

Bal Gupta

Statement in stage 1

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

Hon. Commissioner Justice Major,

General

My name is Bal Gupta. I am a physicist and engineer, and a Canadian citizen. My late wife Ramwati Gupta was murdered in the Air India Flight 182 (AI182) bombing along with other passengers and the crew.

I am speaking as a sufferer of AI182 bombing. I am also a member of Air India Victims Families Association (AIVFA), which represents close to 80 families with about 160 victims, an overwhelming majority of the known and contactable families affected directly by this tragedy.

I thank the Rt. Hon. Prime Minister, Mr. Stephen Harper to establish this Commission of Inquiry. I also thank my co-sufferers in this tragedy; their continuous untiring collective efforts since 1985 resulted in the establishment of this Commission. Special thanks to those 15 to 20 family members, who have volunteered selflessly their emotional strength, time and money to the collective cause continuously through very difficult times from 1985 to today without seeking any limelight or recognition. They are/were the true leaders; some have passed away. Let me not forget the second generation of family members, who were kids in 1985; they have infused youthful enthusiasm whenever we oldies faltered.

I would like to remember those (about 30) families, which were completely wiped out (husband, wife and all children were murdered) in the bombing of AI182. Let me also remember many next of kin of the victims, who have passed away since 1985 without seeing justice being done in this tragic case; I have personally known at least 15 of them, 3 (Mr. Prakash Bahradwaj, Mr. Satya Kumar Berry, and Mr. Rajendra Sarangi) in the last 12 months. My heart sinks when I remember those parents, who lost all their children in AI182 bombing; they have been forced or will be forced to spend their twilight years without the shining lights of their lives. Special tributes to those kids, who have grown without their mother, father, or both parents.

The facts are very grim. In AI182 bombing 329 persons were murdered, most of them Canadians; 29 families were completely wiped out; 32 families had one spouse left alone; 8 couples lost all their children; and 2 children lost both parents. And the perpetrators of this heinous crime conceived and executed in Canada on Canadians are still roaming loose, free to commit more terrorist acts.

I expect this commission to get answers to the questions raised in the terms of reference, namely first to find deficiencies in the Canadian intelligence system, investigative system, judicial system, and some of the legislation, which led to the failures in

preventing this tragedy, in investigating the crime, and in bringing the criminals to justice, and then suggest remedial steps to prevent recurrence of similar tragedies.

My Story

My late wife Ramwati Gupta (Rama) was a jolly, loving and family-centred person. In June 1985 we had been married for over 20 years with two sons 12 and 18 years old. Ramwati was working for Sears as a compactor/book-keeper/clerical worker. As a mother and wife, she was the central pillar of our family. She lived every breath of her life for her family. Even casual acquaintances were always welcome just like her own family members in her house.

To her husband, she was a source of unwavering support and wise counsel through thick and thin. She kept her otherwise impatient, excitable, and overactive husband in line, by always reminding him to be patient and to smell the roses on the way. She always taught her sons to do their best and to remember that two wrongs do not make right. Her parents loved her as their eldest child and listened to her counsel. To her siblings, she was there with support and valuable advice whenever needed.

After coming to Canada we visited our relations in India every 4 or 5 years. It was 4 years after our last visit to India in 1981 and we had planned to take our periodic trip to India in 1985. Before and around June 1985 there were widespread rumours in the Indian community warning against travel on Air India, which provided a weekly convenient same-plane flight to Delhi. Air India was also known to have an excellent security system, second only to El Al. Our whole family had confirmed seats to go on Air India flight two weeks later on July 6, 1985. The family was on the waiting list for the earlier weekly flights. Fatefully, one seat became available on this flight on Monday, June 17, 1985. The ticket was purchased on Tuesday, June 18, and Ramwati took this flight on June 22, 1985, so that she could spend two extra weeks with her parents. Rest of the family was to fly to India two weeks later. But that was not to be.

At about 6 pm on June 22, 1985 at Toronto airport, my two sons and I said 'bye' to my late wife, who was leaving for Delhi on AI182. We also saw members of three other families off, whom we met at the airport: (1) wife, son, and daughter of a colleague, Dr. Radhakrishna, (2) whole family of a close friend Shyam Sharma (himself, his wife Sumitra Sharma, and their three sons), (3) whole family of a friend's cousin (Rajesh Gupta, wife, son, and daughter), who had come from Cincinnati to catch the flight.

On June 23, I was awakened at about 5:30 a.m. by a phone call from a very close friend, whose radio alarm went off at that time. He told me to listen to the radio. The news shattered our little world. My sons and I went to our place of worship in our home to pray. Then I called some newspaper offices, who confirmed that there were no survivors expected.

I could not gather courage to call my brother in Delhi and instead asked my niece in Baltimore to do so. My brother was busy in a close friend's daughter's marriage

ceremony. My nephew Anil had just returned after buying garlands to welcome his loving auntie, when he picked the phone, and got the sad news. He was sent to inform Rama's parents in a city 90 km from Delhi. Rama's father was eating his dinner, and asked, "When is your Auntie coming?" Anil said, "Soon." After the dinner, Anil relayed the sad news to Rama's parents.

In Toronto at daybreak friends began coming, as did members of the media. The Government of Canada did not set up any information line and did not offer any other administrative or emotional help immediately or any time thereafter. Instead we heard that Prime Minister Brain Mulroney sent condolences to Indian Prime Minister Rajiv Gandhi.

Air India set up an information phone line and kept its offices open on Sunday. It was the only source of information. Air India offered to take two members from each family to Ireland as soon as possible. On June 25 around 9:30 pm, I and my younger son Susheel took an Air Canada flight to London with 5 - 6 other AI182 victims' families (families). My younger 12 year old son Susheel insisted on going with me. I talked to his pediatrician, who advised me to honour his strong desire. Susheel was the only child, who had come to Ireland. After a stop-over in London, we took an Aer Lingus flight to reach Cork around 6 or 7 pm on June 26. At the Cork Airport, there were one or two nuns and the Indian Ambassador's wife Razia Doshi, who tried to make grieving family members, some openly crying, as comfortable as possible. Mrs. Doshi personally received every family member arriving at the Cork airport. If there are any medals, she deserves one.

Air India arranged for families to stay in hotels spread up to 30-40 km around Cork. My son and I stayed in Muster Arms Hotel in Bandon, with about 6-8 other families.

The next morning on Thursday, June 27, we were taken to Cork Regional Hospital, the centre of all AI182 activity. It was a scene of "controlled chaos" with immense grief and emotional turbulence of oceanic proportions. The Irish were very organized. Families were taken one-by-one into a large room; every family was met by a nun, who offered moral and emotional support to openly crying grown up men and women, along with coffee/tea and vegetarian snacks. The Garda sat at tables with enough distance between the desks to ensure some privacy. They recorded physical descriptions (height, weight, identification marks, clothes, ornaments etc) of our loved ones. I gave a description of my wife and also of the members of the Sharma family as I saw them at Toronto airport.

Every Irish person, from men and women on the street to taxi drivers to nuns to Garda to nurses to doctors, was giving every possible physical and emotional support to the families. In addition to the Irish, there were Indian and American embassy staff to help the families, but no Canadian embassy staff were seen on the site. That evening in an interview with CTV news, I expressed my great dismay and anger that no Canadian staff were present to help the Canadian families. That interview was aired at 6:30 pm news in Canada. On Friday, June 28, we saw some Canadian officials on scene for the first time.

The grieved families were getting restive as the body identification process had not begun. We were told that the identification process would start only after the completion of forensic examination of all bodies. Only 131 of 329 bodies were recovered; one more body was recovered later in/around August 1985. Of course every day more grieving family members were arriving.

On Saturday, June 29, families were taken by buses to Dunmanus Bay to pay homage to departed family members. We were dropped back at our hotel in the late afternoon. As I entered the hotel, the receptionist gave me a message to come to the hospital. In the hospital I was told that a body matched my wife's physical description. It turned out to be the body of Mrs. Sumitra Sharma, my friend Shyam Sharma's wife. I phoned Mr. Sharma's brother in Delhi to tell about it.

On Sunday, June 30, finally pictures of the retrieved bodies were put on a wall of a big auditorium. I found my wife's picture there. Her face was intact except for a cut on her face. I identified the picture of Dr. Radhakrishna's wife, but couldn't identify his children. I could also identify pictures of Mrs. Sumitra Sharma and her three sons. Some bodies were in very injured shape, others were just parts of body wrapped in cloth.

The body identification process was very well organized. The same pair of Garda, who had taken information about my late wife, discussed the forensic description of the body and compared it with my earlier description. Then they us showed us shredded pieces of clothes and two rings found on my wife's body. Finally they took us into a makeshift morgue and showed us the body. My son and I spent a few minutes of prayerful silence alone with the body of my wife.

That night Susheel developed a fever. Next morning on Monday, July 1, I left him in the hotel under the care of other families and went to the hospital to start the paper work required to take the body to Delhi. Nurses, who saw me alone, inquired about my son, and phoned a doctor near the hotel to check on Susheel. We left Ireland on July 3 with my wife's body in the plane, changed plane in London, and reached Delhi in the early morning hours on July 4. The entire extended family, relations and friends were there in Delhi. The cremation ceremony took place around 11 am on that day on the banks of holy river Yamuna. Around 2 pm on the same day, I attended the cremation ceremony of Mrs. Sumitra Sharma (wife of my friend Shyam Sharma) and her three sons. Two days later, we took my wife's ashes to the Ganges River. After completing all rituals, on July 14 we came back to Canada, where my elder son Suneel was still alone in Toronto.

After coming back to Canada, I learnt that the complete family of another colleague (Sharvan Sharma) from my company, Ontario Hydro, was wiped out. Also another friend (Balvir Singh), who was my former colleague from my teaching days at Delhi University, and was then in 1985 a Professor at University of Toronto, was on the same flight with his wife and all children.

There were so many formalities to deal with - CPP, pension, insurance RRSP, bank accounts, probate and wills etc. My wife's employer, Sears Canada, had been informed

of her death. I still hold onto the 9 Sears shares that I received upon her death out of their deferred profit sharing plan. I hold the shares as a legacy for sentimental reasons. There was no emotional, psychological, physical, or administrative help or grief counseling, or guidance from any Government agency.

While in Ireland, I promised to myself (I may have talked about it to media, I do not remember) to help any and all families through mutual co-operation as long as needed. The families got together, got information on each problem one by one, and shared information with each other. For about a year the Toronto families met at every weekend, for few weeks at Queens Park, then in Fairview Mall Library, then Richview Library, then my house or somebody else's house to discuss and solve common problems and grieve together. Later the families met monthly, and then on 'as required' basis. We also kept in touch with families in other parts of Canada, USA and even India through word of mouth and a phone chain.

The legal wrangling with lawyers over the settlement agreement was very taxing. In the civil case the Canadian government worked at each stage to use their "stick" of Crown privileges against the families. In the end, the families were left with no option but to accept trivial (in my opinion) settlements in 1991. The Canadian Government made very little contribution to the total settlement package put together by the defendants.

My elder son joined University of Waterloo in September 1985 and my younger son was with me in Toronto. There was no emotional or psychological support or counseling from any Government or private agency. I became the cook, cleaner, father, mother for my boys, while performing my professional duties as a research engineer at Ontario Hydro. I had to put my professional career ambitions on hold.

My younger son went to University in September 1990. After that my sons persuaded me to consider getting remarried. In March 1992 I married a wonderful lady, who is not only my caring companion and rock solid support, but also a trusted friend and advisor to my sons and daughters-in-law.

Since that fateful day in June 1985, my sons and I have suffered immeasurable pain and suffering. My late wife's parents never recovered from the loss of their eldest child till their deaths in 2003 (mother) and 2005 (father). Her younger siblings (two sisters and a brother) have missed her advice and guidance at all major steps in their lives. All happy occasions (e.g., my sons winning a game, passing examination, getting award, getting married; I getting a promotion, award, or recognition) have been tainted by an underlying pain. We have cried internally, even when we laughed on the outside.

Other families have been suffering similar pains and problems, which I have sometimes discussed with them. About 10 families have left Canada to cope with their shattered lives in India. At least two professionals from Ottawa, who were left alone, are running schools and other charitable institutions in India. The pain and suffering of thousands of relatives and friends continues. Even today many families are finding it hard to cope with the economic, physical, and emotional aftermath of the tragedy.

In the absence of any help or counseling from the Government, the families shared each other's pain and helped each other as much as possible. Families could phone each other to grieve together or discuss any administrative issues. I had made myself openly available to any family member for this purpose. Let me give few examples without giving names.

In late 1986 or 1987 the families received the first offer in the civil case from Air India. The offer was ridiculous and our lawyers advised everybody to reject it. One day very early in the morning, I woke up to a phone call from a distraught mother crying on the phone and saying, "Bal, am I to bargain for the price of my children? Am I not selling my children after death?" I was on the phone for over an hour to pacify her and to explain and to convince that it was not so. Another time, before the expiry of six months time limit after the tragedy, I came to know that one person, who was left alone (lost rest of the family), was not willing to file the papers for the civil claim as there was no purpose in life left any more. I called this person, spent hours on phone pleading with this person to file the claim papers. I checked few days later to confirm that it had been done. Another time, a grown up family person arrived at my house about an hour and a half before the meeting time for the families. On my asking "How are you?", this person burst open with tears stating the problems the family was having domestically because of the grief and frustration caused by the tragedy. In 1991 after the settlement of the civil case, the lawyers were returning some money to all family clients. One person, who changed residence, and got unlisted phone, was not traceable. The lawyers called me for help in locating this person. I knew the profession of the person, called quite many friends working in the same profession, who helped me in locating this person through professional association directories. Do not get me wrong, it was a two-way process. At other times, I also could open up to discuss with other families my own emotional problems and frustrations. Getting involved with each other's pain and grief has helped me to manage my own pain, grief and suffering.

In June 1986 at the inauguration of the Air India tragedy memorial on Dunmanus Bay in Ahakista, Ireland, Hon. Joe Clark, then Minister of External Affairs stated that the Canadian Government would not rest till the culprits behind this heinous crime were brought to justice. However, it proved to be a mere hollow promise; no progress was made in the criminal investigation and no inquiry was held or promised for years and years thereafter.

Families have worked very hard to keep together. We were and are a diverse group brought together by a tragedy. We started informally the AIVFA (Air India 182 Victims Families Association) in 1987. I have had the dubious and unfortunate honour of being its Coordinator till August 2005, and then it's Chair since August 2005. On one hand, this togetherness helped families in coping with the pain and grief as stated above. On the other hand it helped the families in dealing with the Government collectively.

Right from beginning we asked for effective investigation and prosecution of the culprits and for an inquiry into Air India 182 bombing. We met many MPs from all parties,

demonstrated in front of the parliament, petitioned the parliament, got questions raised in the parliament by members of different parties. No Government official or minister ever contacted any family to communicate about any progress in any investigation for about 8 years. Families tried to meet the Prime Minister, the Solicitor General, the RCMP Commissioner directly or through persons like Hon'ble John Nunziata, Allan Redway, and/or Audrey McLaughlin without any success. The standard answer in the Parliament or outside was "An investigation is continuing and no purpose will be served by such a meeting". No inquiry was promised and no responsible minister or RCMP officer apprised the families about the state of criminal investigation. Often we the families felt like being treated as second rate citizens.

I and few other families met late Mr. John Bassett, then head of SIRC, twice at his invitation in his Toronto office. He said, they (RCMP) knew who the culprits were, but they lacked evidence to convict the culprits.

On June 23, 1988, the families had a demonstration in front of the Parliament. I joined the Ottawa families in this demonstration. Sadly Dr. Yogesh Paliwal, who was one of the organizers had a fatal heart attack in the morning of that day; Dr. Paliwal had lost his younger son in AI182 bombing. The demonstration took place as planned.

In June 1993, Hon. Herb Gray (then Solicitor General) called some family members for a meeting in his office in Ottawa. Mr. and Mrs. S.K. Berry and I from Toronto and 3-4 families from Ottawa attended the meeting. RCMP officials were present. Mr. Gray did not promise an inquiry. RCMP were instructed by Hon. Herb Gray to meet the families periodically and apprise them of the investigation. First few meetings were held in Ottawa and were attended by Mr. S.K. Berry, Mr. Kalyan Harpalani, and myself from Toronto and families from Ottawa. Later the families have met RCMP and then the prosecutors periodically in different cities. We later came to know that the investigation was a dead end in 1995, when it was restarted by a new group of RCMP investigators. This finally led to the conviction of one person on relatively lesser charges and acquittal of two other accused persons.

Even before the trial verdict came out on March 16, 2005, and also after the trial verdict, families had always asked for an inquiry into AI182 bombing. The Inquiry was refused by the Government of the day. Families had a difficult uphill struggle following the trial verdict in March 2005. On April 7, 2005 the Parliament passed a private member's bill asking for an Inquiry supported by all opposition MPs as well as five Liberal MPs. We the families thank all Hon. MPs, who supported the bill. This forced the Prime Minister to recognize publicly that AI182 bombing was a Canadian tragedy. An eminent person, Hon. Mr. Bob Rae, was appointed to examine if any questions remain unanswered. Mr. Rae confirmed that the questions families had asked for years were real questions, and they had to be answered. I thank Mr. Rae for his report "Lessons Learned". Finally the Rt. Hon. Prime Minister Stephen Harper ordered an inquiry under the leadership of Your Honour.

My Expectations from the Inquiry

Your Honour! We have cried enough since 1985 and we have had enough sympathy messages from many many persons and organizations. Tears and sympathy are not enough.

The families and the Canadians at large hope that this Commission will be able to (1) point out clearly which deficiencies and problems in many areas outlined in the Terms of Reference of the Inquiry existed before, around and following the Air India tragedy, (2) point those deficiencies and problems which continue to exist even to-day, and (3) suggest remedies to prevent recurrence of similar tragedies in future.

Let me elaborate certain questions to be answered in different items under terms of reference, not exhaustively and not necessarily in order.

a. Why this was this tragedy not prevented (item b-1 in Order in Council)? – Surveillance on suspects was suspended just few days before the tragedy. Before and around June 1985 there were widespread rumours in the Indian community warning against travel on Air India and Air India had asked for increased security. There were prior warnings to authorities from various sources from within and outside Canada including FBI (shown on CBC). A CSIS mole was reportedly in contact with conspirators, but he was withdrawn days before the tragedy. A former CSIS director (Mr. Morden) stated in 2003 something like “ In this case CSIS dropped the ball”. Unaccompanied baggage carrying the bombs was processed. (also item b-7) Luggage screening systems were not functioning (also item b-7). There was a breakdown in co-operation/communication between CSIS and RCMP (also item b-2).

b. Why it took about 20 years to bring accused to court? Investigation hit a dead end in the first 10 years and was restarted in 1995; Why? Was it political lack of will, perceived ethnic problem, incompetence of investigating agencies, lack of co-operation with community, incapability to handle intimidation, murder of two potential witnesses in (Tara Singh Hayer) Canada and (Tarsem Purewal) in UK, lack of trust of the community in investigating agencies, lack of tools, training, resources to handle such investigation? (items b-2, 3, 5).

c. Why, how, under whose orders and by whom crucial tape evidence was destroyed in CSIS? Who were the deficient persons/agencies? Was there a mole or saboteur in CSIS? Was it insensitivity or internal sabotage/conspiracy? (items b-2, 3)? There is evidence in two court cases, one in USA and one in Canada, that the same thing, destruction of evidence, happened in January 2001 and March 2005. A US judge remarked something like “This seems to be the Canadian way of doing things”. I have given the specific news article to one of the Commission counsel.

d. Are there problems in the justice system in handling effectively and fairly terrorist cases of this magnitude (item b-6)? The prosecution of AI182 bombing case was affected by time delays, intimidation of witnesses, disclosure rules for defense and prosecution.

There were several significant errors of fact in the verdict. A three judge panel may be more credible in such cases than the opinion of a single judge. I am speaking as a layman. There is a precedence in the Pan Am flight 103 trial.

e. Did problems in aviation security arrangements contribute to the tragedy (item b-7)? The answer seems to be yes. Luggage interlining rules were broken. Unaccompanied luggage went on plane. X-ray machines failed. And these problems are occurring even today. Just last week, an Air India flight was turned back to Pearson airport because of a suspicious package found in a washroom; it reportedly turned out to be a package of cutting tools. How did they get in the plane?

f. How to stop financing of terrorism (item b-4)? Terrorism is a fact in Canada. And terrorism and terrorists needs financing. Choking the supply of funds can be effective in stemming terrorism. Adequate laws are needed to do that. There should also be some scrutiny of large funds used for defense of terrorists. Where the funds come from? Also vote hungry politicians, who participate in some functions organized by terrorist organizations known to CSIS, often conducted in ethnic languages not understood by the politicians, indirectly encourage the terrorist activities. CSIS probably knows about the organizations involved in terrorism. The politicians of all parties have to find a way not to encourage terrorism even indirectly.

g. AI182 bombing occurred in 1985. The Canadian Government enacted the Anti-Terrorism Act after the 9/11 in USA. Why? Also the organizations involved in AI182 bombing were banned in Canada only after they were banned in USA. Why? Has it not encouraged a culture of violence and intimidation (item b-5) of the community?

Although it is not strictly within the Terms of Reference, I would like to see some "friendly advice" by the Commissioner to the Government about how to treat victims' families in terrorism related cases as also of the need for an automatic establishment of a commission of inquiry into such cases. We would not like any victims of terrorism to be treated the way we were treated.

Concluding Remarks

The Government of Canada recognized in the order-in-council (items f and g) that the families of AI182 victims can make a very significant and meaningful contribution to the success of the Commission. This was confirmed by Your Honour in the opening statement on June 21, 2006. I sincerely hope that the Commission will engage and embrace the families to contribute to the Inquiry proceedings.

Your Honour!, many skeptics among the victims' families as well as other Canadians at large, have told me pointedly of the numerous failures of the Government in dealing with AI182 bombing over the last 21 years. They openly state that nothing useful will come out of this Inquiry. As the Commissioner of Inquiry, Your Honour has a challenge to prove these skeptics wrong. Terrorism and terrorists are here in Canada; it has become a worldwide phenomena. The facts you find about any deficiencies in relevant Canadian

agencies and legislation in dealing with AI182 bombing and the remedial steps you suggest will have a long term impact. The Commission's findings and recommendations may start a recovery from the loss of faith in the capability of Canadian Government in preventing terrorism and dealing with the aftermath of terrorist acts. I hope we do not have to deal with such acts in future. The Commission's findings and recommendations, if accepted and executed by the Government, may deter some dubious religious preachers from becoming hawkers of hatred and prevent them from turning our houses of worship into temples of doom.

My sincere thanks to Your Honour for patiently listening to an unfortunate victim's husband.

Bal Gupta