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AIVFA Reply to Submissions by the
Attorney General of Canada

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

March 20, 2008

Ottawa, ON



Joint Counsel to Air India Victims Families Association (AIVFA)



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Joint Counsel to Air India Victims Families Association (AIVFA)

INTRODUCTION

1. The Commission of Inquiry into the Investigation of the Bombing of Air India Flight 182 granted an opportunity for Parties to provide the Commission with final submissions responding to the different Terms of Reference of the Inquiry. AIVFA submitted its final submissions on February 29, 2008.
2. Subsequent to receipt of submissions of other Parties, the Commission provided an opportunity for Parties to respond to the submissions of other Parties. AIVFA takes this opportunity to provide the following reply to the submissions by the Attorney General of Canada (AGC).

AIVFA REPLY TO VOLUME I OF THE SUBMISSIONS BY THE AGC

3. At paragraph 14 of their submissions, the AGC states that, "It is also important to note that while the Terms of Reference of this Inquiry are broad and sweeping they are not infinite." The AGC suggests that evidence of the consular response from government witnesses was offered to the Commission despite the absence of this aspect in any of the Terms of Reference. The AGC submits that the absence of any recommendations in the report on Phase 1 of the Inquiry entitled, "The Families Remember," was a "fit and appropriate manner of dealing with such evidence."
4. In reply, it is submitted that Terms of Reference are broad enough and can be interpreted in a liberal manner to include the response of the Canadian government to the plight of families in the aftermath of the Air India Flight 182 bombing. Subsection b(i) of the Terms of Reference states "if there were deficiencies in the assessment by Canadian government officials of the potential threat posed by Sikh terrorism before or after 1985, or in their response to that threat..." (Emphasis added). After all, deficiencies in the assessment of the threat posed by Sikh terrorism led to the Air India Flight 182 bombing. This Inquiry decided in its wisdom to deal with the issue of the consular response in the aftermath of the bombing by calling consular officials to testify before the Inquiry. It is submitted that the AGC should have raised its objections to the hearing of this evidence at that point. In any event, it is respectfully submitted that ignoring the consular response evidence would leave a significant gap in assessing the federal government's response to the threat that ultimately led to the bombing of Air India Flight 182. It is hoped that the Commissioner will take the opportunity in his final report to make valuable recommendations so as to ensure that the Canadian government is prepared to respond to the needs of families of the victims, in the event of a future terrorist incident.
5. The AGC states at paragraph 15 of its submissions that, "Despite that reality it is submitted that even given an interpretation of the widest latitude the Terms of Reference do not include a review of the decision to hold or not hold a public inquiry and the timing of same. The fact is an inquiry was ordered which is now in its final stages and conclusions as to whether the Inquiry should have been held earlier or not are outside the mandate of this Commission."

6. In reply, it must be noted that the Security Intelligence Review Committee (SIRC) Inquiry conclusion to the effect that Canadian Security Intelligence Service (CSIS) tape erasures did not hinder the Royal Canadian Mounted Police (RCMP) investigation was accepted and later applied to other government documents and decision-making, which ultimately delayed the implementation by the federal government of a full public Inquiry for close to 15 years. (See pages 114 and 115 of AIVFA's final submissions). With respect to the SIRC Inquiry into tape erasures by CSIS, the RCMP offered a "sugar-coated" version of its relations with CSIS and downplayed disputes with CSIS with respect to failures by CSIS to share evidence and the erasure of tapes by CSIS. Consequently, former SIRC Chair Mr. John Bassett drew a conclusion from the briefing the RCMP provided to SIRC that was not in line with the RCMP's position on CSIS tape erasures.
7. At paragraph 18 of their submissions, the AGC notes that the Prime Minister stated in the House of Commons on May 1, 2006, that "this Inquiry is not about retribution, nor about replaying the criminal trials that took place in Vancouver from 2003 to 2005."
8. While it is accepted that this Inquiry is not about retribution, at the same time the Commission should not avoid, if warranted, findings of intelligence failures on the part of Canada's security intelligence agencies, including CSIS, institutional failures on the part of various government agencies, including the RCMP, the Vancouver Police Department, and Transport Canada, and corporate failures on the part of corporations, including Air India. After all, the whole purpose of a public Inquiry is to determine the facts and learn lessons so that recommendations can be made to avoid similar tragedies in the future. If an Inquiry does not acknowledge failures and mistakes made, it is not possible to learn from them.
9. At paragraph 21 the AGC states that, "The Air India bombing occurred at a time when the primary focus of national security concerns was on counter intelligence as opposed to counter terrorism..." Elsewhere, the AGC makes the following similar submissions:
 - Paragraph 56: "In the mid-1980's, the nature of the threat to Canada and national governments was beginning to change."
 - Paragraph 57: "In a short period of time, Sikh extremism emerged as a major threat."
 - Paragraph 97: "CSIS was staffed with a well-functioning CT unit, but the need for this unit grew much larger—and faster—than the Service anticipated."
10. In reply, it must be noted that a disaster like the one that occurred with respect to Air India Flight 182 was not inconceivable in 1985. At page 75 of its submissions, AIVFA asserts based on expert evidence heard at this Inquiry that, "Indeed, given the rise of religiously motivated Sikh militancy in the early 1980s and the corresponding trend towards greater terrorist inflicted casualties, the potential for a disaster like that of Air India was known."

11. In fact, the AGC acknowledges at paragraph 93 of its submissions that Sikh extremism had been on the radar of the RCMP Security Service since 1981. AIVFA agrees as per paragraphs 97 and 98 of the submissions by the AGC that a “shift of resources [in CSIS] from counter intelligence to counter terrorism could have and should have been faster.” Why did the RCMP Security Service wait until April 11, 1984, to begin to investigate Sikh extremist activity in Canada?

12. In its submissions, the AGC spends considerable time outlining the reason for the problems with respect to effective cooperation between CSIS and the RCMP. For example, the AGC makes the following submissions:
 - Paragraph 47: “The proclamation of the CSIS Act two weeks after its passage through Parliament set the stage for a series of legal, policy and operational challenges for both the RCMP and CSIS.”
 - Paragraph 50: “The administrative changes that would establish the new CSIS organization’s policies and procedures became a lower priority than the ongoing work of the newly created agency.”
 - Paragraph 64: “The [first] MOU provided only for the intelligence function to be contributed by CSIS; the process of translating intelligence into evidence was overlooked in a structure that was designed principally for a Cold War environment where actual Security Offences Act prosecutions and ‘court ready’ evidence were infrequent.”
 - Paragraph 113: “The CSIS had inherited policies applicable to a police force that were no longer relevant to a civilian security intelligence agency, and were no longer followed as they had little connection to the work of a non-policing (evidence-gathering) agency. Time was needed to determine the operational realities of CSIS, and the practical changes that its new mandate would bring about.”
 - Paragraph 383: “There was no ‘litigation department’ at CSIS that might have fielded the demands and addressed the expectations of the AGBC.”

13. In reply, it is submitted that despite the above challenges that existed as a result of the creation of CSIS in 1984, that as per page 100 of AIVFA’s final submissions, “In the haste to create CSIS, the government’s focus was on passing legislation and overlooked were the significant resource, policy, and operational challenges that would have to be met in order to make the relationship between CSIS and the RCMP fully functional.” In fact, despite its submissions noted above, the AGC admits as much:
 - Paragraph 343: “The Air India and Narita bombings and the investigations that ensued however showed that insufficient groundwork had been laid in respect of the roles and responsibilities of the RCMP and CSIS in the case of a terrorist event.”

- Paragraph 407: “The Air India and Narita tragedies occurred before CSIS and the RCMP could fully explore how their complementary mandates should be balanced and negotiated in the difficult and unpredictable circumstances of a major terrorist investigation.”

14. The AGC states at paragraph 96 of its submissions that, “The new Service was staffed by intelligence personnel from the former Security Service who were familiar with the threat to national security posed by Sikh extremism.”

15. In reply, it is noted that while CSIS intelligence personnel may have been familiar with the threat to national security posed by Sikh extremism, Mr. Bob Burgoyne testified that there was no training given to him during his time in the RCMP Security Service to assist him in dealing with Sikh extremism issues and that he was not personally comfortable being held out as the unit’s Sikh expert. Likewise, Messieurs Gartshore and Upton also testified to the absence of specific training in Sikh terrorism and extremism.

16. The AGC states at paragraph 101 of its submissions that, “It is difficult, if not impossible, to speculate how events would have unfolded had the Sikh Desk been at full complement prior to the bombing...Despite the lack of a full complement of staff, the field continued to report to HQ and threat assessments continued to be issued.”

17. In reply, it is important to reiterate that as per page 68 of AIVFA’s final submissions, that Mr. Russell Upton, formerly in charge of the Sikh Desk, testified that:

I recall a period between March 1985 and September 1985 as being extremely busy and somewhat an unsettled time. At Headquarters we lacked analytical resources. New analysts, some of whom required training experience, filled positions and constant program change and priority ranking occupied a great deal of my time and effort... In my opinion, we did not have a complete analysis of Sikh terrorist developments in Canada leading up to the Air India and Narita Airport explosion. This area of terrorism was a new one to us. We possessed limited understanding of this complex subject. Our overall resources were limited, both from the standpoint of field sources and resources, and Headquarters analysis expertise.

18. A number of times throughout its submissions, the AGC states that there was no specific threat to an Air India flight. For example, the AGC submits at paragraph 105 that, “At no time prior to the bombing did CSIS obtain information about a specific threat to an Air India flight.” At paragraph 118, the AGC notes the definition of “specific threat” in the Transport Canada policy entitled, “Policy, Standards, and Guidelines for the development of an Airport Disaster/Emergency Plan and the Conduct of Exercises at Transport Canada Airports,” as “a statement giving time of activation, location, type of bomb or even complete details.”

19. In reply, it is submitted that this definition conveniently defines away the problem, as one is likely never to receive such specific information with respect to a bomb threat. In fact, as

per page 76 of AIVFA's final submissions, "In most cases there were not specific threats available in the assessments provided by CSIS to various government agencies. In fact, Mr. Henry could only recall one occasion where there was a specific threat level, and Mr. MacDonald, of the Airport Policing Branch within the 'P' Directorate at RCMP Headquarters, testified that he could not recall ever receiving a threat assessment that referred to a specific threat." Given that Air India was only flying once a week from Canada, in addition to the June 1st telex along with a number of pieces of intelligence information and available sources, government agencies ought to have treated the persistent and numerous threats against Air India, especially during the month of June 1985, as a specific warning.

20. At paragraph 116 of its submissions, the AGC justifies the delay in obtaining the Parmar warrant by stating that "A new and complex internal system of checks and balances—amounting to more than twenty discrete steps between CSIS and the Solicitor General—became the "warrant acquisition process", a process which generally took five months to complete and changed very little over the next twenty years."
21. In reply, one can point to the fact that despite the Parmar warrant being a priority, it took five long months to obtain, although during this same period of time, Mr. Kobzey testified that another significant warrant, which related to a Western European target, took only two days to fully process (see page 72 of AIVFA's final submissions).
22. The AGC submits at paragraph 117 that information that did not meet a standard of "strictly necessary" would be not be reported or retained by CSIS.
23. However, in reply it can be noted that information that did meet the standard of "strictly necessary" was not always retained. Although CSIS has maintained that nothing of significance existed on the erased Parmar tapes, Mr. Warren testified about a telephone call about killing India Prime Minister Ghandi ought to have raised some suspicions of possible subversive activity more than two months prior to the bombing. According to Mr. Warren, "...it looks to me as the kind of thing that I probably would have kept...I don't know what was running through the heads of the people [at CSIS] that had to make the decision at that time." In addition, notes from CSIS translators of other wiretap exchanges between Messieurs Parmar and Hardial Singh Johal for example, contain code words, such that on the day the airline tickets were purchased, Mr. Parmar asks Mr. Johal, "Did he write the story?" Such information, if the original tape had been maintained, would have been useful in an attempt to prove a conspiracy at trial. (See page 112 of AIVFA's final submissions)
24. The AGC submits at paragraph 124 of its submissions that, "The delay occasioned by temporarily sending the [Parmar] tapes to Ottawa was not significant and, in fact, outsourcing intercepted product to other Regions for translation is a sound practice that continues to this day."
25. In reply, it is noted that the 1992 SIRC Report made it clear that CSIS's capacity to fully exploit the technical surveillance of Mr. Parmar was lacking, primarily due to a lack of in-

house translation capabilities in the critical period prior to the Air India Flight 182 bombing.

26. The AGC states at paragraph 127 of its submissions that, "All of the Parmar tapes were listened to, analyzed and, where appropriate, distilled into intelligence reports that exist to this day."
27. In reply, the evidence before this Inquiry demonstrates that the CSIS Monitors, the ones ultimately responsible for the erasures, operated under different understandings with respect to tape retention (see page 105 of AIVFA's final submissions). As such, according to AIVFA's final submissions, "...if the policy was to erase tapes ten days after transcription, and knowing that there was a backlog of tapes, a genuine question arises as to whether some of the tapes might have been erased prior to being transcribed."
28. At paragraph 132 of its submissions, the AGC states that in the absence of BC Region English transcriber during the week prior to the bombing, the Punjabi translator was entirely capable of translating the Punjabi content as well as transcribing the English content.
29. In reply, it must be reiterated that translators did not have a police background, nor did they have an intelligence-gathering background within CSIS itself. One could not expect them to be knowledgeable about what was significant "subversive activity" in a national security context. With respect to Ms. Doak, she relied on her past experience as a translator to determine what information on the tapes was valuable and warranted reporting. Her recollection was that she did not consult with the BC transcriber, nor could she ever recall receiving feedback on the report she submitted. (See page 104 of AIVFA's final submissions).
30. The AGC submits at paragraph 165 that with respect to the Duncan Blast incident, that Mr. Lowe's perception was that the blast heard was from a gun and not a bomb. According to the AGC, "A reasonable conclusion at the time, nevertheless it was mistaken." The AGC argues further at paragraph 172 that, "It should not, it is submitted, be considered a fault not to recognize the sound in the woods as a bomb rather than a gunshot. The comprehension of that sound was a judgment of common sense, informed by the surrounding threat environment known to everyone at the time."
31. By way of reply, it must be reiterated that despite not finding shell casings in their search, and despite the fact that the blast startled Ms. Jarrett so much it caused her to swear and come off her seat inside a parked car, and that information was known at that time about a wave of transistor radio disguised bomb explosions in Northern India commemorating the first anniversary of the storming of the Golden Temple, it appears as if CSIS agents Jarrett and Lowe possessed a tunnel vision that focused their assessment solely on guns given the known assassination threat to Mr. Gandhi, to the exclusion of all other manifestations of the Sikh threat. (See page 77 of AIVFA's final submissions).

32. From paragraph 318 to 326, the AGC discusses the SIRC Review and issue of civil compensation. According to the AGC, “There was never an effort to prevent either an Inquiry or SIRC review but, rather, concern about the timing of these processes...Suggestions that deferral of the SIRC Inquiry was aimed at keeping information from litigants in the civil process are unfounded.”
33. In reply, it is important to note that Mr. Ron Atkey questioned whether SIRC could do an adequate Inquiry with its limited resources. According to Mr. Atkey, “We sensed that the government, at that time—certainly the system, if you will—was not inclined to grant additional resources for the purposes of an inquiry at that time.” Furthermore, with respect to whether it could appear that the government was attempting to delay full knowledge of the facts about CSIS tape erasures until they solved their civil litigation with family members of the victims of the Air India Flight 182 bombing, Mr. Atkey testified, “That’s an implication that one can draw.” (See pages 113 to 115 of AIVFA’s final submissions).
34. The AGC states at paragraphs 337 and 500 that, “No longer police officers with the power to arrest, they [CSIS agents] were also not in the business of keeping detailed interview notes for use in a criminal trial...,” and that “It is unclear from the evidence whether investigators were aware of the note-taking policy as it had applied to the RCMP Security Service, and if it continued to apply after the creation of CSIS.”
35. In reply, it must be pointed out that CSIS did not create a new note-taking policy to replace the 1979 RCMP Security Service note-taking policy until 1992. If CSIS, who neglected to replace the 1979 policy with an updated CSIS version until 1992, had made the 1979 RCMP Security Service policy known to its agents at the time, Mr. Laurie may have taken notes of his interviews with Ms. E. This is especially true in light of the fact that because Ms. E. had told Mr. Laurie that she wanted to help catch those who bombed Air India Flight 182, this moved his interviews with Ms. E. out of the realm of intelligence gathering and more into the realm of criminal investigation. This is another example of how in the rush to create CSIS, the government overlooked the significant policy and operational challenges that would have to be met in order to make the transition from intelligence into evidence seamless. (See pages 118 to 119 of AIVFA’s final submissions).
36. At paragraph 456, the AGC states that, “The Consular effort and response to the disaster shepherded by DEA was to that time the largest single consular operation DEA had mounted in history.”
37. In reply, it is important to note that in defining this as the “largest singular consular response,” does not avoid the fact that the response was inadequate. The Air India Flight 182 bombing was the largest single terrorist act in the history of aviation before 9/11 and it is clear that although the consular response may have been the largest ever at that time in 1985, it fell short of what was required in the opinion of AIVFA members.

AIVFA REPLY TO VOLUME II OF THE SUBMISSIONS BY THE AGC

38. Paragraph 55 of the submissions by the AGC states that, “This legislative scheme [*Aeronautics Act*] did not provide Transport Canada or the Minister of Transport with an explicit mandate to approve, monitor, or enforce security programmes. As Transport Canada has said, the Regulations were designed more for a policy of voluntary compliance rather than enforcement.” Paragraph 56 of their submission states further that, “Although there was no legislative authority for Transport Canada to go further, internal policy required that Transport monitor the air carriers’ compliance with their own security programs.”
39. In reply, although there may not have been a strict legislative requirement on Transport Canada to actually monitor airline security programmes, in practice Transport Canada interpreted the aeronautic regulations much more broadly and undertook to monitor Air India’s security plan as opposed to simply receiving it under a policy of voluntary compliance. Paragraph 154 in Volume II of the submissions by the AGC is proof of this practice by Transport Canada. In fact, a letter (Document CAF-0032) from Mr. John Cook, then Acting Director of Civil Aviation Security at Transport Canada to Air India states that, “Mr. Dale Mattson, Transport Canada’s Manager of Safety and Security at the airport has confirmed that Air India’s operations are being monitored to ensure the measures and procedures established are appropriate to meet the perceived threat. You will be advised at once should any changes be deemed necessary.” (emphasis added).
40. At paragraph 61, the AGC states that, “Transport [Canada] was not required under any legislation or regulation to monitor the security programmes of air carriers. Rather, internal Transport policy required bi-annual inspections.” However, at paragraph 62, the AGC states that, “Once the security program was in place, Transport Canada’s oversight of air carrier security was limited. Transport Canada employed approximately 11 inspectors nationwide for the period from 1972 to 1985. The CATSA Panel found that Transport’s inspectorate did not have sufficient resources for this self-appointed task. Inspections were sporadic rather than cyclical.”
41. In reply, it is likely that Transport Canada did not carry out bi-annual inspections of airlines including Air India, if as the CATSA Panel found, inspections were sporadic rather than cyclical. Moreover, if Transport Canada undertook to monitor the security programmes of air carriers, especially air carriers like Air India that were under high threat, why then devote insufficient resources to the task? When Transport Canada undertook to monitor the security programme of Air India and other airlines, it ought to have devoted sufficient resources to the task, otherwise it should not have undertaken the responsibility.
42. The AGC submits at paragraph 69 that, “At the time of the Air India tragedy, a bill was coming through Parliament that proposed to enlarge the Minister of Transport’s powers to make regulations for aviation security.” The AGC submits further in paragraph 70 that, “There is no evidence as to (1) why amendments to the *Aeronautics Act* were not passed by Parliament before June 1985; (2) the other priorities before Parliament during the

relevant period; (3) the challenges involved in determining and drafting the appropriate amendments.”

43. In reply, although there may not have been any evidence heard at the Inquiry with respect to the points noted by the AGC above, the onus should be on the AGC to produce evidence to refute the CATSA Panel’s suggestion that the Government of Canada and Parliament failed to adequately prioritize legislative improvements to aviation security. As it stands now, in the absence of such evidence, Transport Canada failed to see the urgency in implementing policy and regulatory changes prior to the Air India Flight 182 bombing and more quickly in order to implement additional security procedures.
44. At paragraph 86 the AGC states that, “However, just as technology was less sophisticated in 1985, so was the approach to training the operators of the x-ray equipment.”
45. In reply, the existence of less sophisticated technology at the time of the Air India bombing in 1985 ought not to be used as an excuse to dismiss what otherwise appears to have been shoddy training by Burns Security of its security personnel. As AIVFA outlines on pages 138 to 139 of its final submissions, Burns Security employee Mr. Daniel Lalonde testified that, “Essentially, I was shown a video on how to operate an x-ray machine and that lasted approximately say, half an hour to an hour... Certainly it could have been done by more experienced, more – better trained, more focussed people who paid more attention to what they were doing no doubt, and I include myself in this.” Likewise, Mr. Abufazal Khan noted that, “when I first started to work with Burns Security I didn’t receive any instruction or training about the job. After a couple of months, they, Burns, gave us an hour of classroom training and showed us slides of what to look for in baggage, our dress code, types of bombs to look for and also guns to look for. I don’t believe I could tell what a bomb looked like if I saw one.”
46. At paragraph 90 the AGC states that, “Notwithstanding the difficulties identified by the CATSA Panel, the evidence before the Commission discloses that the various players in aviation security cooperated and communicated with each other continuously about the threats to civil aviation in general, and against Air India specifically.” (Emphasis added).
47. In reply, it should be noted that the June 1st telex was apparently not disseminated to CSIS by the RCMP or to Transport Canada (see pages 83 and 84 of AIVFA’s final submissions).
48. At paragraph 161 the AGC states that, “Dale Mattson testified that when Air India implemented security measures that exceeded Transport Canada’s requirements (such as screening checked baggage with an x-ray or a PD-4 sniffer), he did not believe Transport Canada had a role in monitoring those extra measures.” Similar submissions are presented in paragraph 236 of the submissions by the AGC.
49. In reply, in undertaking to monitor the security programmes of air carriers, Transport Canada implied (and perhaps induced reliance on the part of Air India) that if they accepted a security plan such as Air India’s, they would monitor the whole plan going

forward, including those security measures that exceeded Transport Canada's requirements.

50. At paragraph 191 the AGC states that, "It is not clear whether the June 1st telex would have actually enhanced CSIS's knowledge of the dangers of Sikh extremism. Ex post facto speculation either one way or another will usually be self-serving, so the matter will not receive further comment."
51. In reply, it should be pointed out that the June 1st telex in concert with information obtained from the Duncan Blast incident might have served to shift the analysis of CSIS agents that heard the blast, away from a gunshot and towards that of a bomb. It must be remembered that the RCMP did not share the June 1st telex with CSIS.
52. At paragraph 242, the AGC submits that, "it was not improper for Pearson's dog to be on training on June 22, 1985, because training was necessary to keep the dog effective, and the RCMP at Pearson provided for sufficient back-up in his absence (i.e. the hand-search team)."
53. In reply, it should be noted that Air India was one of the few airlines at that time that operated under a high or specific threat environment. For the RCMP dog to be away when Air India had only one flight a week was not acceptable. Why could the dog training not be arranged around Air India's once-a-week flight schedule from Canada? Furthermore, there is no indication in the evidence before the Inquiry that Air India had access to an RCMP hand-search team, or if they did, that they were made aware of the existence of such a team.
54. The AGC submits at paragraph 248 that it is unlikely that the Mirabel checklist was a "firm policy" in place at Pearson International Airport.
55. Nevertheless, it is clear from the evidence before this Inquiry that the Mirabel checklist was a policy that was in use. As such, whether this was a "firm" policy relates to only how it was implemented. In the case at hand, it was not implemented properly as the RCMP dog master and dog were not available at Pearson International Airport the weekend of the bombing of Air India Flight 182.
56. The AGC states at paragraph 353 that, "Transport Canada is making "significant strides in improving air cargo within Canada," in line with the Advisory Panel's Recommendation, 2.6."
57. In reply, it must be remembered that the Air India Flight 182 bombing happened over twenty years ago. Why does Canada not have policies in place for the security of air cargo in the way it does for carry on and checked baggage, especially in light of the fact that almost three-quarters of the cargo carried on airlines operating in Canada is carried in the cargo hold of passenger airplanes? (See page 145 of AIVFA's final submissions).


AIVFA REPLY TO VOLUME III OF THE SUBMISSIONS BY THE AGC

58. The AGC submits at paragraph 115 that, "The legal framework, which provides the underpinning for all anti-terrorism measures, is clearly more than adequate."
59. In reply, as the above statement falls under the "Constraints on Terrorist Financing" section of Volume III of the submissions by the AGC, it must be pointed out that as only one example with respect to combating terrorist financing, at the provincial level in Canada, the largely unregulated non-profit sector represents a significant vulnerability to Canada's efforts to combat terrorism financing.

CONCLUSION

60. A recent article by Kim Bolan published in the Vancouver Sun on March 11, 2008, entitled, "Sikh separatist threat on rise in Canada: India PM warns of resurgent threat in Canada," notes that the Indian government has raised concerns in Ottawa over an apparent resurgence of the Sikh separatist Khalistan movement in Canada (see attached Appendix). This article demonstrates that the Sikh terrorist threat in Canada is omnipresent and that the government of Canada must remain ever vigilant to guard against its threat.
61. AIVFA appreciates the opportunity it had to provide the Commission with its submissions on February 29, 2008, and the opportunity to reply to the submissions of the Parties. AIVFA looks forward to the Commissioners' final report and recommendations.

ALL OF WHICH IS RESPECTFULLY SUBMITTED THIS 20TH DAY OF MARCH,
2008.

FOR 

Jacques J.M. Shore
Co-lead counsel, AIVFA

For Chris Schafner
Norman D. Boxall
Co-lead counsel, AIVFA

- APPENDIX -

Sikh separatist threat on rise in Canada: Indian PM warns of resurgent threat in Canada

Kim Bolan

Vancouver Sun

Tuesday, March 11, 2008

The Indian government has raised concerns in Ottawa over an apparent resurgence of the Sikh separatist Khalistan movement in Canada, The Vancouver Sun has learned.

The Indian High Commission and the Department of Foreign Affairs and International Trade held discussions late last week about the fact that there is a renewed effort in Canada to delist banned terrorist groups that were formed to fight for Khalistan.

And Indian Prime Minister Manmohan Singh said last week that his government is concerned about "credible information" it has obtained showing that the remnants of Khalistan groups in Canada, the U.K., Germany and Pakistan are regrouping.



CREDIT: Agence France-Presse; Getty Images files

Indian Prime Minister Manmohan Singh is concerned about Khalistan groups in Canada regrouping.

The Sun revealed last month that a British Sikh leader, formerly with the International Sikh Youth Federation, toured Canada recently to promote the so-called "Sikh agenda."

The agenda includes lobbying to delist the ISYF and the terrorist Babbar Khalsa, as well as getting political support for Khalistan.

A senior official with the Indian High Commission confirmed Monday that the issue was raised by India as recently as "three days ago" with Canadian officials.

And he said India specifically mentioned the recent Canadian visit of Dabinderjit Singh, who travelled to B.C. and Ontario and met with 300 people about his campaign to develop his "Sikh Agenda."

"We have taken up this issue specifically and other issues related to the resurgence of certain pro-Khalistan elements," diplomat Rajiv Sahi said from Ottawa Monday. "We do believe there is a certain resurgence of this movement here."

There has been an increase of pro-Khalistan imagery and commentary within the Sikh communities of B.C. and Ontario over the last year. In the highest-profile examples, Air India bombing mastermind and Babbar Khalsa founder Taiwinder Singh Parmar was portrayed as a martyr at a memorial service in Surrey last October and on floats at the Vaisakhi parade last April. Khalistani leaders and political assassins were also glorified with their photos in the parade.

The Indian prime minister expressed his concerns in a letter to the head of the Shiromani Gurudwara Prabandhak Committee -- the group that governs Sikh temples around the world.

Singh was responding to a request by the SGPC to remove the remaining names on a blacklist of Khalistanis living in Canada and other foreign countries.

It was important to maintain the blacklist, Singh said, because "the government and our agencies have credible information of efforts being made by extremist groups to revive militancy in Punjab."

"Much of this is concentrated in countries abroad, like the U.K., Germany, Canada and especially Pakistan, where such groups receive a great deal of encouragement from remnants of extremist groups as well as support from other hostile forces."

Babbar Khalsa was implicated in a movie-theatre bombing in Punjab last October in which seven were killed. And police forces in the state have since confiscated other explosives they said were linked to other terrorist plots by the group founded in 1978 by Parmar.

The fight for Khalistan -- a mythical country some Sikhs wanted carved from India's Punjab -- was at its height in the 1980s, when groups like the ISYF and Babbar Khalsa launched terrorist attacks and assassinations as part of the campaign. But the movement was largely crushed in India in 1992, the same year Parmar was killed by Punjab police.

Canadian officials from the Department of Foreign Affairs did not return phone calls Monday.

But Public Safety Minister Stockwell Day said law enforcement agencies in Canada "remain vigilant" about any resurgence in the movement blamed for the Air India bombing and other attacks in this country.

"Canada, like other countries, is not exempt from the threat of terrorism," Day said. "In a world where terrorism knows no boundaries, Canada has a responsibility to be on the lookout for those who want to use terrorism as a political tool.

"Our police, security and intelligence organizations remain vigilant."

Liberal Public Safety critic Ujjal Dosanjh said Canada has to do more to combat the resurgence that has alarmed the Indian prime minister.

"If another country is so concerned about the resurgence of Khalistanis in places such as Canada, our government has an obligation to respond to their presence in our midst and their resurgence in our midst," he said.

Dosanjh added too few politicians in Canada are prepared to take a strong stand on the issue for fear of offending Indo-Canadians, when in fact the majority within the community adamantly opposes the Khalistanis.

"The way we are going right now in Canada, my worry is the identity politics are taking hold whether in the name of multiculturalism or otherwise, and these kinds of developments that may be aimed at 15,000 miles away are very, very dangerous for Canada in the long run," Dosanjh said of the Khalistanis.

"These guys that are here are not welcome in India and yet they are able to function in a place like Canada with total impunity. It is mind-boggling."

Dosanjh said the fact Singh is speaking out publicly shows the problem is serious.

"Canada has to be responsible both domestically and internationally on these issues," Dosanjh said.

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