aware of no other danger to the plane.²²¹ There was no discussion at this point of the failed X-ray machine at Pearson or the use of the ineffective PD4 for examining the checked baggage there.

The RCMP contacted the SQ dog handler, Serge Carignan, and requested that he and his explosives detection dog, Arko, come to the airport to examine the suspicious bags. The dog checked the bags with negative results. Carignan has been haunted by the bombing, and testified that he believed that he should have been called to search the baggage before the aircraft departed. When asked what he thought would have happened had he and the explosives detection dog Arko been able to search the unaccompanied baggage on the flight, he expressed his belief that they would have found the explosives.

214 Exhibit P-101 CAA0118, p. 2.

215 Exhibit P-101 CAF0787.

216 Exhibit P-101 CAF0091, p. 2.

217 Exhibit P-101 CAA0226, p. 1, CAF0095.

218 Exhibit P-101 CAF0095, p. 3.

219 Exhibit P-101 CAA0226, pp. 1-2.

220 Exhibit P-101 CAF0089, p. 10, CAF0095, p. 3.

221 Exhibit P-101 CAF0095, pp. 2-3.

5.7 The Bombing of Air India Flight 182

At 07:14 Greenwich Mean Time (GMT) on the morning of June 23, 1985, Air India Flight 182 vanished from radar.²²² The Boeing 747 aircraft (known as *Kanishka*) disintegrated in mid-air, at an altitude of 31,000 feet, as a result of an explosion in its aft baggage hold. Its wreckage crashed into the ocean approximately 110 miles off the coast of Cork, Ireland. All 307 passengers and 22 crewmembers died.

The flight had entered Irish airspace at 07:06 GMT, and the flight crew engaged in routine communication with Shannon Air Traffic Control. Its last recorded communication was received at 07:09 GMT.²²³ When the flight vanished from radar, Shannon Air Traffic Control sent a number of messages in the hope of re-establishing contact with the aircraft, but to no avail. At 07:30 GMT, Shannon Air Traffic Control advised the Marine Rescue Coordination Centre of the apparent loss of the flight.²²⁴ Search and rescue operations commenced shortly afterwards, when a "PAN" urgency signal²²⁵ directed all ships in the area to look for signs of wreckage, and, subsequently, an SOS was issued, directing them to converge on the location of the disaster for search and rescue operations.²²⁶ The SOS message indicated that an Air India jumbo jet with more than 300 people aboard had been lost.

Wreckage was spotted by the crew of the cargo ship *Laurentian Forest*, the first of 19 vessels to arrive at the scene, at 09:13 GMT.²²⁷ The ship was on its way from the St. Lawrence River to Dublin, Ireland, and was 22 nautical miles away from where the *Kanishka* had vanished.²²⁸ Mark Stagg, a young officer aboard the *Laurentian Forest*, was on watch that morning when the urgency signal was received. He advised the master of the *Laurentian Forest* of the situation, and the decision was made to turn the ship around and move to the position given in the broadcast to join the search efforts. This decision was made despite the fact that the initial message had not identified the missing aircraft and had mistakenly reported its altitude as 3000 feet, giving the impression that a small aircraft had gone down into the water. Stagg emphasized that Captain Roddy McDougall made a brave decision in diverting the ship under these circumstances, as there was no obligation to do so.²²⁹ Thankfully, he was more concerned with a potential rescue and less concerned about saving fuel and arriving at port on time. Had it been otherwise, the *Laurentian Forest* would have been much further away from the crash area by the time the subsequent SOS message was received.²³⁰

²²² Exhibit P-167, p. 2.

²²³ Exhibit P-157, p. 39.

²²⁴ Exhibit P-164, p. 5.

²²⁵ A PAN or "pan-pan" urgency broadcast is a warning of a vessel in distress but is distinct from a call of "mayday" or "SOS" in that it does not indicate that those aboard are in grave or imminent danger.

²²⁶ Exhibit P-164, p. 10.

²²⁷ Exhibit P-164, p. 63.

²²⁸ Statement of Mark Stagg, Transcripts, vol. 3, September 27, 2006, p. 330.

²²⁹ Statement of Mark Stagg, Transcripts, vol. 3, September 27, 2006, pp. 331-332.

²³⁰ Statement of Mark Stagg, Transcripts, vol. 3, September 27, 2006, pp. 331-332.

It was an overcast morning with intermittent rain and squalls and limited visibility. Every available hand from the *Laurentian Forest's* crew of 26 was called out to keep watch. Stagg described the crew's feeling of optimism that survivors would be found.²³¹ As the ship approached the last reported position of the *Kanishka*, the surface of the water grew slick with aircraft fuel and was strewn with floating wreckage. They sighted the first three bodies in the water at 09:40 GMT.²³² The *Laurentian Forest* lowered its main lifeboat for use in the recovery of bodies and wreckage and proceeded full steam ahead, its crew still hopeful of finding survivors. The enormity of the incident became apparent as the ship passed through some 30 bodies floating in the water.²³³ Stagg felt sick, hit with a sense of shock and dismay. When it was concluded that there were unlikely to be any survivors, the *Laurentian Forest* altered course again. The ship turned around and returned to the location of its lifeboat, where a crew of searchers were recovering bodies and wreckage. The recovery operations in that area then continued. Sea King helicopters arrived shortly afterwards to assist, and began lowering bodies onto the decks of the *Laurentian Forest* and the *Aisling*, an Irish naval patrol ship that arrived later that morning. A number of civilian vessels joined in the search as the day wore on.

The efforts of the crew of the *Laurentian Forest*, and those of the other ships and aircraft that participated in the search and recovery mission, were heroic. Many civilians, as well as members of the British Royal Air Force and the Irish Offshore Navy Patrol, risked their lives in the recovery effort. A lifeboat launched from Valentia, Ireland, travelled far outside its normal 50-mile range to assist.²³⁴ Several vessels were damaged by impacts with the debris during the operation, and divers from the *Aisling* repeatedly entered the frigid water despite rough seas, foul weather and a report of sharks in the area.²³⁵ The psychological toll on the searchers was profound, with many exhibiting strong symptoms of post-traumatic stress disorder in the months and years that followed. Many have never received any form of counselling, and most continue to be haunted by the memories of the carnage they found in the water.

The recovery efforts were difficult physically, and emotionally exhausting. Not only were the conditions hostile, but the bodies were covered in fuel and very slippery. Few of those participating in the search had experience in recovering bodies from the water, and none were prepared for a task of this magnitude, working without relief or hope. Some of the bodies had been stripped of their clothing by the fall. Many showed signs of traumatic injuries, or were partially dismembered. One body was split nearly in two and had to be abandoned because it was only being held together by its intestines, and these were spilling out and entangling the rescue equipment when the RAF winchman attempted to retrieve it.²³⁶ Understandably, the small bodies of children and infants had the greatest impact on the sailors and airmen:

231 Statement of Mark Stagg, Transcripts, vol. 3, September 27, 2006, p. 333.

232 Exhibit P-164, p. 63.

233 Statement of Mark Stagg, Transcripts, vol. 3, September 27, 2006, pp. 333-334.

234 Statement of Seanie Murphy, Transcripts, vol. 3, September 27, 2006, pp. 270-271.

235 Exhibit P-18.

236 Exhibit P-1, p. 3.

A winchman is lowered late morning. This is unusual. He is carrying something, and this has usually been wreckage. This time it's a baby. He is crying as he passes me this bundle. He leans his head to mine and shouts above the noise of the helicopter, "Sorry" and then he is gone. I looked down into the towel and he or she is perfect and beautiful.

...

I rested my cheek on the baby's head and it was cold, so cold. I didn't know what to do next. I put the baby in a plastic bag. It is six-feet long and a little soul lies at the bottom and is insignificant and I feel guilty.

Sitting here now with all of you, I cannot begin to describe the utter wrongness of putting children into plastic bags. These words taste foul in my mouth and I can never escape how bad I felt then and how bad I feel now.²³⁷

The recovery operation continued long into the night and throughout the following day. The bodies of the victims were brought to Cork Hospital, Ireland, where a temporary morgue was assembled for post-mortem examinations and identification by family members. Despite the strenuous efforts of all those who participated in the recovery operation, the bodies of just 131 of the 329 victims of the bombing of Air India Flight 182 were recovered.²³⁸

Some comfort was brought to the families of the victims in their time of grief by the generosity and hospitality of the people of Cork, Ireland.²³⁹ These people rendered all possible assistance to the recovery effort. They welcomed the families of the victims into their village and their homes. The children of Cork brought flowers for the coffins of the victims. The Commission heard many stories from the victims' family members of the great compassion shown to them as well as their feelings of enduring gratitude.²⁴⁰

5.8 The Bombing at Narita

CP Air Flight 003 arrived at Narita, Japan at 05:41 GMT on June 23, 1985, 14 minutes ahead of schedule.²⁴¹ The flight had originated in Vancouver. The airport's baggage handlers had offloaded the aircraft's baggage containers, and moved them to the baggage handling area. The baggage handlers removed all

²³⁷ Statement of Mark Stagg, Transcripts, vol. 3, September 27, 2006, pp. 338-339.

²³⁸ Exhibit P-164, pp. 66-68.

²³⁹ Exhibit P-164, p. 193.

²⁴⁰ A collection of these can be found in statements within Commission of Inquiry into the Investigation of the Bombing of Air India Flight 182, *The Families Remember*, (Ottawa: Public Works and Government Services Canada, 2007) pp. 93-97.

²⁴¹ Exhibit D-1: Dossier 1, "Background and Summary of the Facts", p. 12.

baggage from Flight 003, and were in the process of unloading the remaining interlined bags when a bomb hidden in a bag still in the container exploded at 06:15 GMT. Two of the Japanese baggage handlers, Hideharu Koda and Hideo Asano, were killed instantly, and four others were injured. There is no doubt that the bag was intended to be loaded aboard Air India Flight 301, from Narita to Bangkok, Thailand. Had the bomb exploded while that aircraft was in flight, the results would have been the same as for Flight 182.

5.9 Conclusion

The loss of 331 innocent lives on June 23, 1985 is unforgettable. These deaths were the result of reprehensible deeds by murderous zealots. In the midst of sorrow, horror, anger and fear, however, were acts of heroism, generosity, and respect. Strangers from Canada, India, the United Kingdom and Japan worked to recover bodies and comfort the families of the victims. The goodwill and solace flowing from such acts of friendship continue to this day.

