

**Our dad has been found to be innocent.  
Our justice system is based on the  
principle of innocent until proven guilty.'**

*Family of Ripudaman Singh Malik.*

**'They've gone through the system, and  
the judge found them not to be guilty. So  
the community is accepting the decision.  
. . . We live in Canada, so we followed  
Canadian laws.'**

*Harinder Singh Sohi, Khalsa Darbar Sikh.*

**'From the very beginning, our hearts and  
our prayers have been with the families,  
and continue to be with the families.'**

*Prime Minister Paul Martin.*

**'The government needs to be held  
accountable for this betrayal.'**

*Lata Pada, who lost her husband on Flight 182.*

# Relatives of blast victims want probe into disaster

## Trial Aftermath

BY ROD MICKLEBURGH, VANCOUVER

Bitter and heartbroken by yesterday's stunning acquittal of two fundamentalist Sikhs in the Air-India bombing, relatives of the 329 victims of the explosion issued an emotional demand for a public inquiry into all aspects of the tragedy.

Brushing aside their tears, they angrily denounced the verdict as a travesty of Canadian justice that has allowed terrorists to walk free. They further charged that the bombing plot itself might have been prevented but for police bungling.

"This was not an aviation accident, not an in-flight incident. This was murder, pure and simple . . . the worst case of mass murder in Canada," Ottawa lawyer Susheel Gupta, whose mother was among the victims, declared.

"If the murder of 329 people, including over 200 real Canadian men, real Canadian women and real Canadian children, as a result of failures in the system does not deserve a public inquiry, then what does?"

They were scathing of Deputy Prime Minister Anne McLellan for suggesting that a probe would uncover little not already known.

Speaking to reporters soon after the verdict, Ms. McLellan said: "At this point, it's not possible for me to say . . . that there would be a benefit. . . I would have to be convinced that there is anything further after 20 years and this trial that is not on the public record that we can learn from."

"I am appalled that she would say something like that," said Lata Pada, who lost her husband and two teenage daughters.

There were "unforgivable lapses in the system" long before the trial took place that need to be investigated, she continued. "The government needs to be held accountable for this betrayal. . . . The deputy minister's response is totally irresponsible and premature."

Visibly agitated, Shushell Gupta's father, Bal, said an inquiry is needed,

not for the victims' families but for all Canadians.

"Don't express pity for us. We have had enough of it. We have cried enough for the past 20 years. But if the politicians do not wake up, and I never thought I would say this, then what the Americans have called Canada is right. The politicians are making Canada a haven for terrorists."

The bombing victims' family members made their statements at a news conference where they struggled with conflicting emotions of grief and anger.

Rattan Singh Kalsi, 75, held up a picture of his daughter, Indira, forever 21. Moments after the not-guilty verdicts were announced, he had wept in the courtroom.

"There is another, higher court, God's court," he said. "They [the accused] will be punished there. Saying this may cost me my life, but I am not afraid of those guys who brought the flight down."

Marianne Loughheed's brother Donald died in the explosion. She said she is devastated by the acquittals. "This is a victory, a victory for terrorism in Canada today, and that's really sad. Guilty people are walking our streets."

Then, she said simply: "Rest in peace, Don. I love you," before leaving the podium in tears.

Sanjay Lazar was orphaned by the bombing, and lost his three-year-old sister as well as both parents. He travelled from Bombay for the verdict.

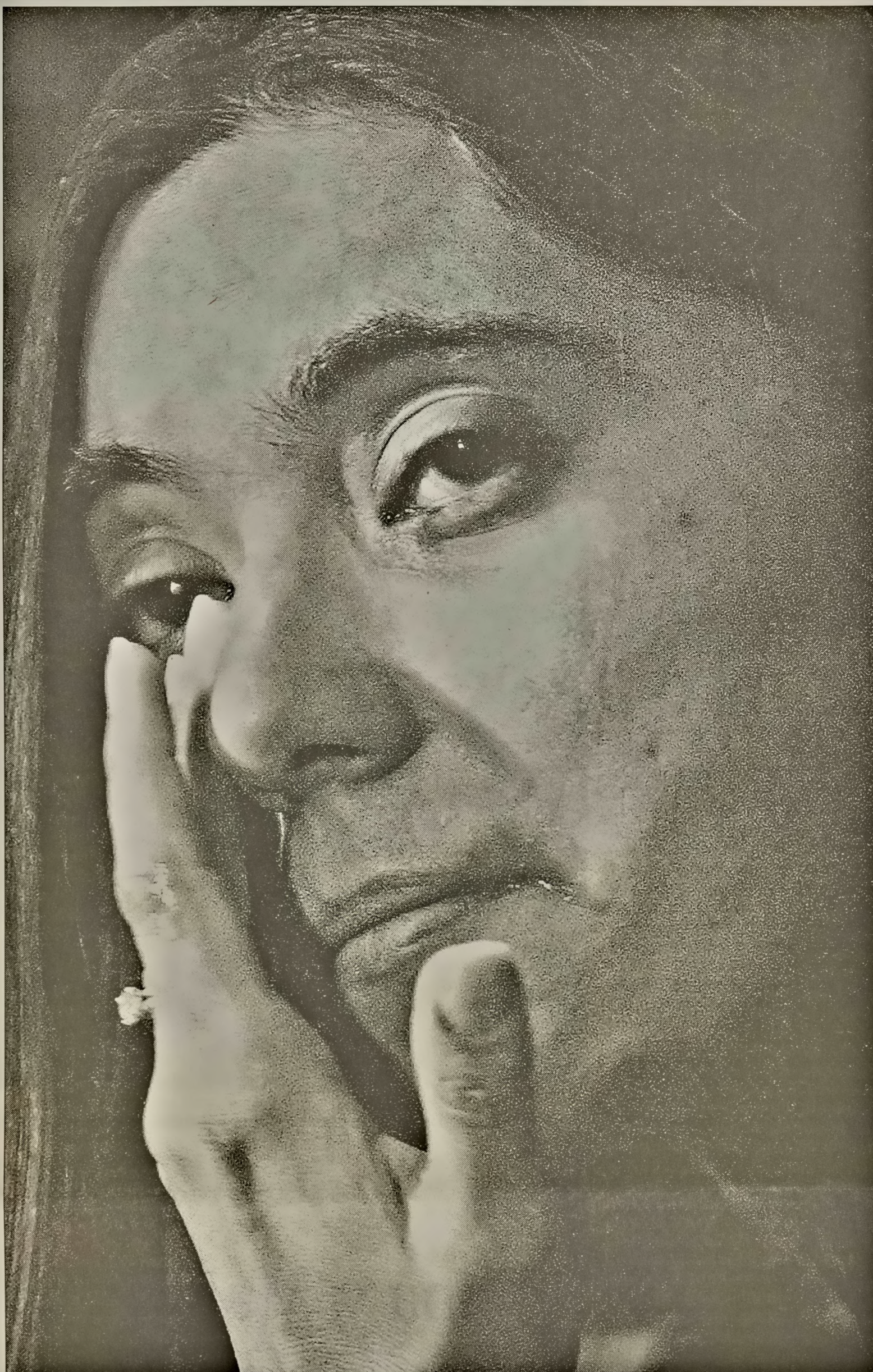
Like those in so many other victims' families, he had hoped for closure. Instead, closure went to the other side, the families of the two accused, Ripudaman Singh Malik and Ajaib Singh Bagri.

"We have lost our families all over again," Mr. Lazar said, "this time to the Canadian justice system. Perhaps today, the last bit of dignity has been stolen from us. I feel nothing but anger and sorrow."

"I travelled halfway across the world to witness Canadian justice, only to have my hopes shattered."

Many were shocked and numb with disbelief.

"We all tried to prepare for the worst, and this is it," said Natasha



JOHN LEHMANN/THE GLOBE AND MAIL

**Mansi Kinworthy of Los Angeles, who lost her mother, aunt and cousin in the airliner bombing, weeps during a news conference after the verdict in the Air-India trial was handed down yesterday.**

Madon, who was just 5 when her father was killed. "I don't understand it. I'm completely shocked."

"We had the opportunity to address international terrorism. The entire world was watching to see how we would do, and now it's another embarrassing result for Canadians."

In calling for an inquiry, family members noted numerous police

failures, including ending surveillance of some suspects a few days before the bombing, the shrugging off of a preflight test explosion in the woods, a breakdown in communication between the RCMP and CSIS and the erasure of hundreds of taped conversations between individuals suspected of being involved in the bombing conspiracy.

Conservative Leader Stephen Harper endorsed the need for an inquiry. "The serious questions that have been raised about the investigation into the bombing deserve to be unequivocally answered for the sake of the victims and their families," he told reporters in Ottawa.

*With a report from Campbell Clark*

# Where's the justice? There is justice



**Christie Blatchford**

A two-decades-old case with the best evidence long destroyed by agents and bureaucrats of the victims' own government; a passel of disreputable witnesses motivated by naked self-interest, few of whom could be relied upon to accurately report even the time of day; an alert group of surveillance-aware, careful suspects from an immigrant community that once was largely impenetrable: *That's* what made up the Air-India prosecutorial case.

No wonder it collapsed in ruins yesterday, a few months shy of 20 years after Air-India Flight 182 blew up over the Atlantic Ocean off the coast of Ireland, killing all 329, most of them Canadians, who were aboard.

It might seem, at first blush, to be a monumental failure of this country's criminal justice system.

And there was failure, but it came in the months immediately before and after the bombing and chiefly at the hands of the then-rookie Canadian Security Intelligence Service, which had been conducting electronic surveillance of the late Talwinder Singh Parmar, the man acknowledged as the mastermind of the bombing

plot, and then systematically destroyed the evidence almost as fast as it came in.

All but 54 of the 289 tapes made of calls to and from Mr. Parmar's home were being routinely erased, even after the bombing, while CSIS brass continued to stall requests from the Royal Canadian Mounted Police for help. Most of those tapes were never transcribed properly, let alone verbatim.

CSIS came under scrutiny two years ago, when Michael Code, one of the lawyers for Ajaib Singh Bagri, successfully argued before Mr. Justice Ian Bruce Josephson that the agency's conduct constituted state negligence, and that because Mr. Bagri was only infrequently mentioned on the tapes, and then only peripherally, they would have helped prove his innocence, and that because they had been erased, he was handicapped in offering the robust defence guaranteed by the Canadian Charter of Rights and Freedoms.

It was a telling ruling — not because it proved pivotal in the result, but because it spoke so directly to the sow's ear that was the Crown's case against Mr. Bagri and his co-accused, Ripudaman Singh Malik, and the long, hard road that would be the prosecutors' path in trying to turn this thing into anything resembling the proverbial silk purse.

The Crown's theory was that Mr. Bagri was involved in the Air-India conspiracy by taking the two bomb-laden suitcases — one downed Flight 182, the other ex-

ploded 54 minutes earlier in the baggage handling area of Tokyo's Narita airport and killed two Japanese baggage handlers — to the Vancouver airport. The evidence against him consisted of motive, testimony of two key witnesses (Mr. C and Ms. E) about allegedly incriminating statements, and evidence of his association with Mr. Parmar.

With Mr. Malik, the Crown's theory was that he organized and financed the entire operation, with the core of the case against him depending on an alleged confession he made to a former employee and friend, one Ms. D.

To say that Judge Josephson found these three critical witnesses — Mr. C and Ms. E and D — not credible is to monumentally understate his findings.

Mr. C received \$300,000 (U.S.) from the RCMP, ostensibly to provide him with the funds for security, but practically speaking, for his testimony at trial — and, on the very eve of his testimony, he tried to bargain himself another \$200,000.

He was an acknowledged member of the extremist Deshmeh Regiment who had assisted two fugitives to escape from New Orleans after they attempted to assassinate a visiting Indian dignitary; he became an FBI informant largely to secure his immigration status in the United States; in addition, the judge found, his evidence was evasive and internally inconsistent. He is "an individual driven by self-interest."

Ms. E fared little better. Orig-

nally, she told a CSIS agent that the night before the bombings, Mr. Bagri appeared at her home unannounced, seeking to borrow her car and saying that although he was going to the airport, only the bags would be making the trip.

But at trial, she "feigned" memory loss, Judge Josephson found.

Ms. D, despite cloaking herself as someone who looked up to Mr. Malik and dearly loved him still, was motivated by animus and a desire for revenge. The judge found that in one instance, she "created a false confession" from Mr. Malik, that in another, she drew freely from a book about the crash and other information widely in the public domain, and that in a third, her evidence was utterly "unsafe" to rely upon.

And those are just the most important witnesses. Others, who might have offered corroboration, were also found lacking, including one man who claimed to have come forward to the police because of his "conscience," but who took 19 years to do so — and did so immediately after threatening to physically harm Mr. Malik for allegedly leading him to financial ruin.

They were, in short, a witch's brew of nightmarish witnesses, a group prone to glib, florid and sometimes bald-faced lies when caught in inconsistencies.

As Judge Josephson wrote in the final conclusion of his 218-page reasons yesterday, "I began by describing the horrific nature of these cruel acts of terrorism, acts which cry out for justice. Justice is

not achieved, however, if persons are convicted on anything less than the requisite standard of proof beyond a reasonable doubt.

"Despite what appears to have been the best and most earnest of efforts by the police and the Crown, the evidence has fallen markedly short of that standard."

Given the anguish his decision is bound to inflict upon the families of those who died, given the outrage that swirling around the sight of Mr. Bagri and Mr. Malik walking free after all this time and all this money, this was a decision, as someone smarter and better-positioned than me remarked yesterday, that was born in enormous judicial courage.

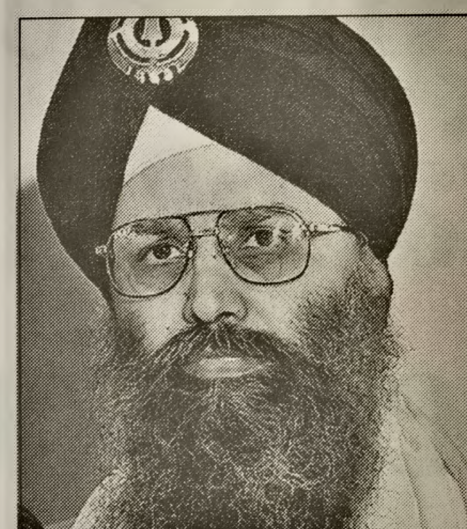
Anyone reading the judge's reasons would have to agree, however sadly: You wouldn't want to convict the guy next door of breaking a window in your house on the testimony of this shabby bunch.

Where's the justice, was the cry yesterday. The answer is, this is justice — accused persons being acquitted because the case wasn't made out against them by the Crown. A lawyer I know remembers a bar admissions course taught by the legendary Eddie Greenspan, who spoke of his first murder trial, and walking into the courtroom to see his client in the prisoner's box. "You don't think, 'Gee there's an innocent man' " — not even a defence lawyer.

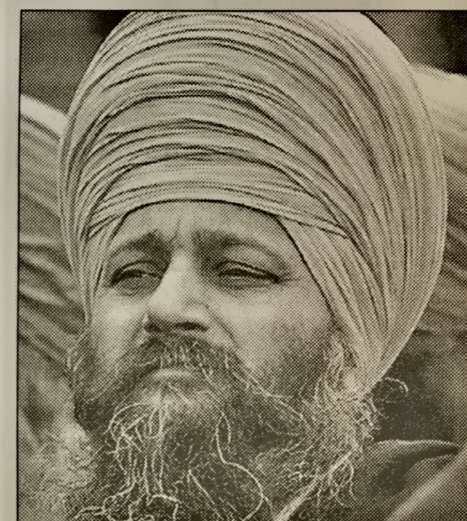
But that's who sits in the prisoner's boxes of the nation, and thank God for it.

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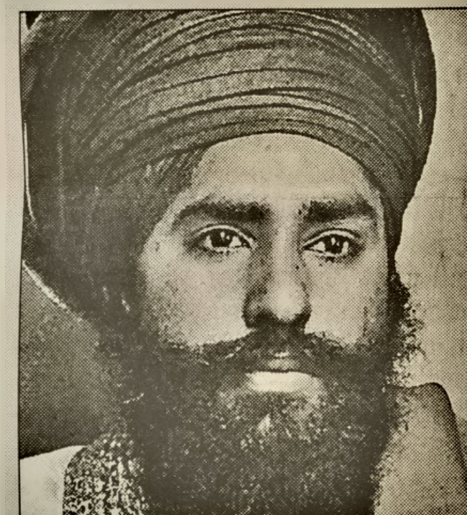
## Key figures



**Acquitted:**  
**Ripudaman Singh Malik**  
Millionaire businessman alleged to be the financial backer of the plan to blow up Air-India planes. Has been heavily involved in charitable work in the Sikh community, founding the Satnam Trust in 1981 and later helping to set up the Khalsa Credit Union and the Khalsa Surrey School.



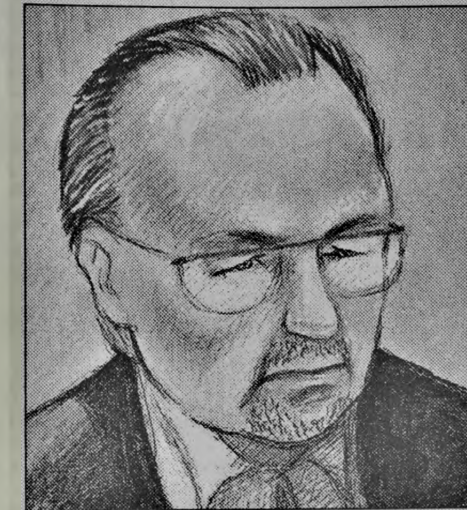
**Acquitted:**  
**Ajab Singh Bagri**  
Fiery preacher and Kamloops, B.C., sawmill worker who called for the deaths of 50,000 Hindu "hell dwellers" as payback for Hindu-led Indian government's decision to send troops into the Golden Temple in Amritsar.



**Alleged mastermind:**  
**Talwinder Singh Parmar**  
The alleged brains behind the Air-India bombings, Mr. Parmar was the religious leader of Babbar Khalsa, a militant Sikh separatist group, who came to Canada in 1970. Arrested in 1985 in connection with the attack, but released without charges being laid. He was killed by police in a shoot-out in Punjab in 1992.



**Serving time:**  
**Inderjit Singh Reyat**  
Baptized Sikh in India when he was 16, Mr. Reyat came to Canada in 1974. In February, 2003, received a controversial five-year sentence for his role in the downing of Air-India Flight 182, having already served a 10-year sentence for the Tokyo bomb that killed two baggage handlers the same day.



**The judge:**  
**Mr. Justice Ian Bruce Josephson**  
Presided over 217 days of evidence and legal arguments in the case, which ended in December. A B.C. Supreme Court judge since 1990, he is seen as a perceptive, well-organized jurist who understands legal arguments quickly.