



**BAYNE SELLAR BOXALL**  
BARRISTERS, SOLICITORS



**GOWLING LAFLEUR HENDERSON LLP**  
| Barristers & Solicitors | Patent & Trade Mark Agents |

## **AIVFA Reply to Submissions by Air India**

### **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)



---



**BAYNE SELLAR BOXALL**  
 BARRISTERS, SOLICITORS



**GOWLING LAFLEUR HENDERSON LLP**  
 | Barristers & Solicitors | Patent & Trade Mark Agents |

 <b>BAYNE SELLAR BOXALL</b> <hr/> BARRISTERS, SOLICITORS	 <b>GOWLING LAFLEUR HENDERSON LLP</b>   Barristers & Solicitors   Patent & Trade Mark Agents   <a href="http://www.gowlings.com">www.gowlings.com</a>	
<p><b>Norman D. Boxall</b>          Partner          Bayne Sellar Boxall          Suite 500          200 Elgin Street          Ottawa, ON K2P 1L5          Tel: (613) 236-0535          Fax: (613) 236-6958  <a href="mailto:nboxall@bsbcriminallaw.com">nboxall@bsbcriminallaw.com</a></p>	<p><b>Jacques J. M. Shore</b>          Partner          Gowing Lafleur Henderson LLP          Suite 2600          160 Elgin Street          Ottawa, ON K1P 1C3          Tel: (613) 786-0225          Fax: (613) 788-3512  <a href="mailto:jacques.shore@gowlings.com">jacques.shore@gowlings.com</a></p>	<p><b>Chris S. Schafer</b>          Associate          Gowing Lafleur Henderson LLP          Suite 2600          160 Elgin Street          Ottawa, ON K1P 1C3          Tel: (613) 786-0221          Fax: (613) 788-3636  <a href="mailto:christopher.schafer@gowlings.com">christopher.schafer@gowlings.com</a></p>

---

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 Air India.

## AIVFA REPLY TO SUBMISSIONS BY AIR INDIA

3. At paragraph 20 Air India states that, "Transport Canada decided that it was not prepared to call in a police dog to check baggage on all flights." Moreover, at paragraph 60 Air India states that, "The events that occurred in Montreal were not relevant to the bombing of the aircraft. None of the security procedures in Air India's security program employed in Montreal would have detected the unauthorized renegade bag already in the hold of the aircraft."
4. In reply, it must be remembered that Air India could have opted to physically check each piece of baggage and/or perform passenger-baggage reconciliation for all its flights departing Canada. At the same time, there is no evidence of any thought by Air India managers at Mirabel Airport about running the unscanned (non x-rayed) baggage from Pearson International Airport through the x-ray machine at Mirabel Airport. Air India, and Air India alone, was responsible for checking baggage for all its flights. Despite a foreboding awareness of the threat to its flights, Air India failed to respond appropriately to the heightened threat environment, by contracting with poorly trained Burns Security employees, using baggage screening technology (PD-4 sniffer) that it knew to be unreliable, all the while neglecting to check each piece of baggage and/or use passenger-baggage reconciliation that would have prevented the bombing of Air India Flight 182.

## CONCLUSION

5. 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 20<sup>TH</sup> DAY OF MARCH, 2008.

*Chris. Schafer*  
FOR Jacques J.M. Shore  
Co-lead counsel, AIVFA

*Chris. Schafer*  
FOR Norman D. Boxall  
Co-lead counsel, AIVFA