

Volume One
The Overview

Annexes

ANNEX A: COMMISSION RULINGS

RULING ON STANDING AUGUST 9, 2006 REASONS FOR RULINGS ON STANDING

1. INTRODUCTION

I received 21 applications for standing from groups or individuals. I have given each application due consideration and have appended to these Reasons the consequent ruling for each applicant.

Before I turn to a discussion of the merits of each application, I will review some of the principles and rules that have guided my decisions on standing.

2. GUIDING PRINCIPLES ON STANDING

The Terms of Reference and draft Rules of Procedure and Practice contemplate two types of standing in this Inquiry: that of parties and that of intervenors.

The Terms of Reference establishing this Inquiry give the Commissioner the authority:

...to grant to the families of the victims of the Air India Flight 182 bombing an opportunity for appropriate participation in the Inquiry; and

...to grant to any other person who satisfies him that he or she has a substantial and direct interest in the subject-matter of the Inquiry an opportunity for appropriate participation in the Inquiry.

The Terms of Reference also authorize the Commissioner:

...to adopt any procedures and methods that he may consider expedient for the proper conduct of the Inquiry...

Pursuant to this latter authority, draft Rules of Procedure and Practice (the "Rules") have been issued.

Rule 10 provides:

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.

Therefore, aside from family members and associations of family members who presumptively, pursuant to paragraph (f) of the Terms of Reference, have the requisite interest in participation in this Inquiry, other groups or individuals must demonstrate a direct and substantial interest before party standing will be granted.

Justice John Gomery, in his reasons with respect to standing before the Commission of Inquiry into the Sponsorship Program and Advertising Activities, explained the concept of “substantial and direct” interest as follows:

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. As was stated by Campbell J. in *Range Representative on Administrative Segregation Kingston Penitentiary v. Ontario* (1989), 39 Admin. L.R. at p. 13, dealing with a coroner’s inquest:

Mere concern about the issues to be canvassed at the inquest, however deep and genuine, is not enough to constitute direct and substantial interest. Neither is expertise in the subject matter of the inquest or the particular issues of fact that will arise. It is not enough that an individual has a useful perspective that might assist the coroner.

Therefore, while the test for “substantial and direct” interest is not precise, applicants must in some way be *directly* affected by the conclusions reached in the Inquiry to be granted party standing.

However, the success of this Inquiry is also dependent on the participation of those individuals, groups and organizations that, while not affected directly by the mandate, can provide crucial perspectives in relation to the Terms of Reference.

In this regard, Rule 11 provides:

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.

Insofar as the Terms of Reference touch on issues that may affect or engage certain segments of Canadian society in unique and important ways, I should hear these voices and perspectives.

However, my mandate and role must at all times be guided by the Terms of Reference and the Rules, and it is in the public interest that this Inquiry be focused

and conducted as expeditiously as possible. Therefore, I cannot grant intervenor status unless applicants have ascertainable interests and perspectives that are *essential* to my mandate. It is not enough that an individual or organization has interests that overlap with the Inquiry or the desire to influence its outcome. With these principles in mind, I now turn to my findings.

3. DISPOSITIONS

These applications can conveniently be broken out into a number of categories:

1) Family members and associations of family members

I received applications from the following groups representing family members of the victims of the bombing:

- Air India Cabin Crew Association (AICCA)
- Air India Victims Families Association (AIVFA)
- Family members of the crew member victims of Air India Flight 182, and India nationals (FMCMV/IN)
- I also received applications from the following individuals who are family members:
 - Mr. Sanjay Lazar
 - Ms. Lata Pada
 - Mr. Niraj Sinha

During the course of the hearing, I was advised that AICCA and FMCMV/IN intend to join forces and collaborate with each other, and that Mr. Lazar intends to join that group as well.

AIVFA stated that it represents a large proportion of family members residing in North America, and is still gathering new applications for membership.

Ms. Pada stated that she is working with a number of family members residing in North America who are not members of AIVFA.

Mr. Sinha resides in India and has applied in writing.

All of the foregoing individuals and groups are entitled to participate pursuant to paragraph (f) of the Terms of Reference. They all have a direct and substantial interest in the subject matter of the Inquiry within the meaning of Rule 10 and should therefore be granted party status.

I find that the appropriate level of participation of these groups and individuals can be achieved on the following terms:

AICCA, FMCMV/IN, Mr. Lazar and Mr. Sinha all are or represent family members or groups of family members of victims of the bombing who reside in India or elsewhere outside of North America. They form a natural grouping for the purposes of representation.

AIVFA represents a large and potentially growing number of family members of victims of the bombing who reside in North America. It forms a natural group for the purposes of representation.

Ms. Pada and other individuals who did not apply separately but are aligned with her form a natural grouping for the purposes of representation. Each of the preceding three groups of family members should be granted status as parties for the purposes of participation in this Inquiry pursuant to the Rules.

Proper conduct of the Inquiry requires that repetition be minimized to the extent possible. Each group is therefore encouraged to cooperate and collaborate with other groups to the extent possible, and is expected to avoid repetition in its participation.

On that basis, party status is granted on the terms set out in the rulings attached to these reasons.

2) Government of Canada

The Department of Justice acts for the departments and agencies of the Government of Canada, as well as for the Government itself. The departments and agencies relevant to the Inquiry include: RCMP, CSIS, Transport Canada, FINTRAC, Communications Security Establishment, Department of Foreign Affairs and International Trade, Department of Finance, and Canada Revenue Agency. Counsel for the Department of Justice indicated at the hearing that the Department of Justice had canvassed the issue of conflict and will address any conflict, should it arise, to ensure that there is no interruption in the proceedings of the Inquiry. The Government of Canada will “attempt to speak with one voice.”

Departments and agencies of the Government of Canada clearly have a substantial and direct interest in the subject matter of the Inquiry. The conclusions of this Commission will have direct implications for their policies, legislation, protocols and activities. In addition, the historical portion of the mandate directly implicates a number of specific departments and agencies. The Attorney General of Canada should be granted status as a party to participate on the Government’s behalf pursuant to the Rules.

3) Air India

Air India applied for standing as a party to participate in the Inquiry with respect to subparagraphs (b)(i), (ii), (iv), (vi) and (vii) of the Terms of Reference.

As set out in its application, Air India clearly has a substantial and direct interest in the subject matter of the Inquiry. It should therefore be given status as a party to participate, as set out in the Rules, with respect to those parts of the mandate of the Inquiry.

4) Groups, associations and organizations claiming special expertise with respect to all or part of the mandate of the inquiry

The following groups, associations and organizations provided affidavit evidence as to their experience and expertise with respect to all or part of the mandate of the Inquiry:

- B'nai Brith Canada
- Canadian Civil Liberties Association (CCLA)
- Canadian Coalition Against Terror (C-CAT)
- Canadian Coalition for Democracies (CCD)
- Canadian Council on American Islamic Relations and Canadian Muslim Civil Liberties Association (CAIR-CAN/CMCLA)
- Canadian Jewish Congress (CJC)
- Canadian Resource Centre for Victims of Crime (CRCVC)
- World Sikh Organization of Canada (WSO)

On examination of the evidence, it is my view that none is affected in such a direct and substantial manner so as to qualify as a party pursuant to Rule 10, but that each qualifies, pursuant to the test set out in Rule 11, for participation as an intervenor.

I find that the proper conduct of the Inquiry requires that in each case the participation of the intervenor should be limited to areas of demonstrated experience and expertise. On the basis of the affidavit evidence, the proper scope of participation for each of the intervenors is that set out in the rulings appended hereto.

I find further that, pursuant to paragraph (d) of the Terms of Reference and pursuant to Rule 11 of the draft Rules, the proper conduct of the Inquiry will be facilitated by restricting the participation of each intervenor at first instance to written submissions with respect to the areas of the Inquiry or portions of the mandate for which they were granted standing.

Individual intervenors may wish to extend their participation beyond written submissions. Different applicants in this group asked for specific extended rights of participation. Once they file their written submissions, intervenors are at liberty to apply for extended rights of participation, including the right to make a 10-minute opening statement, or other participation as envisaged by the Rules. Such applications should be made in writing, addressed to Commis-

sion Counsel, with a copy to the Registrar. I shall deal with each such application on the merits, subject to such additional process, if any, as will be determined at the time of application.

The Canadian Bar Association (CBA) applied in writing and asked for leave to extend the time to apply for standing as an intervenor. I hereby grant such leave, and upon review of the CBA's materials, also grant the CBA intervenor status in accordance with the terms set out above and with the rulings appended hereto.

5) Mr. Ripudaman Singh Malik

Mr. Malik was charged in connection with the bombing of Air India Flight 182. He was acquitted in proceedings reported as *R. v. Malik*, [2005] B.C.J. No. 521 (B.C.S.C.). Mr. Malik applied in writing for standing with respect to the mandate of the Inquiry.

Paragraph (p) of the Terms of Reference prohibits the Commissioner from "expressing any conclusion or recommendation regarding the civil or criminal liability of any person or organization." Mr. Malik has a substantial and direct interest in a finding regarding his civil or criminal liability or lack thereof with respect to the bombing, but that is not part of the mandate of the Inquiry. While Mr. Malik may have personal experience or evidence as to the impact on him of any alleged deficiencies in the conduct of the investigation into the bombing and of the conduct of the trial, such experience does not vest him with the special expertise with respect to the specific issues within the mandate of the Inquiry and about which I am to report.

Mr. Malik's affidavit focuses largely on his interests in his reputation and on the possibilities he perceives for damage to those interests during the course of the Inquiry. In view of paragraph (p) of the Terms of Reference, there should be little if any relevant evidence that could have the impact on Mr. Malik's interests in his reputation that he fears. Nevertheless, a possibility does exist of such negative impact, and in light of the possibility, I find that Mr. Malik has, to that extent, an interest in the subject matter of the Inquiry, limited as that interest may be.

I find that, pursuant to Rule 11, the appropriate standing for Mr. Malik is as an intervenor, and that his interest in the subject matter of the Inquiry can be accommodated at first instance by participation in writing.

As with other intervenors, Mr. Malik is at liberty to apply in writing for expanded participation. The same rules that apply to the other intervenors should apply to Mr. Malik in this regard.

6) Other individuals who applied for standing

Mr. John Barry Smith, Mr. Arnold Guetta and Mr. Thomas Quiggin also applied for standing.

I find that, as interesting as the perspectives of these individuals may be, their experience and perspectives are not directly applicable to the mandate of the Inquiry, nor are their specific interests directly and substantially affected by the mandate. Accordingly, these individuals should be denied standing. Having regard, however, to the effort they have expended in preparing materials, they should be at liberty to file written materials with the Inquiry. They are to have no additional rights or status.

RULING ON STANDING
August 23, 2006
(Criminal Lawyers' Association - CLA)

Request by Applicant

CLA applied in writing and asked for leave to extend the time to apply for standing before the Inquiry. CLA sought full party status at Stage 2 of the Inquiry. In the alternative, CLA sought partial party status with respect to Terms of Reference b)iii), b)v) or b)vi). In the further alternative, CLA sought intervenor status with respect to Terms of Reference b)iii), b)v) or b)vi).

Disposition

Leave to extend the time to apply for standing is granted, and **intervenor** status is granted on the following basis:

CLA is granted the right, in the first instance, to provide written submissions with respect to Terms of Reference b)iii), b)v), and b)vi), especially as they relate to issues of how changes to the traditional criminal law model are likely to impact on defence lawyers' ability to discharge their public duty of testing the reliability of evidence in the context of terrorism cases.

Rules Applicable to All Intervenors

The following rules apply to all intervenors who wish to apply for leave to assume a broader role beyond the filing of written submissions:

Following the filing of their written submissions, intervenors may apply for leave to make a 10 minute opening statement.

Any intervenor wishing to propose a witness to be called by Commission Counsel may make submissions in writing, with reference to Rules of Procedure and Practice 44 and 49, outlining the nature and importance of the anticipated evidence to be given by such witness.

Any intervenor wishing to participate in a manner beyond that envisioned in paragraphs 1 and 2 above, may apply in writing for leave, outlining the nature of the proposed additional participation and attaching submissions as to the unique and valuable contribution to the accomplishment of the mandate of the Commission that would result from such additional participation.

All written submissions and applications are to be submitted in hard copy to Commission Counsel at the address of the Commission, with a copy to the Registrar.

RULING ON STANDING

November 1, 2006

(Canadian Association of Chiefs of Police - CACP)

Request by Applicant

CACP applied in writing and asked for leave to extend the time to apply for standing before the Inquiry. CACP seeks limited standing to make submissions with respect to those aspects of the Terms of Reference that relate to potential changes in respect of investigations, terrorism prevention, and airline safety.

Disposition

Leave to extend the time to apply for standing is granted, and intervenor status is granted. CACP may, in the first instance, provide written submissions with respect to the aspects of the Terms of Reference as outlined above.

Rules Applicable to All Intervenors

The following rules apply to all intervenors who wish to apply for leave to assume a broader role beyond the filing of written submissions:

Following the filing of their written submissions, intervenors may apply for leave to make a 10 minute opening statement.

Any intervenor wishing to propose a witness to be called by Commission Counsel may make submissions in writing, with reference to Rules of Procedure and Practice 44 and 49, outlining the nature and importance of the anticipated evidence to be given by such witness.

Any intervenor wishing to participate in a manner beyond that envisioned in paragraphs 1 and 2 above, may apply in writing for leave, outlining the nature of the proposed additional participation and attaching submissions as to the unique and valuable contribution to the accomplishment of the mandate of the Commission that would result from such additional participation.

All written submissions and applications are to be submitted in hard copy to Commission Counsel at the address of the Commission, with a copy to the Registrar.

RULING ON STANDING**March 14, 2007****(Aleem Quraishi)****Request by Applicant**

Applicant sought full party standing.

Disposition

Party status is granted on the following basis:

The Applicant may participate as provided by the Rules and Terms of Reference with respect to the mandate of the Inquiry. Party status is granted on the understanding that the Applicant will collaborate and align with AICCA as well as with FMCMV/IN.

Rules Applicable to All Intervenors

The following rules apply to all intervenors who wish to apply for leave to assume a broader role beyond the filing of written submissions:

Following the filing of their written submissions, intervenors may apply for leave to make a 10 minute opening statement.

Any intervenor wishing to propose a witness to be called by Commission Counsel may make submissions in writing, with reference to Rules of Procedure and Practice 44 and 49, outlining the nature and importance of the anticipated evidence to be given by such witness.

Any intervenor wishing to participate in a manner beyond that envisioned in paragraphs 1 and 2 above, may apply in writing for leave, outlining the nature of the proposed additional participation and attaching submissions as to the unique and valuable contribution to the accomplishment of the mandate of the Commission that would result from such additional participation.

All written submissions and applications are to be submitted in hard copy to Commission Counsel at the address of the Commission, with a copy to the Registrar.

RULING ON STANDING

May 11, 2007

(Federation of Law Societies of Canada - FLSC)

Request by Applicant

FLSC seeks standing to make submissions with respect to aspects of the mandate of the Inquiry that relate to the legal profession and the administration of the justice system in Canada.

Disposition

Intervenor status is granted. FLSC may, in the first instance, provide written submissions with respect to the aspects of the Terms of Reference as outlined above.

Rules Applicable to All Intervenors

The following rules apply to all intervenors who wish to apply for leave to assume a broader role beyond the filing of written submissions:

Following the filing of their written submissions, intervenors may apply for leave to make a 10 minute opening statement.

Any intervenor wishing to propose a witness to be called by Commission Counsel may make submissions in writing, with reference to Rules of Procedure and Practice 44 and 49, outlining the nature and importance of the anticipated evidence to be given by such witness.

Any intervenor wishing to participate in a manner beyond that envisioned in paragraphs 1 and 2 above, may apply in writing for leave, outlining the nature of the proposed additional participation and attaching submissions as to the unique and valuable contribution to the accomplishment of the mandate of the Commission that would result from such additional participation.

All written submissions and applications are to be submitted in hard copy to Commission Counsel at the address of the Commission, with a copy to the Registrar.

RULING ON STANDING October 29, 2007 GIAN SINGH SANDHU

Order in Council P.C. 2006-293

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

REASONS

Gain Singh Sandhu has applied for the right to testify on the record at the Inquiry or, in the alternative, to present evidence by way of Affidavit.

Mr. Sandhu states in an Affidavit that certain testimony heard at the hearings of the Inquiry implicates him and his reputation.

A review of the transcript reveals that Mr. Sandhu was referred to in the testimony of James Cunningham and certain remarks were made that might be understood as implicating Mr. Sandhu's reputation.

The subject matter with respect to which the remarks concerning Mr. Sandhu were made is incidental to the mandate of the Commission. Little benefit would be obtained by calling oral evidence on a collateral matter.

On the other hand, Mr. Sandhu should be given an opportunity to respond to the remarks that he believes reflect negatively on his reputation. Accordingly, leave is hereby granted to Mr. Sandhu to submit evidence by way of Affidavit with respect to matters that he believes touch on his reputation as referred to in the evidence of James Cunningham.

John C. Major, Q.C. Commissioner

**RULING ON STANDING OCTOBER 29, 2007
APPLICATION FOR BROADER STANDING
WORLD SIKH ORGANIZATION CANADA (WSO)**

Order in Council P.C. 2006-293

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

REASONS

The World Sikh Organization of Canada (“WSO”) has applied for broader standing at these hearings. In particular, the WSO seeks a right to cross-examine witnesses on issues related to the reputational interests of the Sikh community and a right to make written and oral submissions on all of the Terms of Reference.

Pursuant to its original application for a standing as an Intervenor, the WSO was given the right to make written submissions with respect to matters touching upon the reputational interests of the Sikh community.

Given its demonstrated expertise and its attendance at many of the hearing dates for this Inquiry, it is appropriate to expand the subject matter of the WSO’s Intervenor status to include all of the Terms of Reference on the same terms as currently prevail with respect to other Intervenors.

No Intervenor at these hearings has been granted a right to cross-examine. That right has been reserved for Parties.

It is not appropriate to make an exception in the case of WSO. Like the other Intervenors, the WSO may present written submissions on all matters for which it has now been given the right to intervene. Like the other Intervenors, the WSO may also apply for leave to make oral submissions at the conclusion of the hearing.

John C. Major, Q.C.
Commissioner

**WORLD SIKH ORGANIZATION CANADA (WSO)
APPLICATIONS TO CALL CERTAIN WITNESSES**

Order in Council P.C. 2006-293

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

REASONS

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

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

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

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

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

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

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

John C. Major, Q.C.
Commissioner

**The Canadian Bar Association (CBA)
June 13, 2007**

RULING ON OPENING STATEMENT

Request by Applicant

The Canadian Bar Association sought leave to make an opening statement during Stage 2 of the Inquiry proceedings so that the CBA can address the issues that are of concern to the CBA and are within the Commissioner's mandate.

Disposition

The Canadian Bar Association may make an opening statement for up to 30 minutes to highlight the key points outlined in their written submission. The written submission can be filed as Inquiry evidence at that time. The CBA is requested to coordinate with Commission counsel to arrange an appropriate time for making the opening statement.

It is also envisaged that Commission counsel may also find an occasion as appropriate to afford the CBA another opportunity to present oral testimony through participation in a panel. Commission counsel will contact the CBA at a later date if this opportunity arises.

**Air India Victims Families Association (AIVFA)
January 3, 2007**

REASONS FOR DECISION WITH RESPECT TO THE AIVFA'S REQUEST FOR DIRECTIONS REGARDING ACCESS TO UNREDACTED DOCUMENTS AND *IN CAMERA* AN EX PARTE HEARINGS

INTRODUCTION

1. This motion for direction is dismissed. The families in this Inquiry have been promised full participation in the Air India Inquiry in accordance with Terms of Reference. The failure of this application requires a full explanation as to why the limit on their counsel attending *in camera* hearings or viewing redacted (edited) documents that could have been injurious to international relations, national defence or national security (hereinafter collectively referred to as "national security") is necessary and does not hamper the families participation.
2. Counsel for the families correctly acknowledge that if they were able to attend the *in camera* hearings, of which there have not been any as of yet, and or view security related documents they are and would be prohibited by law from disclosing, however innocuous, any aspects of those proceedings or documents to their clients who are members or relations of the families of the victims of the Air India explosion. That raises the question of what possible value such attendance or viewing documents would be to the families.
3. As a corollary to that restriction there is an obligation on this Commission to ensure to the extent possible that all hearings and document production be public. The reasons for hearings and production *in camera* for reasons of national security, which encompasses all Canadians, must be clearly demonstrated to the commission by the Government of Canada ("G.O.C.") when such procedure is sought.
4. While counsel are not entitled to attend *in camera* hearings, they are entitled to make submissions and call relevant evidence if any, to show that the particular request by the G.O.C. for an *in camera* hearing should not be ordered. The only basis for having the *in camera* hearings will be if the G.O.C. has demonstrated that the matter involved could in the opinion of the Commissioner, be injurious to national security.
5. The foregoing summary needs elaboration. The elaboration is intended to explain that any fear by the families of being excluded, misinformed or not being able to fully participate within the terms of reference is misplaced. The absence of their counsel from *in camera* hearings on national security will not affect their full participation.

THE POSITION OF THE PARTIES

6. AIVFA submits that their counsel who have top secret clearance granted by the Government of Canada be admitted to *in camera* hearings and be granted access to unredacted documents. They submit there should be no national security concerns in allowing them to participate in *in camera* hearings and to see unredacted documents. Their counsel further submits that for them to have this access would ensure that AIVFA will be engaged, through its counsel, as a full contributor to the Commission's work while increasing the confidence and trust of family members in the Inquiry itself. AIVFA points specifically to the goal alluded to at the end of Stage 1 of the Inquiry, namely "to ensure that when parties leave this hearing that they feel they have had a full opportunity to explore the cause [of the failure to prevent the bombing] and be satisfied they know what happened to the extent that is possible." AIVFA submits that the access it seeks for its counsel is a means to achieve this goal and that nothing in the Inquiry's Terms of Reference prevents me from granting the direction or order being sought.

7. The Government of Canada opposes the motion. In support of its position, it cites the Terms of Reference of the Inquiry and the procedures set out in Section 38 of the Canada Evidence Act for dealing with top secret matters as well as the way national security is treated in other legal proceedings. G.O.C. submits that the Terms of Reference and the procedure set out in Section 38 preclude counsel for AIVFA, although holding top security clearance, being granted the access sought.

DISPOSITION

8. The explicit provisions of the Terms of Reference of this Inquiry and the procedural provisions outlined in Section 38 of the Canada Evidence Act support G.O.C. application preclude me from granting AIVFA counsel the access requested. From a functional point of view, even if I did have jurisdiction to grant access, it is difficult to see how such access could improve the knowledge or understanding of the families with respect to the subject matter of the Inquiry. Even if such access were possible, it would serve no practical benefit for the families themselves as penal sanctions prevent any disclosure to anybody including their clients of anything seen or heard at the *in camera* hearings or in unredacted documents. G.O.C. also submits that if the issue is seen as one of fairness, there are other guarantees of fairness in the Inquiry process that make the access sought unnecessary.

9. I agree that the concern advanced by the families demonstrates the necessity of holding as much of this Inquiry as possible in public but, that fact does not give me jurisdiction to allow the motion for attendance applied for.

IN CAMERA HEARINGS

10. Unlike a court of inherent jurisdiction, a Commission of Inquiry only has the powers granted to it by statute or by its Terms of Reference. The Commission's Powers and Duties respecting the matters raised by AIVFA are found at paragraphs d, f, m, n and o of the Terms of Reference:

that the Commissioner be authorized to adopt any procedures and methods that he may consider expedient for the proper conduct of the Inquiry, and to sit at any times and in any places in or outside Canada that he may decide

that the Commissioner be authorized to grant to the families of the victims of the Air India Flight 182 bombing an opportunity for appropriate participation in the Inquiry

the Commissioner, in conducting the Inquiry, to take all steps necessary to prevent disclosure of information which, if it were disclosed, could, in the opinion of the Commissioner, be injurious to international relations, national defence or national security and to conduct the proceedings in accordance with the following procedures, namely,

(i) on the request of the Attorney General of Canada, the Commissioner shall receive information *in camera* and in the absence of any party and their counsel if, in the opinion of the Commissioner, the disclosure of that information could be injurious to international relations, national defence or national security

that nothing in that Commission shall be construed as limiting the application of the provisions of the *Canada Evidence Act*

the Commissioner to follow established security procedures, including the requirements of the *Government Security Policy*, with respect to persons engaged pursuant to section 11 of the *Inquiries Act* and the handling of information at all stages of the Inquiry.

11. At present AIVFA's request with respect to access to *in camera* proceedings is premature since there has not been any request by the Attorney General of Canada as set out in paragraph m(i) of the Terms of Reference, nor have I made any ruling to date that any session be *in camera*. However, undoubtedly such a request will be made and that it is necessary to determine the principles at this point, that will govern the conduct of *in camera* hearings. This provides procedural clarity and it is hoped will avoid unnecessary delay if such a request is made.

12. It should be noted that a mere request by the Attorney General of Canada is not sufficient to obtain an order that some particular matter be heard *in camera*. Pursuant to paragraph m(i) of the Terms of Reference, the Attorney General must satisfy me that disclosure of the information in question could be injurious to international relations, national defence or national security before I can

order that the information be dealt with through *in camera* hearings. G.O.C. concedes that the parties in this Inquiry, including AIVFA through its counsel, have a right to make submissions in response to any such request and to oppose any specific request for an *in camera* hearing.

13. Paragraph m(i) of the Terms of Reference is clear that if I am satisfied by the Attorney General that disclosure of such information could be injurious to international relations, national defence or national security, I have no jurisdiction other than I “shall” receive the information “*in camera* and in the absence of any party and their counsel.”

14. Paragraph d. of the Terms of Reference, which authorizes me to adopt any procedures and methods that I may consider expedient for the proper conduct of the Inquiry does not allow me to modify or ignore the clear instructions set out in paragraph m(i). I disagree with the proposed reading by AIVFA of paragraph m(i) which would, for purposes of the present motion, read the test to be whether “disclosure of that information and could be injurious...” as meaning that I should assess whether “disclosure *to counsel with top secret clearance* of that information could be injurious ...”. I do not agree with this innovative argument as it is inconsistent with the express requirement that information, the disclosure of which could be harmful, must be received *in camera* “and the absence of any party *and their counsel*.” Wording to prevent this result could easily have been used had that been the G.O.C. intent.

ACCESS TO UNREDACTED DOCUMENTS

15. Paragraph n of the Terms of Reference provides that nothing in the Terms of Reference establishing the Commission is to be construed as limiting the application of the provisions of the *Canada Evidence Act*.

16. Pursuant to Section 38.11(2) of that *Act*, the Attorney General is entitled to make *ex parte* representations (i.e. representations outside of the presence of any party or its counsel) concerning the redaction of sensitive or potentially injurious information. I am not bound to accept the submissions of the Attorney General and Commission counsel may argue either in support of or in opposition to these submissions, but there is no doubt that the redaction process is not one in which counsel for the parties, with or without security clearance, may participate. I agree with the Attorney General’s submission, that sensitive or potentially injurious information must be redacted from documents prior to their use in public hearings and that there is nothing that authorizes me to grant counsel for AIVFA access to unredacted versions of such documents.

FUNCTIONAL CONSIDERATIONS

17. A consideration of the functional implications of the directions being requested by AIVFA reinforces the conclusions that I have reached.

18. Counsel for G.O.C. submits the case law with respect to national security issues makes it clear that the potentially injurious consequences of disclosure have lead courts to take a very cautious approach. See *Secretary of State for the Home Department v. Rehman*, [2001] 3 W.L.R. 877. The principle stated there was accepted by the Supreme Court of Canada in *Suresh v. Canada (Minister of Citizenship and Immigration)*, [2002] 1 S.C.R. 3 at para. 33:

“It is not only that the executive has access to special information and expertise in these matters [of national security]. It is also that such decisions, with serious potential results for the community, require a legitimacy which can be conferred only by entrusting them to persons responsible to the community through the democratic process.”

19. The principle that has been adopted by the Government of Canada in dealing with disclosure of information potentially injurious to national security or to the national interest, is to restrict disclosure on the basis of “need to know”. This principle has been approved by the Federal Court of Appeal in connection with the “informer privilege” in *Canada (R.C.M.P. Public Complaints Commission) v. Canada (Attorney General)*, 2005 FCA 213*. There, disclosure was sought by the RCMP Complaints Commissioner in order to “ensure the highest possible standard of justice.” Létourneau J.A. responded that “as laudable as this goal may be, it cannot justify granting access to persons who are not persons who need to know such information for law enforcement purposes.” (paras 43-48)

20. This same “need to know” principle should be applied with respect to *in camera* hearings and access to unredacted documents. In the present circumstances, it cannot be said that in their role as counsel, counsel for AIVFA “need to know” the information to which access is being sought. As AIVFA acknowledges, counsel would not be able to disclose any information learned in the course of the *in camera* hearings nor could they disclose the redacted portions of documents to their clients. AIVFA explicitly acknowledges that counsel would be required to give an undertaking not to make such disclosure. In those circumstances, it is impossible to see how access to *in camera* hearings or unredacted documents would add to the families’ “opportunity to explore the cause” or allow them “to be satisfied that they know what happened.” Counsel themselves might believe that they had more information about what happened, but they could not communicate that information to their clients. This would not justify treating granting of access as capable of outweighing the Government’s interest in restricting disclosure, and that would be the case even if the Terms of Reference allowed me to do such balancing, which, they do not. In fact, even if they were allowed to attend *in camera* sessions, counsel for AIVFA could only subsequently make arguments and submissions as if they had not attended them.

21. It is important that the public interest (which includes the interest of the families) with respect to a full exploration of all the facts is not left unguarded. At the restricted *in camera* hearing and/or the redaction of document it is the responsibility of the Commission and the role of Commission counsel to protect that public interest. As noted by Mr. Justice Dennis O’Connor, Commissioner at

the Arar Inquiry, in his non-judicial article, "The Role of Commission Counsel in a Public Inquiry":

"... commission counsel's role is not to advance any particular point of view, but rather to investigate and lead evidence in a thorough, but completely impartial and balanced manner. In this way, the commissioner will have the benefit of hearing all the relevant evidence unvarnished by the perspective of someone with an interest in a particular outcome." (2003), 22 *Advocates Soc. J. No. 1*, at para. 12.

22. As also noted by Justice O'Connor, where a public inquiry does hear evidence *in camera*, the role of Commission counsel in representing the public interest allows Commission counsel to depart somewhat from his or her normal role and to engage in pointed cross-examination where necessary, so as to ensure that evidence heard *in camera* is thoroughly tested -- a procedure intended to be followed by this Commission.

CONCLUSION

23. There is no doubt, as submitted by AIVFA, that there is a valid interest in the fullest possible airing of all information relevant to the subject matter of the Inquiry. For that reason, to the extent that it is possible, hearings should be public and the information disclosed publicly. That is the principle set out in rule 22 of our Rules of Practice and Procedure. The operative concept, however, is the phrase "to the extent that that is possible", words that I also used in the passage cited by AIVFA in describing the educational goal of the Inquiry.

24. By the Terms of Reference of this Inquiry, I have no jurisdiction to grant access to counsel for AIVFA to any *in camera* hearings that may be held nor to unredacted versions of documents that have been redacted for national security reasons. Functional considerations, including the deference due to government with respect to matters touching on national security and the appropriateness of the "need to know" principle, lead in the present case, to the same result. For all the above as previously stated this application for direction is dismissed.

ANNEX B: PARTIES AND INTERVENORS

PARTIES

Attorney General of Canada represented by:
Barney Brucker, Department of Justice Canada

Air India represented by:
Soma Ray-Ellis, Patterson, MacDougall LLP

Air India Cabin Crew Association (AICCA) represented by:
Richard P. Quance and Darren James Smith, Himelfarb Proszanski LLP

Air India Victims Families Association (AIVFA) represented by:
Norman Boxall, Bayne Sellar Boxall
Jacques J.M. Shore and Chris Schafer, Gowling Lafleur Henderson LLP

Family members of the crew member victims of Air India Flight 182 and Indian nationals represented by:
Richard P. Quance and Darren James Smith, Himelfarb Proszanski LLP

Sanjay Lazar represented by:
Richard P. Quance and Darren James Smith, Himelfarb Proszanski LLP

Lata Pada represented by:
Raj Anand and April Brosseau, WeirFoulds LLP

Aleen Quraishi represented by:
Richard P. Quance and Darren James Smith, Himelfarb Proszanski LLP

Niraj Sinha

INTERVENORS

B'nai Brith Canada represented by:
Adam Goodman, Heenan Blaikie LLP

Canadian Association of Chiefs of Police (CACP) represented by:
Vincent Westwick

The Canadian Bar Association (CBA) represented by:
Lorne A. Waldman, Waldman & Associates
Greg Del Bigio

Canadian Civil Liberties Association (CCLA) represented by:
A. Alan Borovoy

Canadian Coalition Against Terror (C-CAT) represented by:
Aaron Blumenfeld and Amy Westland, Borden Ladner Gervais LLP

Canadian Coalition for Democracies (CCD) represented by:
David B. Harris

Canadian Council on American Islamic Relations (CAIR-CAN) and **Canadian Muslim Civil Liberties Association (CMCLA)** represented by:
Faisal Kutty and Akbar Sayed Mohamed, Kutty, Syed & Mohamed

Canadian Jewish Congress (CJC) represented by:
Lawrence Thacker, Lenczner Slaght

Canadian Resource Centre for Victims of Crime (CRCVC)

Criminal Lawyers' Association (CLA) represented by:
Paul Burstein, Burstein, Unger

Federation of Law Societies of Canada (FLSC)

Ripudaman Singh Malik represented by:
Murray L. Smith, Smith Barristers

World Sikh Organization of Canada (WSO) represented by:
Palbinder Shergill, Shergill and Company

ANNEX C: COMMISSION OF INQUIRY STAFF AND CONSULTANTS

Commissioner's Office

Major, Hon. John C. - Commissioner

Kenny, Barbara - Executive Assistant to the Commissioner (Calgary)

Archdeacon, Maurice - Special Advisor to the Commissioner

Executive

Brook, Dennis - Director - Operations

Cooke, Lynne - Director - Finance

Administrative Staff

Ariano, Wanda

Brisson, Richard

Cécire, Angelo

Dickerson, Ken

Duquette, Julie

Fitzsimmons, Donna

Guérin, Kim

Godbout, Gail

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Gover, Brian – Senior Counsel
Kapoor, Anil – Senior Counsel

Barragan, Francis
Blum, Nadine
Boucher, Alexandre
Bowes, Tanya
Carle, Frédéric
Coutlée, Geneviève
Fairchild, Robert
Mall, Adela
Marshman, Nigel
Perron, Jean-Paul
Rachamalla, Teja
Saito, Yolanda
Sévéno, Louis
Victor, Marisa
Viswanathan, Hari
Vancouver:
Gudmundseth, Stein
Michelson, Howard
Dosanjh, Arpal
Gartner, Janet

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Archambault, Dr. Peter
Roach, Prof. Kent

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International Reporting (Court Reporters)
PWGSC Translation Bureau (Interpretation Services)

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Special Thanks

Special Thanks to all those at the Privy Council and PWGSC who helped the Commission in so many ways; with special mention to Mark Amodeo of PCO IT and Denise Larocque of PCO Corporate Services.

ANNEX D: WITNESS LIST

Last Name	First Name	Organization/ Family Member
Abda	Laxmansinh Jayantkumar	Family member
Abid	Jainul ("Joe")	Formerly with Air India
Alemán	Moses	Civil aviation security expert
Alexander	Rob	Family member
Anand	Anita	University of Toronto Faculty of Law
Atkey	Ronald ("Ron")	Former Chairman of the Security Intelligence Review Committee
Aubin	Michel	Royal Canadian Mounted Police
Baggaley	Carman	Office of the Privacy Commissioner of Canada
Bailey	Smita	Family member
Bains	Rajvinder (Singh)	Punjabi Human Rights Organization
Barrette	Jean	Transport Canada
Bartleman	James K.	Formerly with Foreign Affairs and International Trade Canada
Basnicki	Maureen	Canadian family member of 9/11 victim
Bass	Gary	Royal Canadian Mounted Police
Beauchesne	Eric	Family member
Beaulieu	Marc	Quebec Ministry of Public Security

Last Name	First Name	Organization/ Family Member
Bedi	Parkash	Family member
Bertram	Jim	Greater Toronto Airport Authority
Best	Douglas	Royal Canadian Mounted Police
Bettman	Michael	Correctional Service of Canada
Bhinder	Amarjit	Family member
Blachford	Bart	Royal Canadian Mounted Police
Blair	William	Toronto Police Service
Bloodworth	Margaret	Privy Council Office
Boisvert	Anne-Marie	Faculty of Law, University of Montreal
Bonneau	Régis	Royal Canadian Mounted Police
Bourgault	Jacques	Université du Québec à Montréal
Brandt	Brion	Transport Canada
Brodeur	Jean-Paul	Centre international de criminologie comparée, Université de Montréal
Bromley	Blake	Benefic Group
Brown	Daniel	Crew, Laurentian Forest (Recovery)
Browning	Greg	Royal Canadian Mounted Police

Last Name	First Name	Organization/ Family Member
Burgoyne	Robert ("Bob")	Formerly with the Canadian Security Intelligence Service
Burns	Robert	CanPro Pacific Services Inc.
Carignan	Serge	Formerly with the Quebec Provincial Police
Carlson	Gary	Royal Canadian Mounted Police
Carter	Terrance	Carters Professional Corporation (Carters)
Cartwright	Nick	Transport Canada
Castonguay	Monique	Family member
Chabot	Steven	Sûreté du Québec
Chesney	Robert	Wake Forest University
Chopra	Rajesh	Air India
Clarke	Gary	Formerly with the Royal Canadian Mounted Police
Code	Michael	University of Toronto Faculty of Law
Comeau	Michael	New Brunswick Department of Justice and Consumer Affairs
Conrad	Stephen	Transport Canada
Crook	Rick	Formerly with the Vancouver Police Department
Cunningham	Jim	Royal Canadian Mounted Police

Last Name	First Name	Organization/ Family Member
Cyr	Pierre	Canadian Air Transport Security Authority
Dandurand	Yvon	University College of the Fraser Valley
De March	Terry	Canada Revenue Agency
Desjardins	Robert	Foreign Affairs and International Trade Canada
Dewhirst	David	Formerly with Foreign Affairs and International Trade Canada
Dibble	Kenneth	Charity Commission for England and Wales
Dicks	Ron	Formerly with the Royal Canadian Mounted Police
DiFrancesco	Janet	Financial Transactions and Reports Analysis Centre of Canada
Dolhai	George	Public Prosecution Service of Canada
Doran	Tom	Garda (Ireland)
Dosanjh	The Honourable Ujjal	MP and prominent member of BC Sikh community
Douglas	Wayne	Formerly with the Royal Canadian Mounted Police
Doyon	Louise	Canadian Security Intelligence Service
Duff	David	University of Toronto Faculty of Law
Duguay	Yves	Air Canada

Last Name	First Name	Organization/ Family Member
Elliott	William	Royal Canadian Mounted Police
Ellis	Andrew	Canadian Security Intelligence Service
Eshleman	Neil	Formerly with the Canadian Security Intelligence Service
Frisby	Geoff	Formerly with the Royal Canadian Mounted Police
Galt	Jim	Canadian Security Intelligence Service
Gartshore	Glen	Formerly with the Canadian Security Intelligence Service
Gaul	Geoff	British Columbia Ministry of the Attorney General
Gaur	Saroj	Family member
George	Tyson	Canada Border Services Agency
Giasson	Daniel	Integrated Threat Assessment Center, Canadian Security Intelligence Service
Gibbs	Colin	Crown Prosecution Service (UK)
Gillies	John A.	Canadian Security Intelligence Service
Gogia	Ram	Family member
Gopalan	Ramachandran	Family member
Goral	Terry	Formerly with the Royal Canadian Mounted Police
Graham	Georgina	International Air Transport Association

Last Name	First Name	Organization/ Family Member
Grenier	Justice Bernard	Comité du Barreau du Québec
Grierson	Mervin	Formerly with the Canadian Security Intelligence Service
Gupta	Anita	Family member
Gupta	Bal	Family member
Gupta	Shailendra	Family member
Gupta	Susheel	Family member
Hall	Craig	Air Line Pilots Association International
Hanse	Anil	Family member
Hayer	David ("Dave")	Son of Tara Singh Hayer, slain Sikh journalist in BC
Hayes	Thomas	Garda (Ireland)
Heatherington	Scott	Foreign Affairs and International Trade Canada
Heed	Chern	Expert consultant - Airports
Hennessy	Michael	Department of History, Royal Military College
Henry	John	Formerly with the Canadian Security Intelligence Service
Henschel	Lyman	Formerly with the Royal Canadian Mounted Police
Hickman	Lloyd	Formerly with the Royal Canadian Mounted Police

Last Name	First Name	Organization/ Family Member
Hoffman	Bruce	Georgetown University
Hooper	Jack	Formerly with the Canadian Security Intelligence Service
Hovbrender	Axel	Vancouver Police Department
Inkster	Norman	Formerly with Royal Canadian Mounted Police
Jagoe	Jamie	Royal Canadian Mounted Police
Jardine	James	Former Crown Counsel, Department of the Attorney General, British Columbia
Jarrett	Lynne (formerly Lynne McAdams)	Formerly with the Canadian Security Intelligence Service
Jensen	Henry	Formerly with the Royal Canadian Mounted Police
Jobin	Pierre-Côme	Quebec Ministry of Public Security
Jodoin	Jacques	Formerly with the Canadian Security Intelligence Service
Jones	Fred	Canadian Airports Council
Judd	Jim	Canadian Security Intelligence Service
Kachroo	Meera	Family member
Kachru	Vijay	Family member

Last Name	First Name	Organization/ Family Member
Kalsi	Rattan (Singh)	Family member
Kaushik	Neelam	Family member
Kelly	Phillip	Garda (Ireland)
Kennedy	Paul	Commission for Public Complaints against the RCMP
Kenny	The Honourable Colin	Chair, The Standing Senate Committee on National Security and Defence
Khandelwal	Deepak	Family member
Khandelwal	Ramji	Family member
Kirwan	Peter	Garda (Ireland)
Klein	Maurice	Canada Revenue Agency
Kobzey	Ray	Formerly with the Canadian Security Intelligence Service
Kosseim	Patricia	Office of the Privacy Commissioner of Canada
Krindle	Ruth	Formerly with the Manitoba Court of Queen's Bench
Kumar	T. N.	Air India
Labbé	Jean	Air Line Pilots Association, International

Last Name	First Name	Organization/ Family Member
LaCompte	Pierre	Canadian Security Intelligence Service
Lafleur	Diane	Department of Finance Canada
Lalonde	Daniel	Formerly with Burns Security
Lalonde	Mark	CanPro Pacific Services Inc.
Lane	Duncan	Canadian Security Intelligence Service
Lapointe	Pierre	Steering Committee on Justice Efficiencies and Access to the Criminal Justice System (Department of Justice - Canada)
Laurie	William Dean ("Willie")	Formerly with the Canadian Security Intelligence Service
Lazar	Sanjay	Family member
Leiss	Dr. William	University of Ottawa
Lyon	David	Queen's University
MacBrayne	John	Metropolitan Police Service (London, UK)
MacDonald	J.B. ("Joe")	Formerly with the Royal Canadian Mounted Police
MacDonald	Michael Anne	Formerly with the Ministry of the Attorney General, Ontario
MacDonell	Laurie	Royal Canadian Mounted Police

Last Name	First Name	Organization/ Family Member
MacFarlane	Bruce	University of Manitoba
MacNeil	Alphonse	Royal Canadian Mounted Police
Madon	Natasha	Family member
Madon	Perviz	Family member
Malizia	James	Royal Canadian Mounted Police
Mamak	Kalwant	Family member
Marriott	Jim	Transport Canada
Martinez-Hayer	Isabelle	Daughter-in-law of Tara Singh Hayer, slain Sikh journalist in BC
Mattson	Dale	Formerly with Transport Canada
Mayer	Dan	Royal Canadian Mounted Police
McDonell	Mike	Royal Canadian Mounted Police
McLean	Don	Formerly with the Vancouver Police Department
Molgat	Daniel	Formerly with Foreign Affairs and International Trade Canada
Morden	Reid	Formerly with the Canadian Security Intelligence Service

Last Name	First Name	Organization/ Family Member
Morrill	Keith	Department of Foreign Affairs and International Trade
Morris	Pat	Ontario Provincial Police
Muir	R.E.	Formerly with the Royal Canadian Mounted Police
Murphy	Seanie	Captain Royal National Lifeboat Institution (Recovery)
Murray	Dave	Canadian Security Intelligence Service
Nash	William	Transport Canada
Newham	Paul	National Terrorist Financial Investigation Unit (UK)
Normand	Gérard	Formerly with the National Security Group
Norris	John	Ruby & Edwardh, LLP
O'Brian	Geoffrey	Canadian Security Intelligence Service
Pada	Lata	Family member
Parsons	Ches	Royal Canadian Mounted Police
Passas	Nikos	Northeastern University College of Criminal Justice
Passmore	Neil	Canadian Security Intelligence Service, (presently seconded to the Royal Canadian Mounted Police)
Paul	Donna Ramah	Family member

Last Name	First Name	Organization/ Family Member
Paulson	Bob	Royal Canadian Mounted Police
Person 1		Source who warned of plot against Air India
Piché	Catherine	Quebec Ministry of Public Security
Pichette	Pierre-Paul	Service de police de la Ville de Montréal
Pinos	Graham	Formerly with the Department of Justice Canada
Portelance	Luc	Canadian Security Intelligence Service
Potter	Mark	Financial Transactions and Reports Analysis Centre of Canada
Quartermain	David	Canada Border Services Agency
Quiggin	Thomas	Nanyang Technological University
Quraishi	Aleem	Family member
Radhakrishna	Haranhalli	Family member
Rae	The Honourable Bob	Author of <i>Lessons to be Learned</i>
Rai	Satrajpal	Family member
Ramakesavan	Ramu	Family member
Rana	Shipra	Family member
Razack	Sherene	University of Toronto

Last Name	First Name	Organization/ Family Member
Reynolds	Rick	Royal Canadian Mounted Police
Roach	Kent	University of Toronto Faculty of Law
Roth	Michael ("Mike")	Formerly with the Royal Canadian Mounted Police
Rudner	Martin	Carleton University
Sabharwal	Promode	Family member
Sahota	Manjit (Singh)	Sikh community activist (Toronto)
Saklikar	Renee	Family member
Sandhu	Gian Singh	Former president of World Sikh Organization of Canada
Sangollo	Pierre	Correctional Service of Canada
Sankurathri	Chandra	Family member
Schmidt	John	Integrated Threat Assessment Center, Canadian Security Intelligence Service
Schwartz	Lorne	Royal Canadian Mounted Police
Scotton	Lindsay	Office of the Privacy Commissioner of Canada
Scowen	Chris	Formerly with the Canadian Security Intelligence Service
Sharma	Krishna	Family member

Last Name	First Name	Organization/ Family Member
Sharma	Mahesh Chandra	Family member
Sharma	Usha	Family member
Sharma	Veena	Family member
Sheahan	William ("Bill")	Formerly with the Communications Security Establishment
Sheehan	Terry	Formerly with Foreign Affairs and International Trade Canada
Sidel	Mark	University of Iowa College of Law
Simmonds	Robert	Formerly with the Royal Canadian Mounted Police
Simpson	Brian	Formerly with Air Canada
Singh	Sarabjit	Punjabi Human Rights Organization
Smith	Gordon	Formerly with Foreign Affairs and International Trade Canada
Solvason	Robert	Formerly with the Royal Canadian Mounted Police
Souccar	Raf	Royal Canadian Mounted Police
Stagg	Mark	Crew, Laurentian Forest (Recovery)
Steinberg	Ralph	The Chief Justice's Advisory Committee on Criminal Trials in the Superior Court of Justice (Ontario)

Last Name	First Name	Organization/ Family Member
St. John	Peter	University of Manitoba
Stevenson	John	Formerly with the Canadian Security Intelligence Service
Stewart	Gavin	Formerly with Foreign Affairs and International Trade Canada
Stoddart	Jennifer	Privacy Commissioner of Canada
Stubbings	Bob	Formerly with the Royal Canadian Mounted Police
Sweeney	Steve	Vancouver Police Department
Sweeney	Warren	Formerly with the Royal Canadian Mounted Police
Sweet	Kathleen	University of Connecticut
Tait	Mark	Royal Air Force diver (Recovery)
Tario	Brian	Deloitte
Taylor	Kim	Integrated Threat Assessment Center, Canadian Security Intelligence Service
Thampi	Jayashree	Family member
Thompson	Brent	British Columbia Ministry of the Attorney General
Townshend	Ron	British Columbia Registry Services

Last Name	First Name	Organization/ Family Member
Tremblay	Larry	Royal Canadian Mounted Police (presently seconded to Canadian Security Intelligence Service)
Trudel	Reg	Royal Canadian Mounted Police
Turlapati	Padmini	Family member
Turner	Bill	Canadian Security Intelligence Service
Turner	Trevor	Royal Canadian Mounted Police
Upton	Russell	Formerly with the Canadian Security Intelligence Service
Vaidyanathan	Chandra	Family member
Vaney	Herbert	Formerly with Air India
Venketeswaran	Ann	Family member
Venketeswaran	Esther	Family member
Vinette	Denis	Canada Border Services Agency
Wall	Robert	Formerly with the Royal Canadian Mounted Police
Wallis	Rodney	International civil aviation security consultant
Walsh	Donna	Canada Revenue Agency

Last Name	First Name	Organization/ Family Member
Warden	William	Formerly with Foreign Affairs and International Trade Canada
Wark	Wesley	Munk Centre for International Studies, University of Toronto
Warren	James ("Jim")	Formerly with the Canadian Security Intelligence Service
Whitaker	Reg	York University
Zaccardelli	Giuliano	Formerly with the Royal Canadian Mounted Police
Zelmer	Daryl	Formerly with the Canadian Security Intelligence Service

