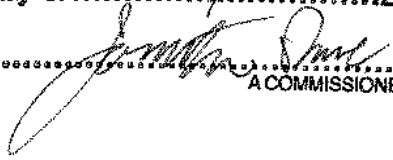


TAB

3

This is Exhibit.....³.....referred to in the
affidavit of.....Yukimi Henry.....
sworn before me, this.....^{31st}.....
day of.....May.....2002.....

..........
A COMMISSIONER, ETC.

DRAFT

S E C R E T

**AIR INDIA INVESTIGATION
SIRC BRIEFING
FEBRUARY 11, 1992**

The RCMP realizes that SIRC is interested in CSIS-RCMP relations and the impact these relations may have had on the handling and outcome to date of the Air India investigation. Understandably, you have reviewed countless CSIS files and you now have a sense of the relationship and its evolution during and after the Air India incident.

The Air India investigation is the most extensive investigation ever undertaken by the RCMP. At one point over 200 RCMP investigators were involved and the amount of information and intelligence being collected and analyzed daily by the RCMP created an investigation on a scale never before experienced by the Force, spanning three continents and six countries. Just prior to the Air India crash, a bombing occurred at the Narita Airport. The RCMP investigated these two offences in tandem. I will later refer to Inderjit Singh REYAT, who in 1986 was convicted for possession of explosives and in 1991 was convicted in relation to the Narita bombing.

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The Force has always considered our cooperation with CSIS to be good, both before and after the June 1985 Air India crash. It would be wrong, however, to conclude that difficulties in our relationship were not experienced.

The disasters occurred only one year after the enactment of the CSIS Act and Security Offences Act which now govern Canada's national security matters. This legislation created a challenge for the RCMP and CSIS in respect to developing policies and procedures which would allow each agency to carry out its respective mandate.

The investigation put great strains on both agencies. There were difficulties and disagreements, however, your file review will no doubt illustrate we shared a common goal and we persevered towards it.

Role of the RCMP

At this point I believe it will be helpful to you if I set out the role of the RCMP with respect to the Security Offences Act. The RCMP is the principal criminal law enforcement agency of the Government of Canada. Its mandate with respect to criminal offences constituting a threat to the security of Canada is

described in the Security Offences Act. Section 6 of the Security Offences Act provides that RCMP peace officers "have primary responsibility to perform the duties that are assigned to peace officers in relation to any offence referred to in Section 2 or the apprehension of the commission of such an offence". Subsection 2(a) of the Security Offences Act refers to offences under any law of Canada arising out of conduct constituting a threat to the security of Canada.

The RCMP's responsibilities in the area of national security investigations do not, however, flow directly from the Security Offences Act. That Act did not introduce or create new offences. Rather, in the light of the new responsibilities assigned to CSIS, it confirmed that those members of the RCMP who are peace officers would continue to have the responsibility to perform peace officer duties with respect to national security offences. This had been part of the RCMP's mandate since long before 1984, but the Security Offences Act gave us for the first time in legislation the primary responsibility, vis-à-vis other police forces, for law enforcement in this area.

SECRET

In order to fulfil its mandate in the enforcement of criminal law and to ensure the protection of Canadians, whether in relation to national security, organized criminal activity or any other serious offences, the RCMP relies on criminal intelligence and other information which is suitable for judicial process and ultimately for use as evidence to support a criminal prosecution. ~~CSIS is the RCMP's primary and often only source for the receipt of security information and intelligence in relation to security offences. The RCMP's ability to fulfil its mandate under the Security Offences Act would be impaired or impossible to fulfil if CSIS information and intelligence were not available to it.~~

Events Prior to the Air India Crash:

During 1984, the RCMP received information to the effect that a bomb was to be placed on an Air India flight in Montreal. This information was not connected to the June 1985 disasters and our investigation failed to substantiate an actual plot. Information regarding this investigation was shared with CSIS in 1984.

On June 5, 1985 CSIS advised the RCMP Detachment in Duncan, B.C. that on June 4 they were conducting physical surveillance on a target (later identified as Talwinder Singh Parmar) who met with Inderjit Singh REYAT. The Duncan Detachment "Occurrence Report" indicates CSIS reported that REYAT and the target went on a logging road and a gunshot was heard. CSIS requested the RCMP provide any available information on REYAT. Duncan Detachment provided CSIS with details on REYAT pertaining to firearms which were registered to him. CSIS further advised Duncan Detachment that CSIS enquiries and surveillance centred around radicals in the East Indian community and, if further assistance was required, the RCMP would be advised.

On June 6, 1985 CSIS also reported the June 4 incident to Vancouver City Police members of the Vancouver Integrated Intelligence Unit (VIIU). Vancouver City Police provided a report to RCMP investigators who were responsible for conducting interviews of Sikh extremists regarding an upcoming visit of Prime Minister Rajiv GANDHI to New York. The intent of the interviews was to dissuade extremists from any action against GANDHI who appeared to be their target at that time. The RCMP did not reveal any specifics of the Duncan incident to the persons being interviewed so as not to jeopardize the ongoing CSIS investigation.

Also on June 6, 1985 the RCMP Headquarters in Ottawa asked CSIS for a threat assessment as a result of correspondence the RCMP received from Air India concerning the likelihood of their aircraft being sabotaged. This threat was believed to be world wide. CSIS replied on the same date that the threat potential to all Indian missions in Canada was high and this was intended to include Air India. CSIS, however, was not aware of any specific threat to the airline and further advised that should they learn of any specific threat to Air India, the Force would be advised immediately.

Post-crash:

During the first days after Flight 182 crashed, formal and extensive liaison was established between CSIS and the RCMP. RCMP Task Forces were set up in Ottawa, Montreal, Toronto and Vancouver. The framework was quickly put in place to allow extensive information exchanges between the two agencies.

During the first weeks of the investigation, CSIS provided summaries of pre-crash intercepted conversations pertaining to Talwinder Singh PARMAR who was the target CSIS had under surveillance with REYAT on June 4 when the gunshot was heard. The RCMP searched the bush area off the logging road and a paper bundle wrapper and an aluminum shunt which is indicative of an electrical blasting cap.

As the investigation progressed the RCMP found it necessary to obtain search warrants. It was also necessary that specific CSIS information be used in affidavits which were required for judicial approval of the warrants. CSIS indicated they were more comfortable if their information was used for investigative leads only and was concerned that if the information was used in affidavits it would bring about disclosure in court of CSIS sources and methods of operations.

~~The RCMP viewpoint on using CSIS information in judicial affidavits was that if the information was provided for investigative leads only, the RCMP was then seized with knowledge of criminal activity but was unable to use the information to fulfill its mandate under the Security Offences Act when attempting to further the investigation.~~

Negotiations were carried out during October and November 1985 between the RCMP and CSIS. In November CSIS provided the Force with authority to use their information in pursuit of search warrants with the understanding that the information would be paraphrased in a certain manner so as to protect the identity of CSIS sources and methods of operations. The RCMP used the information in this manner and the search warrants were obtained.

~~The RCMP required "hands-on" access to certain CSIS material and files in order to analyze the information for criminal intelligence and evidence.~~ CSIS was cautious in allowing this type of access and negotiations were required. ~~These negotiations took a long time to resolve.~~ We understand, however, the concerns CSIS had about the disclosure of their information. The outcome was that the Force was provided "hands-on" access and we were able to conduct our analysis.

CSIS information was necessarily caveated and permission was required from CSIS if the Force wanted to share or discuss the information with another government agency or police department. CSIS was mindful of RCMP requirements in removing the caveats. CSIS caveats have not impeded the Force's ability to share information on the Air India criminal investigation.

CSIS also provided RCMP investigators access to their personnel for the purpose of interviews and taking of statements regarding particular issues. CSIS personnel provided evidence at the two REYAT trials. Furthermore, CSIS fully cooperated in producing CSIS documents which were required by the court and for disclosure to the defence.

Tape Erasure

CSIS provided the RCMP with summaries of the tapes which were erased and access was also provided to the logs of the CSIS translators. The RCMP does not know what the erased tapes contained. To our knowledge complete transcripts of the conversations were not made and therefore no analysis can now be made to ascertain whether or not they contained further leads.

In October 1985 a RCMP Punjabi speaking member assisted CSIS in translating a backlog of approximately 50 CSIS tapes which had not been erased. The RCMP review of these tapes did not uncover significant criminal information.

RCMP/CSIS Liaison Program

The CSIS Act and the Security Offences Act were enacted simultaneously in 1984 to provide a legislative framework which organizes Canada's present national security system.

In 1984, the Solicitor General issued guidelines for the new legislation. The main principles of the guidelines dealt with the passing of information between CSIS and the RCMP. Also, in 1984 the RCMP and CSIS signed Memorandums of Understanding (MOU's) pertaining to the transfer and sharing of information.

To further improve the exchange of information between the RCMP and CSIS the Solicitor General, in 1986, directed that Liaison Officers (L.O.'s) were to be exchanged at Headquarters and at key operational offices across Canada.

In 1987 another MOU was developed and in 1989 all preceding MOU's were superseded by one comprehensive MOU which is the one currently in place.

The respective L.O.'s are presently provided with full and complete access to relevant information of the other agency. This allows a timely identification of information relevant to the responsibilities of the concerned agency.

In 1990 an "advisory letter" system was developed which is used by CSIS to communicate to the RCMP information that can be relied upon by the Force for use in judicial applications for search warrants and intercepts of private communication. The letters are drafted in such a way that sources of information are not disclosed and the information allows the authorizing judge to come to an independent conclusion as to the reliability of the information. The "advisory letter" system is the result of RCMP/CSIS cooperation and is the process by which search warrants and wire taps are obtained under the Criminal Code.

Role of Government of India

Media reports and books which have been written on the Air India disaster have speculated about the involvement of the Government of India. The RCMP does not have evidence to support this theory.

Present Status - Air India Investigation

The RCMP is still investigating the Air India disaster and the RCMP National Security Investigations Section in Vancouver is responsible for the initiatives which are being taken. Both CSIS and the RCMP continue to share information on all elements of the Air India investigation.

Analysis of wreckage from Air India Flight 182 which was recovered during the summer of 1991 has been partially completed. It is expected that it will take some months before all scientific avenues have been examined. No results will be released until all examinations have been fully completed.

Although it has been almost seven years since the Air India disaster, it would be wrong to assume that there is no hope in successfully concluding the criminal investigation.

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RCMP GRC