

CANADA



'The government will take those recommendations into consideration and make sure we drive forward with real change' —*Stephen Harper*

AIR INDIA REPORT

OTTAWA TO APOLOGIZE TO FAMILIES

GIVE COMPENSATION

BY KIM BOLAN

OTTAWA • The federal government promised yesterday to make an apology and provide compensation to the families of victims of the 1985 Air India bombing, as a scathing report into the tragedy was released.

Prime Minister Stephen Harper made the commitment in a meeting with victims' families, who had gathered in Ottawa for the report's release.

Air India inquiry commissioner John Major called for both in his 3,000-page report, which criticized the way successive governments have treated the families.

The report makes 64 recommendations, including giving enhanced powers to the national security advisor to mediate disputes between the Canadian Security Intelligence Service (CSIS) and the RCMP over information sharing.

Judge Major concluded that the RCMP is not structured to deal with terrorism prosecutions. He recommended a series of new positions to help co-ordinate national security interests and terrorism prosecutions.

The RCMP may be spread too thin with contracts in many provinces, he suggested.

"There is a need for greater specialization and a more concentrated focus on the means for investigating and supporting the prosecution of national security offences," Judge Major said. "Perhaps the time has arrived to reassess the role of the RCMP in providing contractual services in many of the provinces."

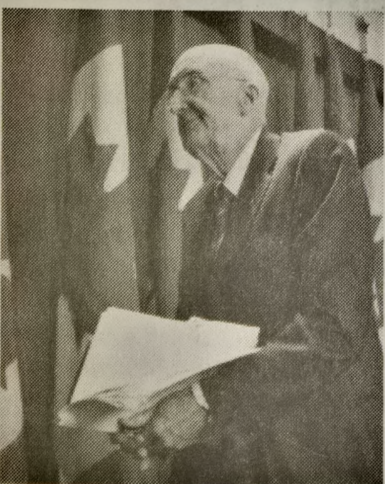
The bombing of Air India Flight 182 from Canada off the coast of Ireland on June 23, 1985 killed all 329 people on board. Another bomb exploded as it was being transferred through Narita Airport, killing two Japanese baggage handlers. It was the deadliest terrorist attack in Canadian history.

In the House of Commons, Mr. Harper thanked the retired Judge for his report and for the "incredible devotion" he showed in "getting to the bottom and to the truth of this matter."

"There was a lot of resistance to this inquiry," said Mr. Harper. "The government will take those recommendations into consideration and make sure we drive forward with real change."

In his report, Judge Major laid out the "turf wars" between the RCMP and the Canadian Security Intelligence Service that hampered the bombing investigation.

He attacked the government for not doing enough to



"Turf wars" between the RCMP and CSIS hampered the Air India investigation, says Justice John Major.

MAJOR'S REPORT

Some key recommendations from the report:

■ Beef-up role of the national security advisor with new responsibilities, including to supervise and, where necessary, coordinate national security activities, and to regularly brief the prime minister.

■ Appoint a director of terrorism prosecutions.

■ Modernize the CSIS Act to ensure the agency retains intelligence gathered during national security investigations.

■ Have the RCMP and CSIS establish procedures to govern promises of anonymity made to informers.

■ Create a national security witness protection coordinator to decide witness protection issues in terror probes and prosecutions.

■ Have Transport Canada create a national civil aviation security program.

■ Have independent experts review aviation security every five years.

■ Implement the Restricted Area Identification Card at all 89 designated airports on a priority basis.

■ Ensure all screening technology is reliable and effective, including adequately trained screeners.

Megan O'Toole, National Post

find out what went wrong 25 years ago and to portray everything as fine today.

"The commission rejects that position. There remains a failure to recognize what went wrong, why and what should be done today," Judge Major said. "In addition, there is a need for reform of our institutions, which must not have to wait for the urgency that would arise from another terrorist attack."

Judge Major recommends that a director of terrorism prosecutions be established to provide legal advice to the Integrated National Security Enforcement Teams and to the RCMP and CSIS.

The director would be at arm's length from the federal government.

He also recommended that CSIS, which destroyed hundreds of hours of wiretaps of the Air India suspects before the prosecution, hold onto intelligence gathered during an investigation of threats to national security.

He recommended the government reopen compensation for victims' families who have "often been treated as adversaries, as if they somehow brought this calamity upon themselves."

Air India compensated families through a fund partially financed by the federal government, which has never admitted liability.

Relatives of victims said they were pleased with the report and that most if not all of their recommendations were addressed.

"Now, it remains to be seen how well they will be implemented, obviously there are complexities it will take time, and we're willing to wait. We've waited 25 years," said Lata Rada, from Mississauga, Ont., whose husband and two daughters died in the bombing.

Canwest News Service

WHAT WENT WRONG

Commissioner John Major has detailed a litany of high-level failures in the Air India disaster, both before Sikh terrorists bombed Flight 182 and in the tragedy's aftermath. The Post's Megan O'Toole details some of them:



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LAX AIRPORT SECURITY

The behaviour of those who booked the tickets and checked the bags should have sounded alarm bells, the report found, but in accordance with the "customer service mentality" that governed at the time, airline staff were not instructed to watch for signs of harmful intent. An anti-sabotage measure called "passenger-baggage reconciliation," which matches passengers with their bags to prevent unauthorized luggage from being placed on board, was not used — though it could have prevented the tragedy. "Canadian airports were plagued by a lax security culture," the report found, noting restricted areas were not adequately protected, personnel who screened luggage were not properly trained, and individuals with known associations to Sikh extremist groups had access to highly sensitive areas at the Vancouver International Airport. "Air India ought to have known that the security measures it was using were inadequate to prevent a bomb being placed on its aircraft," the report noted.

POOR INFORMATION SHARING

The report concluded gov-

ernment agencies possessed significant pieces of information that, taken together, could have demonstrated the extreme risk to Flight 182. Yet the

process of sharing information between government agencies, including CSIS and the RCMP, was "wholly deficient," the report

found. A CSIS surveillance team that watched Sikh extremists conduct a test explosion in Duncan, B.C., in June 1985, failed

to include that information in a threat assessment

provided to the RCMP and Transport Canada. The RCMP, in turn,

"failed to identify, report and share threat information," including a Telex message warning of

the possibility of bombing with time-delayed devices that same month. "Excessive secrecy in information sharing prevented any

one agency from obtaining all necessary information to assess the threat," the report found.



ACCOUNTABILITY VOID

While Foreign Affairs officials made initial efforts to provide assistance to the affected families, the report noted, "immediately after the bombing, the government issued public statements denying any mistakes." Initial inquiries in Ireland and India were instructed to avoid acknowledging the crash was triggered by a bomb. Families were not kept informed of the investigation by the government, often learning about new developments through the media, until the RCMP began to liaise with families directly after 1995. CSIS did not. Efforts were also made to limit spending on families' concerns. "The civil suit they launched was settled early on by hard bargaining, before disclosure was made of much of the information now learned in this inquiry," the report stated.

FAILURE ON LEADS AND SOURCES

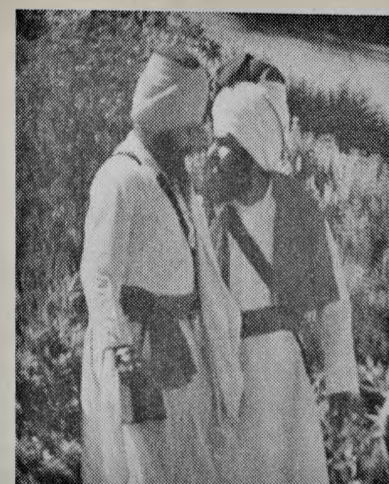
The RCMP often discounted

intelligence leads prematurely, the report found, if those leads failed to conform to the force's primary theory of the case. One suspect,

for example, was ruled out because observations of his hair two years after the bombing did not match an imprecise composite sketch of the suspect who had

checked the luggage. The RCMP prematurely dismissed source information based on preliminary assessments of credibility, the report found. And by failing to appreciate the continuing threat of Sikh

extremism or sources' fear of co-operating with police, "the RCMP often alienated sources, including sources who had previously been willing to speak to CSIS, because of the manner in which it



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Ajaib Singh Bagri, left, and Talwinder Singh Parmar in a CSIS surveillance photo from July 1985.

treated them." The RCMP also failed to protect witnesses, the report found, including Tara Singh Hayer, whose name appeared on a "hit list" and who was ultimately murdered.

INADEQUATE PROTECTIVE MEASURES

Effective protective measures were not put in place to respond to the threat facing Flight 182, the report found, citing a general misunderstanding of the concept of a "specific threat." While called-in bomb threats were deemed "specific" and triggered elaborate airport emergency protocol, such measures did not follow from intelligence received through other channels. "Today, the concept of specific threat has become an excuse to explain why more was not done to prevent the bombing on June 22, 1985," the report stated. In addition, Transport Canada and the RCMP relied on anti-hijacking security measures, which failed to address the threat of bombing.

EVIDENCE MISHANDLING

CSIS frequently failed to

disclose information relevant to the RCMP's criminal investigation in a timely fashion, or when it did, critical details were missing. "CSIS was

mesmerized by the mantra that 'CSIS doesn't collect evidence,' and used it to

justify the destruction of raw material and information," the report stated. CSIS erased

tapes of coded conversations that may have related to the

bomb plot and destroyed notes from sources related to the Air India disaster, com-

promising the prosecution. On the RCMP side, police failed

to make either a verbal or a written request

to preserve the tapes until months into the investigation,

when material was already removed. It cannot be determined what information was lost due to the tape erasures.



GOVERNMENT INTERFERENCE

At times, the RCMP inappropriately invoked concerns about its ongoing probe to limit information provided to families or external reviewers. "Government agencies consistently opposed external review and attempted, at times successfully, to avoid or delay such reviews," the report found. During a review in the early 1990s, agencies coordinated their responses to "present a picture of greater cooperation than in fact existed." When Judge Major's inquiry was launched, the government "over-redacted" the documents initially provided for public release. The RCMP inappropriately relied on the fact of their ongoing probe to withhold key information, the report found, by failing to advise the commission that an individual with potentially relevant information had requested to speak.

PROBLEMS PERSIST

Many of the same security

deficiencies leading to the Air India disaster persist today, the report found, citing a

tendency to focus on "fighting the last war" rather than taking proactive measures. A

holistic approach with "multiple, mutually reinforcing layers" of security is needed, the report stated. "There is no coordinated, system-wide risk management strategy among stakeholders in Canadian

aviation to go unnoticed," it said. The report also pointed to a lack of institutionalized co-ordination and direction

in national security measures, with Canadian agencies operating in a culture of information management designed to protect their individual

institutional interests. In addition, Canada's current anti-terrorist financing model is poorly suited to capture terrorist financing transactions, the commission found.

National Post