

**In the Matter of the Commission of Inquiry into the Investigation of the
Bombing of Air India Flight 182**

**SUBMISSIONS ON STANDING OF THE
CANADIAN COALITION AGAINST TERROR**

Nature of Request

1. The Canadian Coalition Against Terror (“C-CAT”) requests that it be granted partial standing as a party before the Commission. Alternatively, C-CAT asks for standing as an intervenor. In either case, C-CAT seeks standing for only those portions of the inquiry for which it may be able to contribute to the work of the Commission. Specific submissions as to C-CAT’s potential experience and expertise with respect to certain of the Terms of Reference are made below.

2. C-CAT asks that it be given leave to:

- (a) make opening and closing statements and
- (b) call and cross-examine witnesses for those portions of the inquiry where it is granted standing.

The Canadian Coalition Against Terror (C-CAT)

3. C-CAT is a federally incorporated, not-for-profit non-partisan grassroots organization comprised of Canadian terror victims and other committed individuals from many diverse backgrounds and communities. C-CAT seeks to raise the public’s awareness of government policies relevant to terrorism and to strengthen Canada's anti-terror policy.

Affidavit of Maureen Basnicki (“Basnicki Affidavit”), para. 3

4. For too long, Canadians have often seen terror as a by-product of other people’s wars – for example, as an Indo-Canadian problem or as a Middle Eastern issue. To successfully engage the public on the issue, terrorism must be seen as a problem affecting any Canadian who happens to be on the “wrong” bus or plane at the wrong time. Representing a wide variety of ethnicities and constituencies, C-CAT broadcasts this

message. C-CAT is unique in Canada in that it has worked with and represented, Canadian terror victims from across Canada's ethnic mosaic including: 9/11 family members, Air India family members, Tamil victims, a Los Angeles Airport shooting victim, and Palestinian suicide-bombing victims. In a short period, C-CAT has become established as an able and credible voice in the national dialogue on national security, and its efforts have received extensive media coverage throughout Canada.

Basnicki Affidavit, para. 4

5. C-CAT's activities have included the following:

(a) Raising public awareness of the impact of terrorism on citizens by organizing high profile public events. These have included:

(i) A multi-faith anti-terrorism event in Toronto on June 22, 2006 attended by about 1700 people including Minister Stockwell Day and other MPs, at which victims of terror spoke about their own experiences.

(ii) Preparing a series of seven essays describing the experiences of 7 victims of terror in their own words published by *The National Post*.

Articles are attached at Exhibit "A" to Basnicki Affidavit.

(iii) Organizing and participating in various memorials for the 9-11 and Air India attacks, including a high profile joint event.

(iv) Helping organize and participate in terrorism and human rights symposia.

(v) Participating in numerous media interviews on terrorism related issues.

(b) Providing testimony on terrorism related issues to the Senate Committee on the *Anti-terrorism Act*, 2001, c. 41, the House Subcommittee on Public Safety and National Security, and the House Foreign Affairs Committee.

(c) Proposing federal legislation which would remove the immunity from civil suit enjoyed by states which sponsor terrorism. The proposed bill, which would create a civil cause of action against any person who breaches the anti-terrorism provisions in the *Criminal Code*, has been introduced in both the House of Commons and the Senate, where it has reached second reading.

C-CAT's legislation proposal is at Exhibit "B" to Basnicki Affidavit

- (d) C-CAT has also dealt with representatives of the Ontario and federal governments with regard to terrorism related issues. For example, C-CAT proposed enabling regulations under the *Criminal Code* which would enable terrorists' assets forfeited to the Crown to be distributed to terror victims, as contemplated in the *Code*.
 - (e) Establishing relationships with various legal and terrorism experts in Canada and abroad. Examples of terrorism experts with whom C-CAT has collaborated are contained at Exhibit "C" to Ms. Basnicki's affidavit.
6. A more detailed summary of C-CAT's activities is at Exhibit "D" to Ms. Basnicki's affidavit.
7. Members of C-CAT or participants in its activities have included the following victims of terror:
- (i) Cindy Barkway (wife of David Barkway murdered on 9/11)
 - (ii) Erica Basnicki (daughter of Ken Basnicki murdered on 9/11)
 - (iii) Dr. Bal Gupta (Chair of the Air India Victims Families Association)
 - (iv) Dr. Ronn Goldberg (brother of Scott Goldberg murdered in a bus bombing in Jerusalem 2004)
 - (v) Lincoln Dinning, father of Corp. Matthew Dinning, a Canadian soldier killed in a terrorist attack in Afghanistan in 2006
 - (vi) MLA Dave Hayer (son of Vancouver newspaper editor Tara Singh Hayer – assassinated by Sikh terrorists in Vancouver in 1998)
 - (vii) Lata Pada (wife of Vishnu and mother of two daughters murdered in the 1985 Air India bombing)
 - (viii) Sarah Phillips (LA Airport Attack 2002)
 - (ix) Tom Soni (who lost his wife and three children in Air India Flight 182)
 - (x) Tanja Tomasevic (wife of Vladimir Tomasevic murdered on 9/11)
 - (xi) Sherri Wise (Victim of a triple suicide bombing in Jerusalem in 1996)

- (xii) Canadian Tamils for Democracy, an organization of Tamils which addresses issues of terrorism in the Tamil community.

Basnicki Affidavit, para. 6

- 8. C-CAT has also engaged with Canadian victims of the July 2, 2005 London and October 12, 2002 Bali bombings and various journalists who cover terrorism issues.
- 9. C-CAT's activities have been widely covered in the media, thus furthering C-CAT's goals of raising public awareness of terrorism related issues and the need to take action. Some examples of media coverage of C-CAT are excerpted at Exhibit "E" to Ms. Basnicki's affidavit.

The Applicable Tests for Standing

- 10. Rules 10 and 11 of this Inquiry's Rules of Procedure and Practice provide as follows:

10. A person may be granted full or partial standing as a party by the Commissioner if the Commissioner is satisfied that the person is directly and substantially affected by the mandate of the Inquiry or portions thereof.

11. A person may be granted standing as an intervenor by the Commissioner if the Commissioner is satisfied that the person represents clearly ascertainable interests and perspectives essential to the Commissioner's mandate, which the Commissioner considers ought to be separately represented before the Inquiry, in which event the intervenor may participate in a manner to be determined by the Commissioner.

- 11. With respect to standing as a party, Mr. Justice O'Connor stated in his ruling on standing and funding in the Arar Commission:

It is not possible to set out a definitive list of the factors that will control the determination of when an interest is sufficiently linked to the mandate to be considered "substantial and direct". There will necessarily be a degree of judgment involved. That judgment should have regard to the subject matter of the Inquiry, the potential importance of the findings or recommendations to the individual or organizations including whether their rights, privileges or legal interests may be affected, and the strength of the factual connection between the individual or group and the subject matter involved. [Emphasis added.]

Ruling on Standing and Funding in the Arar Commission; Brief of Authorities, tab 1

12. In the Commission of Inquiry into the Sponsorship Program, Mr. Justice Gomery stated:

What constitutes “a substantial and direct interest in the subject matter of the Inquiry”? Based upon what has been decided in comparable cases, the interest of the applicant may be the protection of a legal interest in the sense that the outcome of the Inquiry may affect the legal status or property interests of the applicant, or it may be as insubstantial as the applicant’s sense of well-being or fear of an adverse effect upon his or her reputation. Even if such a fear proves to be unfounded, it may be serious and objectively reasonable enough to warrant party or intervenor standing in the Inquiry. What does not constitute a valid reason for a participant’s standing is mere concern about the issues to be examined, if the concern is not based upon the possible consequences to the personal interests of the person expressing the concern. [Emphasis added.]

Ruling on Standing of the Commission of Inquiry into the Sponsorship Program, July 5, 2004; Brief of Authorities, tab 2

13. The test for intervenor status is substantially broader than for standing as a party. Justice O’Connor, for example, afforded intervenor status to parties that had a genuine concern about issues raised by the mandate and who have a particular perspective or expertise which he determined would be of assistance. He concluded that he should interpret his mandate broadly with respect to granting intervenor status (**Reasons for decision, pp. 8-9**).

Submissions

14. Mr. Justice Major summarized the terms of reference of the inquiry as follows:

The Air India tragedy or its like must never be repeated. To ensure that, we have to conduct a thorough investigation of the areas specified by the Terms of Reference established in the Order in Council. Our mandate requires answers to how the criminal investigation process in relation to terrorist activities should be conducted and how evidence is gathered and shared among authorities. It will be necessary to review airport and other transportation security measures adopted subsequent to June 1985. We must understand how our system can uncover sources and prevent the flow of funds that have been used to finance terrorist activities. Also to be examined is the adequacy of our system to protect witnesses in terrorism

cases and the merits of having terrorism cases heard by panels comprised of three judges.

15. At the heart of the inquiry will be recommendations to prevent future terror attacks. As Mr. Justice Major stated:

This inquiry will not focus on dissecting the past. It will look to how we can establish parameters for the future – to help shape a system that contains sufficient safeguards to prevent tragedies from occurring. We must collect evidence that provides guidance on systemic changes to prevent terror attacks against Canadians, whether on land or sea, in airspace, or anywhere else. [Emphasis added.]

16. Canadian victims of terror have for too long had no voice. They have been marginalized players in the various investigations and, in the case of the Air India families, criminal trials. In many cases, the victims have felt isolated and damaged not only by the terrorist attacks which harmed them but also by the non-existent or inadequate government response thereto.

17. This Commission of Inquiry is different. The untiring efforts of the Air India Flight 182 families resulted in the establishment of this Commission. The centrality of victim participation in fulfilling the Commission's mandate "to establish parameters for the future" is clearly recognized in the Terms of Reference and opening statement. The Air India victims will properly be made parties, and other Canadian terror victims should be given similar consideration on the same basis. Seeing the victims in person and hearing their testimony will be important factors in the Commission's public policy analysis and recommendations.

18. However, the focus of the inquiry will not be on dissecting the past. Rather, it will recommend public policy changes needed to prevent future terrorist attacks on Canadians. Indeed, this has been overtly expressed by the Air India Victims as their priority in these proceedings. While the tragedy of Air India Flight 182 will be a beginning point, a great deal of investigation into that attack has already taken place, and policy changes have been made designed to ensure that no one again puts a bomb on a plane in or coming to Canada. Terrorism remains a major threat to Canadians, but the

specific nature of it continues to evolve. Following 9-11, there have been new and different terrorist attacks or attempts in major international cities, including Madrid, London and Moscow and the alleged planned attacks connected with the recent arrests in Canada.

19. C-CAT believes that it will bring a valuable perspective to the Commission. Rather than viewing Air India Flight 182 as an isolated event, it can be seen as one of a series of terrorist attacks against Canadians. C-CAT has brought together victims from a variety of backgrounds to tell a compelling story: terrorism does not discriminate. Anyone in Canada or abroad can be a victim. Terrorism affects Canadians' well-being whether they are here, travelling abroad or serving as soldiers in Afghanistan.

20. C-CAT will offer to the Commission the evidence of Canadian terror victims of other attacks apart from Flight 182. In addition, C-CAT has worked with a number of experts in terrorism both in Canada and abroad, as well as legal experts who could each testify within the areas of their expertise, including as to what policies could better protect Canadians.

21. Do Canadian victims of terrorism other than the Air India Flight 182 families have a direct and substantial interest in the mandate of the inquiry or portions thereof? We believe that they do. In particular:

- (a) Any findings and recommendations by the Commission with respect to practice or legislation affecting the victims of flight 182 could equally have a direct and substantial impact on the interests of other Canadian terror victims.
- (b) Further, having experienced the shock and trauma of a terrorist attack, many victims live in fear of it happening again. Many have experienced challenges in receiving any recognition from the government. For example, one woman who was shot by a terrorist at a ticket counter in Los Angeles airport came back to Canada on her own and was not met by any government representative, notwithstanding her serious and debilitating injuries. Many of the victims who

are a part of C-CAT wish to speak out and actively participate in a process that will help prevent further attacks from happening.

22. While the Terms of Reference of this inquiry arise from the issues raised by the bombing of Flight 182 and the steps taken thereafter, they are not limited to that attack. Some of the questions refer to Flight 182, and others do not.

23. On one level, the status of the non-Air India Canadian victims of terrorism should be no different in the Commission's work from that of the Air India victims. The focus of the Commission is not on stopping a bomb from being put on a plane, but rather on preventing terrorist attacks against Canadians. Much investigation and some policy changes have been made as a result of Flight 182. By contrast, in the case of many of the attacks on Canadians, there has been virtually no public attention on investigation. Few people know that 24 Canadians died in 9-11, leaving behind hundreds of family members and thousands of friends, making 9-11 the largest terrorist attacks against Canadians after Air India Flight 182.

24. As outlined above, C-CAT has a record of concern and demonstrated commitment with respect to the issue of terrorism. It is submitted that at the very least it ought to be granted intervenor status.

Submissions on terms of reference

(i). Deficiencies in the assessment of terrorist threats

25. The opening question, as to whether there were deficiencies in the assessment of the potential threat posed by Sikh terrorism, is an entry point to the balance of this inquiry into whether "any changes in practice or legislation are required to prevent the recurrence of similar deficiencies in the assessment of terrorist threats in the future."

26. As the Commissioner noted in his opening, "There has been a tendency to see the issues that surround this incident as a problem related to politics in India – as part of the fight for an independent Sikh homeland". Clearly, however, terrorism against Canadians cannot be restricted to Sikh extremists or any other group. C-CAT is of the view that an important factor in assessing terrorist threats is having proper "human" intelligence in the

communities where the small number of terrorist and their sympathizers live. C-CAT wishes to make submissions and potentially provide witnesses in this regard.

(ii). *Cooperation between government departments and agencies*

27. C-CAT does not seek standing in this regard.

(iii). *Establishing a reliable and workable relationship between security intelligence and evidence that can be used in a criminal trial*

28. C-CAT has relationships with some experts which it believes may have helpful information in regard to this issue. It would offer these individuals to commission counsel.

(iv). *Whether Canada's existing legal framework provides adequate constraints on terrorist financing, including constraints on the use or misuse of funds from charitable organizations*

29. Terrorism in the twenty-first century is often complex and expensive. Stopping or constraining the financing of terrorism can be an important factor in preventing terrorism. C-CAT has relationships with individuals who are experts in terrorism financing, including through the use of charitable organizations. It is important to understand in this regard that the vast majority of time and effort of many terrorist organizations is not spent on planning and carrying out terrorist attacks. Rather, most of the effort and money goes to the indoctrination of individuals as to why they should support terrorism and the creation of an infrastructure favourable to the groups associated with terrorism. Once individuals are indoctrinated, it is of course far more likely that they will participate in a terrorist act. There is evidence that some charities are involved with or help fund the "indoctrination" process. Designing an appropriate legal framework in this regard raises difficult legal questions, including issues of freedom of speech and religion. However, C-CAT believes that for Canada to have proper safeguards against terrorism, the education of those who may be pulled into terrorism, including vulnerable youth, must be addressed.

30. Civil suits against sponsors of terrorists may also be an important factor in constraining terrorist financing. There have been few if any such cases in Canada, unlike

in the United States where a jurisprudence has developed largely in the past ten years since the United States amended its *Foreign Sovereign Immunities Act* to permit claims against state sponsors of terror.

31. There is an interplay between civil and criminal proceedings with respect to the funding of terrorism. Successful criminal prosecutions can lead to penalties for the wrongdoers and civil judgments against terror sponsors. However, in some cases intelligence agencies may have information about the sources of terrorism funding, but for various reasons do not commence criminal prosecutions. They may be confident of a person's culpability but concerned about being unable to meet the high burden of proof. Civil litigation can therefore play a valuable role in:

- (a) holding wrongdoers accountable (even where the criminal justice system has failed);
- (b) unearthing the "money trail", thus making it more difficult for terror sponsors to hide their assets; and
- (c) deterring future sponsorship of terrorism.

32. In the United States, civil suits were successful in bankrupting the Klu Klux Klan and much of its leadership, thus preventing it from engaging in acts of terrorism and indoctrination. Similarly, a lawsuit against the government of Libya for its involvement in the Lockerbie bombing, resulted in a large payment to the victims of that terrorist attack. It is believed that this payment helped encourage Libya to move away from involvement in sponsoring terrorism.

33. There have also been civil claims in the United States against charitable organizations which have been held to be involved in sponsoring terrorism.

34. An issue which ought to be addressed is what legal framework ought to exist in Canada which would enable the bringing of claims against those who fund terror.

35. Finally, Canada should not be viewed in isolation with regard to terrorism. Any recommendations addressing the prevention of terrorism in Canada should also deal with

the components of terrorist acts in which Canadians are involved, even if they may occur elsewhere. Air India Flight 182 originated in Canada although “technically” the attack occurred elsewhere.

36. In the area of terrorism financing, there is evidence that substantial amounts of money are raised in Canada to finance terrorist acts abroad. The latest annual report of the Financial Transactions and Reports Analysis Centre of Canada (FINTRAC), for example, reported that the total value of disclosures of suspected terrorist activity financing and other threats to the security of Canada was approximately \$180 million, a two and a half fold increase over the previous year.

FINTRAC press release dated November 4, 2005; Ex. “F” to Basnicki Affid.

37. The raising of money in Canada for terrorist acts abroad is itself contrary to the *Criminal Code*. However, to our knowledge, there has not been any prosecution of anyone in Canada for raising money to fund terrorism abroad. Since data in this regard appears to be collected by FINTRAC, a question the Commission ought to consider is what tools government agencies would need to more effectively prevent the financing of terrorist activities from occurring in Canada. C-CAT wishes to make submissions in this regard.

(v). *Whether existing practices or legislation provide adequate protection for witnesses against intimidation*

38. One of C-CAT’s members is David Hayer, whose father, Vancouver newspaper editor Tara Singh Hayr was assassinated in B.C., no doubt for speaking out against Sikh terrorism. In C-CAT’s public events, members of certain communities have informed C-CAT that they wish to participate in speaking out against terrorism, including in their own communities, but are concerned for their own well-being and that of their families, both here and abroad, if they do so. They are being silenced through intimidation. C-CAT wishes to offer some of these individuals as witnesses.

Basnicki Affidavit, para. 13

(vi). Addressing the unique challenges presented by the prosecution of terrorism cases

39. Terrorism cases tend to be unique for several reasons. First, the underlying acts tend to involve extensive planning and logistics and are therefore more complex than other criminal activities. Second, terrorists do not respect international borders. Often, witnesses and evidence are located in other jurisdictions, and it can be time-consuming, difficult and sometimes impossible to obtain relevant evidence, particularly when it is under the control of foreign governments which may not have the same interests and norms as does Canada.

40. Again, in this context, there may be important evidence garnered from related civil proceedings which may be influential to criminal proceedings. We have referenced some issues in that regard under (iv) above. As a further example, in the United States, the law firm Motley Rice LLC is acting for the plaintiffs in a large claim involving 9-11. We understand that the law firm maintains an enormous database of information regarding terrorist networks and assets which has been used extensively by government agencies in their terrorism-related work.

41. C-CAT asks for the opportunity to make submissions on this issue.

(vii). Addressing the aviation security breaches associated with Air India Flight 182, particularly relating to screening of passengers and their baggage

42. C-CAT does not anticipate participating in this aspect of the inquiry.

Conclusion

43. Long before the recent arrests for suspected terrorism offences in Toronto, the members of C-CAT have felt a sense of urgency that action needs to be taken to minimize the risk of terrorism to Canadians. This Inquiry provides that opportunity. There should be no need of course, for "another" Air India Flight 182 to occur before a thorough inquiry into terrorism in Canada and recommendations for policy changes are made. This Inquiry is Canada's 9-11 Commission. C-CAT asks for the opportunity to participate in this important process.

Names of counsel

44. It is presently contemplated that counsel for C-CAT will include the following:

Aaron Blumenfeld and Barry Glaspell
Borden Ladner Gervais LLP
Barristers and Solicitors
Scotia Plaza, 40 King Street West
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Tel: (416) 367-6070 / 416-367-6104
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- and -

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Barristers & Solicitors
World Exchange Plaza
100 Queen Street, Suite 1100
Ottawa, Ontario K1P 1J9
Tel: (613) 787-3567
Fax: (613) 230-8842
Email: awestland@blgcanada.com

45. It may be that other counsel will participate but their identities have not yet been confirmed.

46. This request for standing is being made conditional on a mutually acceptable retainer and funding arrangement being entered into between C-CAT and its counsel.

ALL OF WHICH IS RESPECTFULLY SUBMITTED

July 7, 2006

Borden Ladner Gervais LLP
BORDEN LADNER GERVAIS LLP
Counsel for Canadian Coalition Against Terror
for purposes of this application for standing

**In the Matter of the Commission of Inquiry into the Investigation
of the Bombing of Air India Flight 182**

AFFIDAVIT OF MAUREEN BASNICKI

I, Maureen Basnicki, of the City of Toronto in the Province of Ontario,
MAKE OATH AND SAY AS FOLLOWS:

1. I am a Canadian citizen living in Toronto. My late husband Ken Basnicki was one of 24 Canadians killed in the 9/11 terrorist attacks on the World Trade Center in New York. For the last five years I have devoted my life to advocating for stronger and more effective counterterrorism polices in Canada. My daughter Erica and I are spokespeople for the Canadian 9/11 families. In this context I was an invited guest of the Vatican at the opening ceremony for World Youth Day 2002. My children delivered a message of hope and peace to an audience of over 100,000 people in St. Peter's Square. I am also a founding director of the Canadian Coalition Against Terror ("C-CAT"), which is further described below.

2. Prior to 9/11, I was a flight attendant with Air Canada for over thirty years. After 9/11, I was diagnosed with post-traumatic stress disorder and was no longer able to continue in this career which I loved. Shortly after 9/11, I initiated and chaired a major fundraising event to support the battle against breast cancer after losing my closest friend to that disease. The biennial event is attended by over 900 people. I am also a volunteer in the Special Olympics.

The Canadian Coalition Against Terror (C-CAT)

3. C-CAT is a federally incorporated, not-for-profit non-partisan grassroots organization comprised of Canadian terror victims and other committed individuals from many diverse backgrounds and communities. C-CAT seeks to raise the public's awareness of government policies relevant to terrorism and to strengthen Canada's anti-terror policy.

4. Canadians have often seen terror as a by-product of other people's wars – for example, as an Indo-Canadian problem or as a Middle Eastern issue. To successfully engage the public on the issue, terrorism must be seen as a problem affecting any Canadian who happens to be on the “wrong” bus or plane at the wrong time. Representing a wide variety of ethnicities and constituencies, C-CAT broadcasts this message. C-CAT is unique in Canada in that it has worked with and represented, Canadian terror victims from across Canada's ethnic mosaic including: 9/11 family members, Air India family members, Tamil victims, a Los Angeles Airport shooting victim, and Palestinian suicide-bombing victims. In a short period, C-CAT has become established as an able and credible voice in the national dialogue on national security, and its efforts have received extensive media coverage throughout Canada.

5. C-CAT's activities have included the following:

- (a) Raising public awareness of the impact of terrorism on citizens by organizing high-profile public events. These have included:
 - (i) A multi-faith anti-terrorism event in Toronto on June 22, 2006 attended by about 1700 people including Minister Stockwell Day and other MPs, at which victims of terror spoke about their own experiences.
 - (ii) Preparing a series of seven essays describing the experiences of 7 victims of terror in their own words. These articles were published by the National Post and are attached as Exhibit “A” hereto.
 - (iii) Organizing and participating in various memorials for the 9-11 and Air India attacks, including a high-profile joint event.
 - (iv) Helping organize and participate in terrorism and human rights symposia.
 - (v) Participating in numerous media interviews on terrorism-related issues.
- (b) Providing testimony on terrorism-related issues to the Senate Committee on the *Anti-terrorism Act*, 2001, c. 41, the House Subcommittee on Public Safety and National Security, and the House Foreign Affairs Committee.
- (c) Proposing federal legislation which would remove the immunity from civil suit enjoyed by states which sponsor terrorism. The proposed bill, which would create

a civil cause of action against any person who breaches the anti-terrorism provisions in the *Criminal Code*, has been introduced in both the House of Commons and the Senate, where it has reached second reading. Further information about C-CAT's proposed bill is contained in the legislative proposal attached as Exhibit "B" hereto.

- (d) Dealing with representatives of the Ontario and federal governments with regard to terrorism-related issues. For example, C-CAT proposed enabling regulations under the *Criminal Code* which would enable terrorists' assets forfeited to the Crown to be distributed to terror victims, as contemplated in the *Criminal Code*.
- (e) Establishing relationships with various legal and terrorism experts in Canada and abroad. Examples of terrorism experts with whom C-CAT has collaborated are contained at Exhibit "C" hereto.

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6. Members of C-CAT or participants in its activities have included the following victims of terror:

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- (ii) Erica and Brennan Basnicki (children of Ken Basnicki murdered on 9/11)
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- (v) Lincoln Dinning, father of Corp. Matthew Dinning, a Canadian soldier killed in a terrorist attack in Afghanistan in 2006
- (vi) MLA Dave Hayer (son of Vancouver newspaper editor Tara Singh Hayer – assassinated by Sikh terrorists in Vancouver in 1998)
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- (viii) Sarah Phillips (LA Airport Attack 2002)
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- (xii) Canadian Tamils for Democracy, an organization of Tamils which addresses issues of terrorism in the Tamil community.

7. C-CAT has also engaged with Canadian victims of the July 7, 2005 London and October 12, 2002 Bali bombings and various journalists who cover terrorism issues.

8. C-CAT's activities have been widely covered in the media, thus furthering C-CAT's goals of raising public awareness of terrorism related issues and the need to take action. Some examples of media coverage of C-CAT are excerpted at Exhibit "E" hereto.

9. I believe that the individuals and groups associated with C-CAT would substantially assist the work of the Commission. In a general sense, I understand that the focus of the inquiry is not on dissecting the past, but on shaping a system with safeguards that will seek to prevent attacks in the future. In almost five years of working closely with victims of terror, I have noticed that the biggest motivating factor for the vast majority of them is to take whatever steps are required to ensure that other people do not become victims. Thus, we share the same goals as does the Commission, and I believe our experience and perspectives as victims will assist the Commission.

10. More specifically, without detracting from the tragedy of Air India Flight 182, a great deal of investigation and policy changes have already taken place with a view to ensuring that no one again puts a bomb on a plane in or coming to Canada. The terrorist attacks of the 21st century could well be different. To ensure that a terrorist attack like the Air India bombing is not repeated, it is important to consider the methods presently used or being contemplated by terrorists. I believe that the victims and experts represented by C-CAT have substantial relevant experience and expertise in this regard.

11. I believe that any findings and recommendations by the Commission with respect to practice or legislation affecting the victims of Air India Flight 182 could equally have a direct and substantial impact on me and other Canadian terror victims.

Terrorism Financing in Canada


12. In its 2004-05 annual report, the Financial Transactions and Reports Analysis Centre of Canada ("FINTRAC"), reported that the total value of disclosures of suspected terrorist activity financing and other threats to the security of Canada was approximately \$180 million, a two and a half fold increase over the previous year. A copy of the press release issued by FINTRAC is attached as Exhibit "F" hereto.

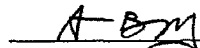
Witness intimidation

13. One of the issues to be considered by the Commission is the intimidation of witnesses to terrorist activity. Members of certain communities who wish to speak out on problems of terrorism in their own communities have declined to participate in some C-CAT activities or would only do so with their identities protected. They informed C-CAT, and I believe, that they were concerned about the risk to their safety and well-being if they were to do so. I believe that it is important to find a way for such victims to be able to speak out, and this Commission is an unprecedented opportunity to do that.

SWORN BEFORE ME at the City
of Toronto, in the Province of Ontario
this 7th day of July, 2006

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Maureen Basnicki


A Commissioner for Taking Affidavits
Aaron A. Blumenthal