

## AIR INDIA

## Airlines still 'vulnerable to attack'

Report calls it 'inexcusable' that government has failed to act on lax security plaguing airports

**TONDA MACCHARLES**  
OTTAWA BUREAU

OTTAWA—Many of the same security lapses that doomed Air India Flight 182 still exist 25 years later and are "urgent concerns," says the inquiry report into the terror attack.

The list of ongoing problems noted in the report include lax perimeter security around tarmacs, failure to routinely screen air cargo, employees and contractors who have access to restricted areas, a flawed "no-fly" list, and the trouble in hiring and retaining experienced screening personnel by the Canadian Air Transport Security Authority.

"As a result, aircraft and passengers are vulnerable to attack," concluded former Supreme Court justice John Major.

Canada also fails to meet its international treaty obligation to prevent unauthorized explosives from being secreted aboard civil aviation aircraft, said Major.

"The government's failure to take swift action to close this gap is inexcusable," the report said.

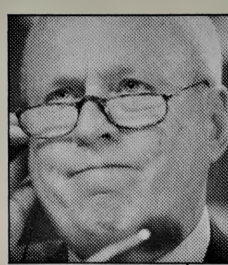
It was a stunning summation of flaws in the system. But these gaps have been repeatedly identified by the Senate committee on national security under past chair Colin Kenny, and by the federal auditor general.

The public safety minister acknowledged Thursday that Canada is keenly aware that gaps in aviation security remain.

"That is an ongoing concern of all countries, both in respect of both air cargo and passenger service," said Vic Toews.

However, Toews appealed for time to review the report before committing to recommendations.

Major said Canada has launched a suspicious-passenger watch program, called "behavioural analysis," looking for suspect behaviour in pre-boarding lineups at airports. The litany of security errors — not just intelligence failures — leading to the bombing of Flight 182 and the deaths of 329 crew and passengers are a disturbing read, no less appalling with the passage of time.



Colin Kenny's Senate committee long ago noted many of the same security gaps as inquiry found.

Had the airline matched the baggage to passengers at each step, "the bombing of Air India Flight 182 would have been prevented," Major said.

"One individual making a very human mistake resulted in a bomb being loaded aboard Air India Flight 182. However, a myriad of regulatory, policy, and organizational failures contributed to this mistake and also prevented the bomb from being detected..."

Starting with the notion that there was no "specific threat" against the Delhi-bound flight, authorities did not provide additional protective resources, despite many warnings that indicated Air India would be targeted, said the report.

"From the date of the bombing, the concept of "specific threat" has been taken out of context and has served as an alibi for the lack of

appropriate response in relation to Air India Flight 182," wrote Major.

He also concluded:

- There was a lack of communication and cooperation within the RCMP and between the Mounties and Transport Canada and airlines.
- Air India operated under an elevated threat level, but CP Air (whose flight from Vancouver was first loaded with the bomb) wasn't informed of the threat, and operated under normal security protocols.
- The bag containing the bomb was tagged and checked in by airline staff for a domineering passenger who did not have a reservation for the Delhi-bound Air India flight out of Toronto or Montreal, and who never showed up at the Vancouver gate, "contrary to both CP Air's own security program and industry practice."
- Canadian airports were plagued by a lax security culture, and "persons with known associations to Sikh extremist groups had access to highly sensitive areas at Vancouver International Airport."
- Air India used private security screeners who were underpaid and inadequately trained.
- At Pearson airport, an X-ray machine broke down on the day of the bombing after scanning only a portion of the bags for the flight. An electronic explosives scanner was used for the rest, despite its known technical flaws. Though the threat level called for a bomb-sniffing dog to scan the bags, all of the RCMP's bomb-detection dogs were in Vancouver for training that weekend, leaving the Toronto airport without any coverage.
- No bags were opened and searched manually, despite orders from Air India for this measure to be taken on all flights in June, 1985.
- On the day of the bombing, it was clear security at Air India was lax, as an Air Canada summer employee — curious to see the inside of the jumbo jet — was able to board the plane in Toronto, and "wandered about and eventually visited the cockpit." He then left, unchallenged.
- In Montreal, after three suspicious bags were identified and left unattended, the flight was cleared for departure by Air India before a police bomb-sniffing dog could be brought in. A security employee overheard an airline security officer justify the decision by referring to the cost of waiting around.

## Families treated badly, report says

INQUIRY from A1

Wesley Wark, a security expert with the Munk Centre, said the post of national security adviser never turned out to be the powerful key official once envisaged, and may never, given accountability must ultimately rest with elected officials.

Major lamented the abysmal treatment by government officials of the victims' families, who were denied meetings with any government minister until 1995, and were rarely updated by the RCMP and CSIS on the progress of the investigation.

"The families, in some ways, have often been treated as adversaries, as if they had somehow brought calamity upon themselves," he said. "The time to right that historical wrong is now."

He slammed the RCMP and CSIS for giving inaccurate information to the Air India case review conducted by Bob Rae in 2005 and the RCMP for withholding a witness's name from his commission.

Major and his team spent four years going through tens of thousands of documents and hearing more than 200 witnesses.

Major said the voluminous evidence showed that, in 1985, Ottawa and its agencies were not prepared for a terrorist act.

"During the investigation that followed the bombing and is continuing to this day, CSIS and the RCMP were unable to co-operate effectively or sometimes at all," he said.

Major highlighted the disastrous decision to destroy wiretap tapes by CSIS, which was "mesmerized by the mantra that 'CSIS doesn't collect evidence.'" It was a decision that "compromised" the Air India prosecution.

In addition to the more powerful national security adviser, Major's report offers dozens of recommendations over five volumes, including:

## Lack of cooperation between RCMP and CSIS slammed

- Terrorism prosecutions at the federal level should be run by a Director of Terrorism Prosecutions, who would take a larger role in the pre-trial investigative stages as well as direct terrorism trials.
- CSIS should retain records and not destroy secret intelligence for a period of 25 years.
- A new national security witness protection program should be created that would coordinate protection and payments for witnesses at risk in investigations and prosecutions.



DARRYL DYCK/THE CANADIAN PRESS

Renee Saklikar pauses at a Vancouver memorial honouring Air India victims, including her aunt and uncle, Zebunnisa and Umar Jethwa.

NUMBER OF VICTIMS:

**331**

YEARS PASSED:

**25**

INQUIRY COST TO DATE:

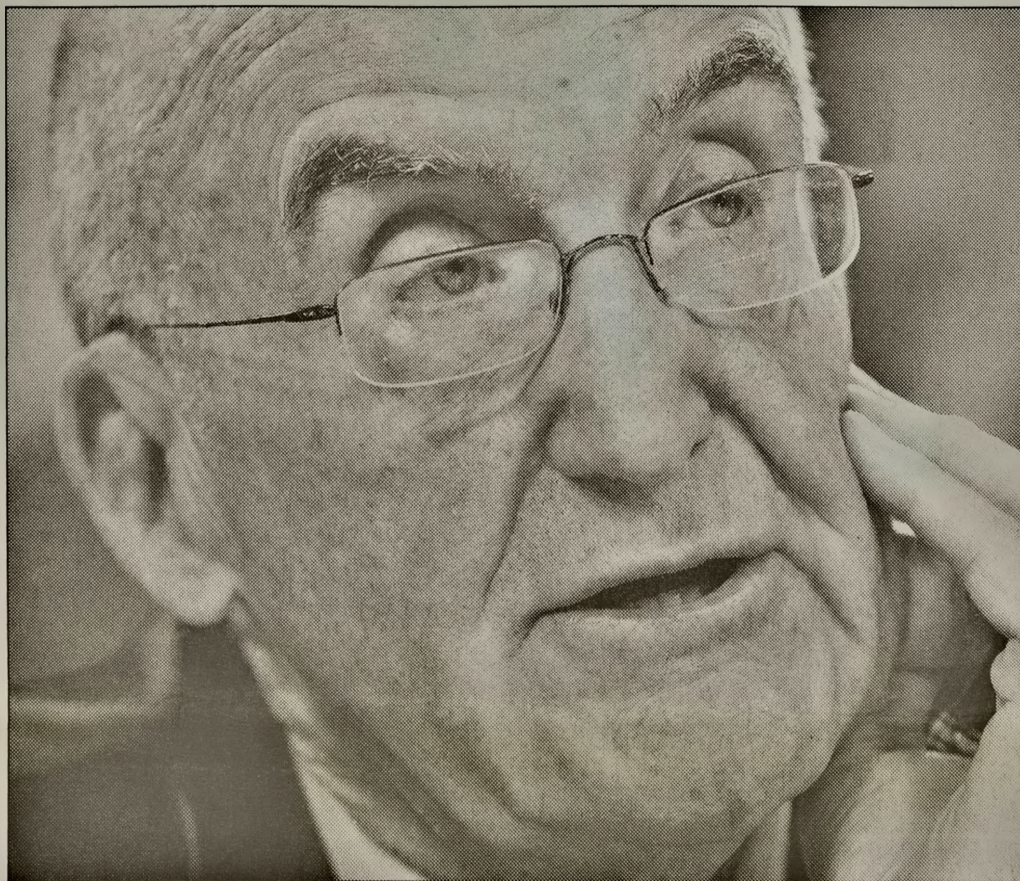
**\$28 MILLION\***

NUMBER OF VOLUMES:

**5**

\*As of March 2009; final figure not available.

- Aviation security should remain with Transport Canada, but glaring gaps that continue to exist should be immediately addressed.
- More vigorous screening and searching of cargo, vehicles and air terminals.
- A public warning system — until now rejected by the Canadian government — should be studied, so that threats to airlines of certain flights could be flagged to air travellers.
- The RCMP is "not properly structured" to deal with terrorism prosecutions and should boost efforts to become more specialized. Major said the government should, perhaps, get the RCMP out of community policing, which it does in eight provinces, because this "reduces" the ability of the Mounties to be a true federal police force.
- The creation of an academic anti-terrorism and counter-terrorism centre to be named after the downed Air India plane.
- Improved anti-terror financing efforts. Major noted the govern-



CHRIS WATTIE/REUTERS

Former Supreme Court of Canada justice John Major lamented the way the families of Air India victims have been treated "as adversaries."

ment has never revoked or deregistered any charity on grounds of terrorism financing.

Inquiry lawyers said the changes would not necessarily incur "astronomical" costs.

Lead commission counsel Mark Freiman said the proposals are not aimed at creating a new bureaucracy, but "we need to find a higher level of decision-making" when the legitimate interests of, say, CSIS and the RCMP collide.

Freiman said a "lack of effective decision-making and information available" was key to the sequence of actions that failed to prevent the

crash.

Only one man, the bomb maker Inderjit Singh Reyat, was ever convicted.

Reyat is also charged with perjury following his testimony at the trial that acquitted two Vancouver businessmen, Ripudaman Singh Malik and Ajaib Singh Bagri.

The federal government paid more than \$20 million in out-of-court settlements reached in 1990 with families who had launched civil suits, but there have long been complaints that some people were left out and others didn't get all they deserved.

## VOICES

"The level of error, incompetence and inattention which took place before the flight was sadly mirrored in many ways, for many years, in how authorities, governments and institutions dealt with the aftermath of the murder of so many innocents."

Former Supreme Court justice John Major

"We thank Commissioner Major for his work and once again extend our deepest sympathies to the families and friends for the loved ones they lost."

Prime Minister Stephen Harper

"This has been, obviously, a very personal and a difficult journey for each of them over the past 25 years. They have carried a burden no one should have to bear."

Public Safety Minister Vic Toews, speaking of the families of the victims

"These terrorist acts represent a form of extremism that has no place in an open, free and democratic society such as Canada's."

Citizenship Minister Jason Kenney

"The reaction I am waiting for... is just hoping these families find some measure of closure from what has been a 25-year nightmare."

Liberal Leader Michael Ignatieff