

Prime Minister Harper announces inquiry into Air India bombing

May 1, 2006
Ottawa, Ontario

Prime Minister Stephen Harper today announced the appointment of retired Supreme Court Justice John Major as a Commissioner to look into certain aspects of the 1985 Air India bombing, including key questions raised in Bob Rae's November 2005 report.

The Commission of Inquiry into the Investigation of the Bombing of Air India Flight 182, established under Part I of the Inquiries Act, will be free to hold public or in camera hearings while at the same time ensuring that the inquiry does not jeopardize ongoing criminal investigations or proceedings.

"The families of the victims continue to demand answers that only a full public inquiry can provide into the senseless slaughter of the victims of Air India Flight 182," stated the Prime Minister. "As a nation we have a responsibility to ensure that we have learned from our past mistakes and that we are equipped today to identify and deal with terrorist threats before more Canadians become innocent victims."

Both the Prime Minister and Mr. Justice Major have met with the families of the victims and discussed the terms of reference for the Inquiry. The Inquiry's terms of reference will give the families of the victims of Canada's worst mass murder an opportunity for appropriate participation in the Inquiry.

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Backgrounder

The Commission of Inquiry into the Investigation of the Bombing of Air India Flight 182 is established under Part 1 of the Inquiries Act and allows the Commissioner to hold hearings, either in public or in camera, anywhere inside or outside Canada in order to provide a report on the following questions:

- whether any systemic issues relating to the assessment of the potential threat posed by Sikh terrorism prior to 1985, and the response to that threat by Canadian government officials, have been resolved and, if not, the further changes in practice or legislation that are required to resolve them,
- whether any systemic problems in the effective cooperation between government departments and agencies, including the Canadian Security Intelligence Service and the Royal Canadian Mounted Police, in the investigation of the bombing of Air India Flight 182, either before or after June 23, 1985, have been resolved and, if not, the further changes in practice or legislation that are required to resolve them,
- the manner in which the Canadian government should address the challenge, as revealed by the investigation and prosecutions in the Air India matter, of establishing a reliable and workable relationship between security intelligence and evidence that can be used in a criminal trial,
- whether Canada's existing legal framework provides adequate constraints on terrorist financing in, from or through Canada,

- whether existing practices or legislation provide adequate protection for witnesses against intimidation in the course of the investigation or prosecution of terrorism cases, and
- whether the unique challenges presented by the prosecution of terrorism cases are adequately addressed by existing practices or legislation and, if not, the changes in practice or legislation that are required to address these challenges, in particular whether there is merit in having terrorism cases heard by a panel of three judges.
- whether further changes in practice or legislation are required to address the specific aviation security breaches associated with the Air India Flight 182 bombing, particularly those relating to the screening of passengers and their baggage.

The Inquiry's terms of reference also call for the Commissioner to accept as conclusive or to give such weight as he considers appropriate to the findings of other examinations of the circumstances surrounding the bombing of Air India Flight 182, including:

- the report of the Honourable Bob Rae entitled Lessons to Be Learned of November 23, 2005.
- proceedings before the superior courts of British Columbia.
- the 1991-1992 Security Intelligence Review Committee review of Canadian Security Intelligence Service activities in regard to the destruction of Air India Flight 182.
- the report of the Honourable Mr. Justice B. N. Kirpal of the High Court of Delhi of February 26, 1986.
- the Aviation Occurrence Report of the Canadian Aviation Safety Board into the crash involving Air India Flight 182 of January 22, 1986.
- the 1985 report of Blair Seaborn on Security Arrangements Affecting Airports and Airlines in Canada.
- the reports prepared by the Independent Advisory Panel assigned by the Minister of Transport to review the provisions and operation of the Canadian Air Transport Security Authority Act and to review the actions taken since 1985 to address the specific aviation security breaches associated with the Air India flight 182 bombing.

The Government has not set a specific timeframe for the Inquiry's report of findings and recommendations to be submitted.

The Prime Minister's Office - Communications

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