

Commission of Inquiry
into the Investigation of
the Bombing of Air India
Flight 182



Commission d'enquête relative
aux mesures d'investigation prises
à la suite de l'attentat à la bombe
commis contre le vol 182 d'Air India

BACKGROUND AND SUMMARY OF THE FACTS

**Presented
September 25th, 2006**

P.O. Box 1298, Station "B", Ottawa, Ontario / C.P. 1298, succursale "B" Ottawa (Ontario)
K1P 5R3
Tel. / Tél. : 613 992-1834 Fax / Télécopieur : 613 995-3506

Canada

SUMMARY OF THE FACTS

Preface

The terms of reference of this Commission require the Commissioner to conduct the Inquiry as he considers appropriate “with respect to accepting as conclusive or giving weight to the findings of other examinations of the circumstances surrounding the bombing of Air India Flight 182...” The Commission has prepared this summary of facts based on the findings of several other such examinations of the events surrounding Flight 182. The Commission may, if its later inquiries warrant a different conclusion, revisit the description of the events set out here.¹

Background

Canada’s Sikhs established themselves in this country over the past century as hard-working, law abiding citizens who lived in close-knit communities. The mid-1960s in particular saw significant Sikh immigration from India.

In the 1960s and 70s, demands began to emerge among Sikhs for a separate, politically independent, Sikh state in Punjab, India. During the 1970s and 80s, a radical movement grew to purify the Sikh religion and create an independent Sikh state named Khalistan, to be located in the Punjab. Elements within the Sikh community in Canada, the United States, the United Kingdom and Germany supported the secession movement.

In June 1984, the Indian Government took control of the Golden Temple, the holiest shrine of the Sikh religion, in Amritsar, in the Punjab. Tanks and soldiers attacked the Temple in an operation called Blue Star, and about one thousand people died. Sikhs around the world were outraged, and the already tense relations between Sikh groups and

¹ Terms of Reference, Order in Council, P.C. 2006-293, para. (a). See also, Commission of Inquiry into the Bombing of Air India Flight 182, Rules of Procedure and Practice, ss. 26 and 27.

the Government of India deteriorated even more. In Canada, there were rallies and calls for revenge. Vancouver saw significant protests.

Less than five months later, in October 1984, Sikh bodyguards assassinated Indian Prime Minister Indira Gandhi. The assassination further increased tensions between Sikh groups and loyalists to the Government of India, and led to a violent campaign against Sikhs, which saw thousands of deaths and the destruction of a great deal of Sikh property.² These events further emboldened Sikh separatism in India and abroad.

Coinciding with the climate of growing animosity in India in the 1970s and 80s, several violent incidents occurred in Canada. The impetus for this violence came from organizations with a presence in Canada. One group at the centre of the Sikh separatist movement internationally, Babbar Khalsa – “The Tigers of the True Faith” – advocated strict Sikh religious practices, unwavering commitment to an independent Sikh state (Khalistan), and a certain ruthlessness in achieving these goals. In 1984, the Babbar Khalsa Sikh Society of Canada was incorporated under British Columbia provincial law.³

Concerns about possible Sikh violence reached the federal Government. During 1984 and 1985, Canada’s Department of External Affairs and International Trade⁴ (“DFAIT”) received several warnings of possible terrorist acts against Indian interests in Canada. The Department passed this information on to the Canadian Security Intelligence Service (CSIS) and the Royal Canadian Mounted Police (RCMP). On May 17, 1985 – slightly more than a month before the Air India tragedy – the federal Government created an interdepartmental committee on Sikh terrorism. Its goal was to improve tracking and information sharing about activities in Canada. As well, the security and intelligence

² *R. v. Malik*, [2005] B.C.J. No 521 (B.C. S.C.) [“*Malik*”] at para. 1272.

³ Canada, Air India Review Secretariat, *Lessons to be learned: The report of the Honorable Bob Rae, Independent Advisor to the Minister of Public Safety and Emergency Preparedness, on outstanding questions with respect to the bombing of Air India Flight 182*, (Ottawa: 2005) [the “Rae Report”], p. 6; *Malik*, *supra* note 2 at para. 203.

⁴ Now called Foreign Affairs and International Trade Canada.

bureau at DFAIT held consultations with Canada's mission in Delhi in mid-May 1985 about the Sikh terrorist threat in Canada and India.⁵

Events Immediately Before the Loss of Air India Flight 182

Suspicious Ticket Purchases

Making Reservations

On June 19, 1985, around 18:00 PDT (01:00 GMT, June 20) a reservations agent from Canadian Pacific Airlines received a phone call from a man arranging flights for two passengers traveling on separate flights.⁶ The agent made one reservation for Mohinderbal Singh for a round trip from Vancouver to Bangkok, Thailand, connecting at Narita Airport, Tokyo (Japan). The scheduled departure time from Vancouver for this flight was 13:15 PDT (20:15 GMT), June 22, on Canadian Pacific Airlines Flight 003. The connecting flight was Air India Flight 301, scheduled to depart from Narita at 17:05 Tokyo Time (08:05 GMT) on June 23.

The agent made a second reservation for Jaswand Singh for travel from Vancouver to Delhi (India), connecting in Montreal, and London (England). The trip was to begin with a departure from Vancouver on June 22, on Canadian Pacific Flight 086 to Montreal (Dorval), connecting to Air India Flight 182, departing from Montreal (Mirabel) that same day. This part of the trip from Montreal to Delhi was sold out at the time the reservation was made. Jaswand Singh was placed on a waiting list for this portion of the flight. The caller who made the reservation did not give his name, but did give a contact number.⁷

The electronic ticketing record for the Delhi flight indicated that the Vancouver – Montreal itinerary was changed early in the morning of June 20, 1985. The trip now

⁵ Rae Report, *supra* note 3, at page 6.

⁶ *Malik*, *supra* note 2, at paras. 7-9.

⁷ *Ibid.* at paras. 9-11.

would begin with a departure from Vancouver at 09:00 PDT (16:00 GMT), June 22, on Canadian Pacific Flight 060, to Toronto. From Toronto, the connecting flight to Montreal was scheduled to depart at 18:35 EDT (22:35 GMT), June 22. The flight was then due to leave Montreal at 20:20 EDT, June 22 (00:20 GMT, June 23) for London. The seat from Vancouver to Toronto on Canadian Pacific Flight 060 was confirmed, but the continuation of the flight from Toronto to Delhi (Air India Flights 181/182) was not.

Picking Up the Tickets

On June 20, 1985, the day after the initial reservations were made, an unidentified East Indian man appeared at the Canadian Pacific Airlines office in downtown Vancouver at about 12:10 PDT (19:10 GMT) to pick up the two tickets. The ticketing agent later recalled several details about the man, including that he was in his early forties, that he wore a mustard-colored turban and that his slightly grey beard was tied up with a net.⁸ The man made some changes to the reservations. He changed the names for the tickets from Mohinderbal Singh to L. Singh, and from Jaswand Singh to M. Singh, and converted the round-trip ticket to Bangkok into a one-way ticket. He also changed the contact phone number. The man paid for the tickets with cash.⁹

Telephone Call Regarding the Trip to Delhi

On June 22, 1985, at about 06:30 PDT (13:30 GMT), a man identifying himself as Manjit Singh called the Canadian Pacific Airlines reservation desk to see if his seat on Air India Flights 181/182 had been confirmed. The employee told him he was still on the waiting list. The caller requested that his luggage be sent through to Delhi even though his flight

⁸ *Ibid.* at para. 12.

⁹ *Ibid.* at paras. 13-14.

could not be confirmed. The employee replied that the baggage could not be checked in beyond Toronto unless he was confirmed as a passenger through to Delhi.¹⁰

Added Security for Air India Flights

Before June 23, 1985, the emphasis in aviation security measures in Canada and internationally was on the threat of hijacking, with a focus on the prevention of the boarding of weapons, including guns and other explosive devices in hand luggage.¹¹ Because of the political situation and events in India, Air India had requested supplemental security from Transport Canada and the RCMP for the month of June 1985. Air India's flight security level was increased, and new security measures were introduced. For example, the RCMP increased surveillance at airports, and monitored Air India arrivals and departures, as well as the Air India ticket area. An RCMP dog master was on site, checking baggage and the passenger section of Air India aircraft.¹² A marked RCMP police car was parked under the wings of Air India aircraft to escort the aircraft to and from the runway and the terminal building.

In addition to seeking RCMP help, Air India applied many strict security measures of its own. These included establishing sterile areas, physical inspection of all carry-on baggage by hand-held or x-ray devices, control of boarding passes, physical or x-ray inspection of all checked baggage, and removing the baggage of passengers who failed to board their flights.¹³

In contrast to the added security measures that applied to Air India, on June 22, Canadian Pacific carried out normal passenger screening only, without additional procedures, since there was no specific threat to Canadian Pacific flights.¹⁴

¹⁰ *Ibid.* at para. 16; see also Canadian Aviation Safety Board, *Aviation Occurrence Report into the crash involving Air India Flight 182 on 23 June 1985*, 1986, page 3.

¹¹ Rae Report, *supra* note 3, at page 8.

¹² *Ibid.* at page 9.

¹³ *Ibid.* at page 19.

¹⁴ *Ibid.* at page 9.

Baggage and Passengers

Luggage Check-In

On June 22, 1985, between 07:30 and 08:00 PDT (14:30-15:00 GMT), an unidentified East Indian man without a turban or beard and wearing Western clothing appeared at the Canadian Pacific Airlines check-in desk at Vancouver Airport. He brought with him M. Singh's ticket for Canadian Pacific Airlines Flight 060 to Toronto.

As described above, a Canadian Pacific Airlines reservation agent had earlier on the morning of June 22 received a phone call from someone who identified himself as M. Singh to see if his flight was confirmed and if his luggage could go straight to Delhi even if his flight was not confirmed. The agent had explained that it was not possible to send luggage unless the passenger had a confirmed reservation.

Even though the telephone caller had identified himself as Manjit Singh, it has not been possible to determine his real identity or if the caller was the person who later appeared at the airport. This man who appeared at the airport brought a suitcase with him. The Canadian Pacific Airlines agent marked his bag to be off-loaded in Toronto but the man wanted his luggage to continue with the flight through to Delhi. However, since his flight was still not confirmed past Toronto, his baggage could not be processed ("interlined") in this manner. The agent ended up in an argument with the man, who became increasingly insistent that his baggage not be off-loaded in Toronto. The agent finally relented and agreed to mark the luggage to be interlined through to Delhi.¹⁵

Later that morning an unidentified male showed up at the Canadian Pacific Airlines check-in desk for Flight 003 from Vancouver to Tokyo. That man has also not been identified. The agent checked in his baggage without issue.¹⁶

¹⁵ *Malik, supra* note 2, at para. 19.

¹⁶ *Ibid.* at para. 21.

It was later established that neither L. Singh nor M. Singh boarded their flights. Their baggage was checked in but they never claimed their seats.¹⁷

Rules and Practice Regarding Checked Baggage

Informal Airline rules (though not any binding law or regulation) provided that passengers and their baggage should be checked in together. Baggage should not have traveled without its owner.

Despite Canadian regulations prohibiting unaccompanied packages from being loaded onto aircraft, no check was done prior to departure to ensure that all passengers who had checked their baggage were also on board.¹⁸

However, other security measures were in place. For example, Air India had specifically requested that all baggage undergo x-ray screening. Moreover, passengers, carry-on baggage and checked baggage destined for Air India Flights 181/182 on June 22, 1985 underwent extra security checks, and a security officer from the Air India New York office had arrived in Toronto Pearson on June 22 to oversee the extra security measures.¹⁹

Screening of Checked Baggage

On June 22, 1985, Air India Flight 181 arrived in Toronto from Frankfurt, Germany at 14:30 EDT (18:30 GMT). Air Canada employees removed all baggage from the Frankfurt flight. This flight was then due to leave Toronto at 18:35 EDT (22:35 GMT), stop in Montreal (a destination for some of the Frankfurt passengers), then proceed as Flight 182 to London and Delhi.

Passengers from Frankfurt whose destination was Montreal received transit cards and were then required to pass through Customs in Toronto. There were 68 passengers

¹⁷ *Ibid.* at paras. 20-22; see also Aviation Occurrence Report, *supra* note 10, at page 4.

¹⁸ Rae Report, *supra* note 3, at page 10.

¹⁹ *Ibid.* at page 9.

whose destination was listed as Montreal. Sixty-five of the 68 passengers reboarded the flight to Montreal. Their baggage did not pass through x-ray screening on the presumption that the bags had been screened at the earlier point of departure.²⁰

Burns International Security personnel were in charge of screening the baggage through an x-ray machine acquired in January 1985 by Air India. Baggage screening for Air India Flights 181/182 started at about 14:30 EDT (18:30 GMT). The x-ray machine worked intermittently for a time and ceased working altogether at 16:45 EDT (20:45 GMT). At that point, between 50 and 75 per cent of the baggage destined for the aircraft had been screened.²¹

The Air India security officer supervising security operations then authorized the screening personnel to use a device called a PD4C Sniffer to screen the remaining baggage. The PD4C Sniffer is a hand-held explosive vapor and trace detector. An expert testified at the trial of Ripudaman Singh Malik and Ajaib Singh Bagri that the PD4C Sniffer had not distinguished between explosives and dummy packages during testing performed in 1988, leading him to conclude that it was not an effective screening device and that it was useful simply as a deterrent.²²

Beyond the shortcomings of the PD4C Sniffer, a significant number of security personnel from Burns working that day had never taken the Transport Canada passenger inspection training program, and those who had received the training had not taken the refresher course within the last year.²³ The only training they received about the Sniffer screening device occurred in the minutes before they started to use it. The Air India security officer instructed them that when they screened luggage, they should listen for a beeping sound. He made the device produce the sound by holding a match near it.²⁴

²⁰ Aviation Occurrence Report, *supra* note 10, at page 4.

²¹ Rae Report, *supra* note 3, at page 10.

²² *Malik*, *supra* note 2, at paras. 27-30.

²³ Aviation Occurrence Report, *supra* note 10, at page 7.

²⁴ *Malik*, *supra* note 2, at paras. 27-28.

As the baggage screening continued with this new device, only one bag caused any significant response from the Sniffer. It was a large reddish brown suitcase destined for Bombay – the stop following Delhi. One airport worker later said that security personnel suggested that the lock on the suitcase was the cause of the beeping sound, and that they allowed the bag to proceed.²⁵

The bag checked by M. Singh in Vancouver was the only bag transferred from Canadian Pacific Flight 060 to Air India Flights 181/182. Baggage check-in and screening was completed around 18:06 EDT, June 22 (0:06 GMT, June 23). No baggage was set aside as being suspicious, and all screened baggage was placed on board.²⁶ No physical examination of the bags took place, other than by the x-ray machine before it broke down and by the PD4C Sniffer.²⁷ It is not known whether M. Singh's baggage was scanned by the x-ray machine or the PD4C Sniffer.

As for the L. Singh baggage loaded on to Canadian Pacific Flight 003 for Narita Airport in Tokyo, no notable incident arising from the screening process was reported.

The Aircraft

The Kanishka

The plane used for the Air India flight 181/182 was a Boeing 747 named *Kanishka*. Its Certificate of Air Worthiness authorizing it to fly commercially was up to date. It was reported that the aircraft had no flaws or technical problems after the mandatory pre-flight inspections at both Pearson and Mirabel airports.²⁸ Furthermore, analysis of the *Kanishka* wreckage that was recovered showed no malfunction, pre-existing defects or problems that could have caused the crash.²⁹

²⁵ *Ibid.* at para. 29.

²⁶ *Ibid.* at para. 31.

²⁷ Rae Report, *supra* note 3, at page 10.

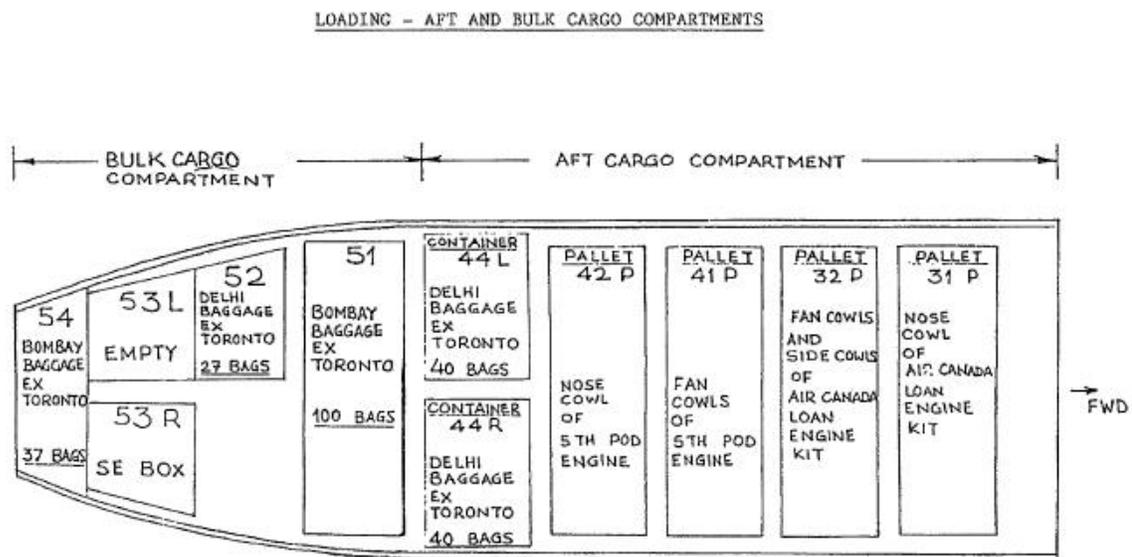
²⁸ *Malik*, note 2 above, at para. 32.

²⁹ *Ibid.* at para. 51.

The Loading of the Fifth “Pod”

Air India had a faulty engine, or “pod,” at Toronto Pearson Airport that needed to be transported to Bombay for repairs. Air India management decided to have this engine installed as a fifth pod on Air India Flight 181/182.³⁰ This fifth pod was suspended from the left wing close to the fuselage.³¹

The weight of the extra engine meant that the aircraft required additional weight in the rear bulk hold as a balance.³² As a result, baggage heading to Delhi was loaded in area 52 and an additional 100 pieces of luggage destined for Bombay were placed in area 51 of the aircraft³³ (see diagram below³⁴). Components of this fifth pod were also loaded in the aft (rear) cargo compartment. The extra weight of the 5th pod would create drag on the aircraft and slow down its Atlantic crossing.



Appendix B

³⁰ Aviation Occurrence Report, *supra* note 10, at page 5.

³¹ *Malik*, *supra* note 2 at para. 33.

³² *Ibid.*

³³ *Ibid.* at para. 34.

³⁴ Aviation Occurrence Report, *supra* note 10, at Appendix B.

Due to problems in loading the fifth pod and its components, departure from Toronto was delayed from 18:35 EDT to 20:15 EDT (22:35-00:15 GMT), June 22. During the exterior pre-flight inspection, Air India's second officer told an Air Canada mechanic that a rear latch on the fan cowl of the fifth pod was not properly secured. The mechanic thought it was secure enough but nevertheless made further attempts to secure the latch, applying high speed tape for aerodynamic smoothness. The second officer was satisfied with the repair.³⁵

Departures from Toronto and Montreal

The *Kanishka* left the Toronto airport for Montreal at 20:15 EDT (00:15 GMT), an hour and 40 minutes late. It landed in Montreal at 21:02 EDT (01:02 GMT). Air Canada employees removed bags destined for Montreal. No baggage destined for Delhi was removed from the aircraft.

In Toronto, 202 passengers had checked in for Air India Flights 181/182. In Montreal, 105 new passengers boarded what was now called Flight 182. There were 22 crew members. Flight 182 headed for London, England with 329 passengers aboard. It departed at 22:18 EDT (02:18 GMT), June 22, one hour and 58 minutes behind schedule.³⁶

The Tragedy

The Explosion at Narita Airport in Tokyo, Japan

Canadian Pacific Airlines Flight 003 departed from Vancouver for Narita Airport in Tokyo at 13:37 PDT (20:37 GMT) on June 22, 1985. It arrived around 22:41 Tokyo time (05:41 GMT) on June 23, 14 minutes ahead of schedule.

³⁵ *Ibid.* at page 9.

³⁶ *Malik, supra* note 2, at paras. 36-37.

Baggage handlers removed all baggage from Flight 003 and were unloading the remaining interlined baggage for other flights. Around 23:15 Tokyo time (06:15 GMT), an explosion killed two baggage handlers and injured four others. The explosion occurred 54 minutes before the last Air India Flight 182 communication with Shannon Air Traffic Control (ATC) in Ireland.

The Narita explosion occurred on the ground, in the baggage handling area. A suitcase arriving with Canadian Pacific Flight 003 and destined for Air India Flight 301 to Bangkok, Thailand was the source of the explosion. All the baggage destined for Narita had already been removed from the baggage container when the explosion occurred. The bag and its explosives were clearly destined for Air India Flight 301, not Narita.³⁷

The Loss of Air India Flight 182

As Air India Flight 182 proceeded across the Atlantic towards London, there was no indication of trouble. The aircraft was flying at 31,000 feet, its airspeed was 296 knots,³⁸ and the flight crew was in communication with ground air traffic controllers.

Flight 182 made an official but casual first contact with the Irish air authorities at 0:06 PDT (3:06 EDT; 07:06 GMT) on June 23 while the aircraft was over the Atlantic Ocean, south-west of the Irish coast and in Shannon ATC airspace.³⁹

Recordings from the Flight 182 “black box” revealed that at 0:14 PDT (3:14 EDT; 7:14 GMT), the cockpit area microphone picked up a loud sound. Other data recovered from the black box indicated a loss of electrical power following the sound.⁴⁰ The plane disappeared from Shannon ATC radar at the same time. The last recorded position of

³⁷ *Ibid.* at para. 49.

³⁸ Aviation Occurrence Report, *supra* note 10, at page 21.

³⁹ *Malik*, *supra* note 2, at para. 38.

⁴⁰ Aviation Occurrence Report, *supra* note 10, at page 21.

Flight 182 was 51°0'N and 12°50'W (approximately 110 miles south-west of Cork). No further contact was made with the aircraft. The last communication recorded was at 0:09 PDT (3:09 EDT; 07:09 GMT), June 23, 1985.⁴¹ There was no distress call.

When Flight 182 disappeared from Shannon ATC radar, the air traffic controller advised the marine rescue coordination centre at Shannon. The controller made several attempts to communicate with Flight 182, and asked other aircraft in the surrounding airspace if they could see any trace of the aircraft.⁴²

Nineteen ships responded to the emergency call. Numerous aircraft and helicopters joined the search. Initial hopes were that this was a rescue mission, but all participants soon realized that this was a recovery operation. The plane had dropped from an altitude of 31,000 feet into the Atlantic Ocean. Bodies and pieces of the aircraft were found floating in the water. Some wreckage from the plane eventually sank 6700 feet to the ocean floor.

A bomb located in the rear cargo hold had detonated and opened a hole in the left aft fuselage of the aircraft.⁴³ Justice Josephson, who presided at the British Columbia Supreme Court trial of Ripudaman Singh Malik and Ajaib Singh Bagri, concluded that the Crown had proved beyond a reasonable doubt that M. Singh's luggage contained an explosive device that detonated in area 52 of the cargo hold (see diagram above).⁴⁴

The first vessel on the scene was the *Laurentian Forest*, en route from Québec to Dublin, Ireland.⁴⁵ The crew spent many hours retrieving as many bodies as possible. Numerous civilians and military personnel in ships and helicopters, including members of Britain's Royal Air Force and the Irish Offshore Navy Patrol, risked their lives in rough seas during the recovery process.⁴⁶

⁴¹ *Malik*, *supra* note 2, at paras. 38-39.

⁴² *Ibid.* at paras. 39-40.

⁴³ Rae Report, *supra* note 3, at page 1.

⁴⁴ *Malik*, *supra* note 2, at para. 197.

⁴⁵ *Ibid.* at para. 41.

⁴⁶ *Ibid.* at paras. 40-46.

Cork hospital in Ireland became a temporary morgue for the bodies that were brought to shore. Once medical staff at Cork Hospital officially declared the bodies dead, post-mortem examinations began. The families, who began to arrive in Ireland shortly after the disaster, were faced with the gruesome task of identifying their loved ones.⁴⁷

Canadian officials from Ottawa, Dublin and elsewhere went to Cork to help the families. The people of Ireland were of great assistance and comfort to the families of the victims. They opened their hearts and homes, shared in the families' grief at the time of the tragedy and have continued to do so during the families' regular pilgrimages to Ireland to honour and remember their loved ones.

Increased Security Measures in Canada

On June 23, 1985, immediately after the loss of Flight 182, Transport Canada implemented new security measures for all international flights. These measures included more rigorous screening of all passengers and baggage, physical inspection of all checked baggage for international destinations, and deployment of new explosives detector units.⁴⁸

The Human Cost

The events leading to the Air India tragedy are set out above in what may appear to be rather cold, clinical detail. The cold, hard facts, to the extent that they are known, serve as the foundation for this Commission's work. But what must not be forgotten amidst these facts is the human cost. Air India Flight 182 had disintegrated in the air with 329

⁴⁷ Rae Report, *supra* note 3, at page 1.

⁴⁸ *Ibid.* at page 19.

souls on board. Only 132 bodies were recovered, with 197 forever lost at sea.⁴⁹ Entire families were lost.

The loss caused enormous suffering among the families of these victims, and has had profound effects on their lives ever since. The depth of that loss can be seen in the commitment, more than 21 years later, of relatives of those aboard Air India Flight 182 to see justice done, to find answers to questions about what happened, and why, and to prevent similar tragedies from destroying the lives of others in future.

END

⁴⁹ *Malik, supra* note 2, at para. 47.