

**'We recognized it would be the most difficult prosecution in Canadian history. . . . We still seek justice for the victims of this crime.'**

*Geoff Gaul, spokesman for the Crown's office.*

**'If we do not have a successful prosecution in the end, I believe it's essential that there be a public inquiry into the facts of the investigation and the ultimate failing of the prosecution.'**

*Conservative Leader Stephen Harper.*

**'How would one see that justice has been done? Either they got the wrong people or they didn't do due diligence.'**

*Budhendra Doobay, Hindu Vishnu Temple.*

**'I'm totally hollow, feeling anger and sorrow like so many other families. I travelled halfway across the Earth to witness the Canadian justice system, only to find shattered hopes.'**

*Sanjay Lazar, whose family died on Flight 182.*

# 'Late in the day for a public inquiry' Many fear acquittals will say Canada too soft

Twenty-year probe into bombings has little to show, experts say

## Intelligence Services

BY CAMPBELL CLARK, OTTAWA

The civilian panel that oversees Canada's intelligence agency should have conducted a broader review of the Canadian Security Intelligence Service after the Air-India bombings, but it is too late to try to dig up the facts now, the former head of the oversight body says.

Ron Atkey, the chairman of the Security Intelligence Review Committee at the time of the 1985 tragedy, said yesterday that he regrets that senior officials from the Solicitor-General's office talked the panel out of conducting a broad review of CSIS's role in the investigation.

"We took the more cautious route of listening to the Solicitor-General saying 'don't do this investigation because you're going to queer the prosecution.' And I guess with the value of hindsight, sitting in the year 2005, we should have been more aggressive," he said yesterday.

But the lawyer and former Tory cabinet minister said that the most pointed questions have been answered and senior CSIS officials paid the price.

"It's late in the day to have a public inquiry," he said. "I am skeptical that a public inquiry could produce meaningful results, with the dissipation of evidence and the foggy memories and the passing of people . . . involved in the process."

And he noted that one key issue — the destruction of tapes and notes from a CSIS agent's interviews with a key witness — was a well-intentioned but overly rigid compliance with agency policy that cost its first director, Ted Finn, his job.

Calls for a public inquiry only sharpened with yesterday's not-guilty verdict, however, in which the judge pointed to CSIS's destruction of the tapes and notes as ele-



RCMP spokesman Sergeant John Ward, right, listens as Crown spokesman Geoffrey Gaul speaks to reporters after yesterday's verdict.

ments that undermined the prosecution's case.

Evidence presented at the trial indicated that before the bombings, CSIS agents had conducted surveillance on people later accused of involvement in the Air-India conspiracy, without discovering the plot, and that evidence and information in CSIS's hands was not transmitted to the RCMP.

Public Safety Minister Anne McLellan said that changes have made clear the respective roles of the two agencies, and the need for sharing information.

But the case still calls into question the role of CSIS, a body mandated to gather information from top-secret sources that occasionally comes across evidence that could play a role in a criminal case.

Ms. McLellan expressed skepticism that anything would shed new

light on the case now.

Prime Minister Paul Martin dodged the issue. His aides first told reporters in Regina that he would not have time to comment on the verdict in Canada's largest terrorism trial, and then he stopped only to make a brief statement of sympathy for the victims.

"On behalf of all Canadians . . . from the very beginning, our hearts and our prayers have been with the [victims'] families and continue to be with the families," he said.

His reluctance to deal with the issue indicates the politically tricky situation his government now faces as it is urged to call yet another public inquiry to dredge up old problems in the secretive world of anti-terrorism operations.

Conservative Leader Stephen Harper turned up that pressure yesterday, saying it is not good enough

to say the legal process has run its course: "If we're going to fail people that badly, we're going to have to investigate why and provide them answers to ensure we never fail them that badly again in the future."

Yesterday, however, both the RCMP and CSIS were unwilling to find fault with their roles.

A spokesman for the RCMP, Sergeant John Ward, said he's not prepared to admit the investigation was flawed, and that investigators worked hard to present a solid case.

CSIS spokeswoman Barbara Campion said that CSIS agents were following policy in place at the time when they destroyed tapes related to the investigation. The agency used to destroy such records to protect sources.

"Once the transcript is put into a final written report, there's no need to retain the transcript, because it's

in the report. The threat-related intelligence will be in the report," she said. "The service is not an evidence-gathering agency, we're not a law-enforcement agency, and we do not collect evidence for judicial proceedings."

Mr. Atkey noted that the SIRC reviewed that particular issue, and it had caused heads to roll at CSIS.

"In hindsight, yes they did make a mistake in destroying the evidence. It was an operational mistake because it was the early days of CSIS. They were still walking on eggs."

"They were afraid of making a mistake and so they followed one policy where common sense might have suggested they follow another set of policies."

*With reports from Katherine Harding in Regina and Canadian Press*

## The final destination of Flight 182

### The Wreckage

BY ROBERT MATAS, VANCOUVER

Susheel Gupta cannot bear to look at the charred fuselage of the Air-India plane blown up in a terrorist attack on June 23, 1985.

And yet he cannot bear to look away.

His mother was on the aircraft that exploded over the Atlantic Ocean. He turned down a chance last year to view the plane, which was reconstructed for the Air-India trial, fearing it would stir up too many horrid thoughts about her wretched death.

But this week, he braced himself and went to see the aircraft, which has been kept in a warehouse in a secret location in Vancouver. "It was emotionally disturbing," he said afterward.

For many, the reconstructed Air-India plane has become an evocative symbol of one of the blackest moments in Canadian history, a haunting testimonial to the killing of 331 people — two of them by another bomb at Narita airport in Tokyo — in the worst mass murder ever carried out by Canadians.

The RCMP had not anticipated the plane's emotional impact. It had planned to take the structure apart after the verdict and ship the pieces back to India.

But several relatives of the victims have supported a suggestion to keep the reconstructed plane as a memorial to those who died in Canada's deadliest terrorist attack. A tour of the aircraft, offered to family members by the court's victims-services office, has become a required pilgrimage for relatives.

For more than a decade, wreckage pulled from the ocean had been left unattended in a field at an airport in India. The prosecution requested the pieces be sent to Canada for the trial.

Large portions of the aircraft were reconstructed from the wreck-

age sent from India and from panels fabricated to replace missing sections of the plane. Charred passenger seats sit outside the twisted pieces of metal fuselage.

Only those involved in the international terrorism case, news-media members and the victims' families have been allowed to view the aircraft. The court prohibited the media from divulging its location.

RCMP Staff Sergeant John Ward said last fall that the wreckage belongs to the Indian government, which owns the airline, and it would be returned.

"It's their property, and they are entitled to it after the trial," he said. "If they want it back, we'll give it back because it is theirs."

But India might not want it back. The airline told The Globe and Mail that the wreckage belongs to the insurance company that paid a claim after the explosion.

Jitender Bhargava, a spokesman for Air-India in Bombay, said the government-owned airline does not expect Canada to send the wreckage back.

"The wreckage . . . now belongs to the insurance company, as they have already compensated Air-India for the loss of the aircraft. Any decision with regard to the wreckage being used by the victims' families for a memorial would have to be taken in consultation with the insurance company."

However, the insurance company that handled the airline's claim 20 years ago no longer exists.

In response to further inquiries from The Globe, Mr. Bhargava said the parent company of the Indian affiliate that dealt with the claim merged with another company.

So the decision might go back to the Indian government.

George Joseph, consul-general of India in Vancouver, said the government realizes the wreckage is not simply property.

"It involves a lot of emotion, and we would like to do what is least hurtful to people." The government of India has not taken a formal posi-

tion on the disposal of the wreckage, he added.

Dr. Joseph's personal view is that the reconstructed aircraft should be preserved "as a reminder that it should never happen again."

After hearing about the Indian responses to the idea of sending the structure back to India, Staff Sgt. Ward said the RCMP's plans to dismantle the structure are on hold.

"There needs to be a lot of discussion, first," he said recently.

Mr. Gupta does not want the aircraft to be dismantled and sent back. "I'd hate to see it turned into scrap metal," he said, adding his voice to those who support a suggestion to keep the structure as a memorial. "This was not just an act of terrorism against the Indian people. It was against Canadians."

Mr. Gupta was just 12 years old when the Air-India plane was blown up off the coast of Ireland. He went with his father to Cork, where his mother's body had to be identified.

He is still haunted by what he saw. He accidentally wandered into a room holding several bodies that were retrieved from the Atlantic. He also walked into a room with photographs on a wall of the 131 people whose bodies had been found. Near the end of the row of faces, he discovered that of his mother.

He anticipated that he would think about those faces when he eventually saw the reconstructed plane. "I'd walk in there," he said, "and it would bring back all those images."

When he finally saw the twisted and torn metal frame, he was overcome with feelings about the lives that had been so easily wiped out. "It verifies the senselessness of it all."

Complete coverage and more historical features and photographs on the history of the Air-India disaster at [globeandmail.com](http://globeandmail.com)



This photo of a door from the Air-India jumbo jet floating off the Irish coast became a familiar image after the 1985 crash.

## The Sikh Reaction

BY JANE ARMSTRONG, SURREY, B.C.

There were sombre faces, hushed conversations — even angry outbursts — in temples across Vancouver as Sikhs wrestled with the news that two British Columbia men had been acquitted of blowing up Air-India Flight 182.

Twenty years after the aircraft was blown out of the sky killing 329 people, most Sikhs interviewed said they felt only sadness at the news that no one is going to jail.

At the Guru Nanak Sikh temple in the suburb of Surrey, men with white beards and turbans huddled in the basement, faces drawn with worry.

In broken English, they attempted to articulate their anger, even disgust, at the not-guilty verdicts. Many fear the acquittals will send a message to the world that Canada is soft on terrorists.

Others fear the reputation of Sikhism is forever tarnished by the stain of terrorism. And many blamed police ineptitude.

"The Canadian government and the Canadian judiciary is nothing but in favour of the culprits and criminals," said a man who would give only his first name, Harchand. "The victims have no rights in Canada," he added, while others in his circle nodded.

"It's the saddest thing that could have happened," said Mohinder Singh, 68, as he stood talking with friends in Vancouver's Ross Street temple, the oldest in the city.

Another man at the Surrey temple, who refused to give his name, was on the verge of tears. "I think the judge should undergo a psychiatric evaluation," he said.

When he first heard the verdict announced, the man said, he screamed. Later, his shock turned to cynicism.

"This was about money," he said, noting that one of the accused, Ripudaman Singh Malik, is a multimillionaire. "He could afford the very best lawyer."

Others expressed concern about the perception of Sikhism by Canadians.

"We are a peace-loving and non-violent community," said Sadhu Singh Samra, the temple's vice-president.

At the Ross Street temple, Mr. Singh echoed the sentiment, making this appeal: "Most of the people in our community, we are good citizens."

The Guru Nanak temple is dominated by moderate Sikhs and there were solemn faces in every corner.

In his office, Mr. Samra appeared angry at the verdicts, saying he was astonished by them and calling for a public inquiry.

"The question is, if these people did not do this criminal act, then who did it?" he asked.

"Now the families of those 331 innocent people killed in the aircraft do not get any answers for the killing of their loved one. So, there has to be a public inquiry."

Bakshish Ahuja said the terrorists who blew up the flight have forever tarnished the reputation of peaceful Sikhs around the world.

He, too, blamed police ineptitude and called for an inquiry.

"A bomb was placed on an airplane. Who did it? What happened? Somebody had to do it. This tragedy has happened and justice has not been served."

In Prince George, Gian Singh Ehuge, a priest at the Guru Gobind Singh Sikh Temple, said people had been coming in and out to comment on the ruling.

"They are satisfied that what the judiciary has done was done according to the law," said Mr. Singh Ehuge.

"The judiciary found they are not guilty and so they are not guilty. That is what people believe."

Rattan Singh Girm, president of the 2,000-member Akali Singh Sikh Society in east Vancouver, said people in his congregation accept the verdict.

"We don't expect this will divide people," he said.

"But everyone believes this should not end. It should go further to find out the real culprits."