Commission d'enquête relative aux measures d'investigation prises à la suite de l'attentat à la bombe commis contre le vol 182 d’Air India

# Public hearing 

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


## Audience publique

The Honourable Justice /<br>L'honorable juge<br>Commissaire John C. Major

VOLUME 11

## Held at :

Tenue à:
Old City Hall
Victoria Hall
111 Sussex Drive
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Ancien hôtel de ville
Salle Victoria
111, promenade Sussex
Ottawa, Ontario
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Friday, October 13, 2006
Vendredi, le 13 octobre 2006

## Appearances/Comparutions

| Mr. Mark J. Freiman | Lead Commission Counsel |
| :--- | :--- |
| Ms. Geneviève Coutlée | Commission Counsel |
| Ms. Yolanda Saito | Coordinator, Legal Services |
| Ms. Laura Snowball | Special Counsel to the Commissioner and <br> Commission Secretary |
| Mr. Gilles Brisson | Registrar |
| Ms. Fiona McFarlane | Attorney General of Canada |
| Ms. Susan Alter | Air India Victims Families |
| Mr. Jacques J.M. Shore | Association |
| Mr. Richard Quance | Family Members of Crew Member Victims |
| Mrs. Amarjit Bhinder | Mrs. Amarjit Bhinder |
| Mr. Ram Gogia | Mr. Ram Gogia |

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--- Upon commencing at 9:32 a.m./L’audience débute à 9 h 32
THE REGISTRAR: Please be seated.
THE COMISSIONER: Good morning.
MR. FREIMAN: Good morning, Mr. Commissioner.
Mr. Commissioner, we are going to start our proceedings this morning with the testimony of Mrs. Amarjit Bhinder who is the wife of Captain Satwinder Singh Binder.

Mrs. Bhinder, I'd ask you to proceed to the seat, please. Thank you.

Mrs. Bhinder, I understand that you have a statement that you would like to read?

MS. BHINDER: Yes.
MR. FREIMAN: And would you kindly read the statement then.

## --- WRITTEN STATEMENT BY/DĒCLARATION ĒCRITE PAR MS. BHINDER:

MS. BHINDER: Honourable Justice John Major, sir, at the outset on behalf of my family, children and myself, I wish to thank you all at this inquiry for giving this opportunity to me for being here to unfold the trauma of my life I have been through for the past 21 years, and people of Canada for all their concern for the families of Kanishka victims.

I also wish to thank seamen who put their own lives in danger to pull Kanishka victims from the sea. My heart goes to Irish people, hospital and administrative authorities of Ireland for their compassion shown at the time of the crash and during the memorial service in Ireland. I would also like to thank the media all over the world for supporting our cause for so long.

At the time of the crash I was a much pampered housewife with AUDIENCE PUBLIQUE
two beautiful children, a daughter Jasleen Danielle and Son Ashamdip, seven years old at that time. I was born in Ferozshah in a border district, Ferozpore in Punjab. I came from a family of agriculturalists and politicians from my parents’ side. A few years later, my parents moved to Karnal, a place in Haryana district in India. I did my graduation from the D.A.V. College, Karnal. I then moved to Chandigarh to do my masters in political science.

My parents, two sisters and one brother and their respective families all live in India. The husband of my sister next to me is a senior, an Indian administrative service officer, presently holding a post of Secretary of Transport, Punjab. My second sister's husband is a businessman and he is the son of the late General Mohan Singh who raised Indian National Army prior to Indian independence and later handed it over to Mr. Subash Chander Bose.

My brother who is junior most among my siblings is in Delhi administration and presently holding the post of Deputy Commissioner-Delhi Transport.

My daughter Jasleen is married to a pilot with the Singapore Airlines. They have two little boys and they live in Singapore. My son Ashamdip too is a pilot with Indian Airlines. He got married last November and is based in Mumbai.

My husband, Captain Satwinder Singh Bhinder, was born in a wealthy and influential agriculturalist family in pre-partitioned India. His paternal grandfather was a civil engineer and his maternal grandfather was a doctor. From both sides of his parents he belonged to a well-to-do, well-educated family. His maternal uncle is a senior lawyer in Punjab in Haryana High Court. One of his brothers-in-law retired from the Indian army as a colonel. His one brother is a civil engineer in Punjab government and one was major in Indian army. He had to leave army on compassionate grounds after we lost my father-in-law also in 1988.

At the time of partition in 1947, his family too moved to Karnal as his birthplace Lohianwala in Gujjranwala district fell under divided territory of Pakistan. He was barely three years old at that time. His parents lost everything they had in cash and kind and moved across the border empty handed like lots and lots of people in a similar situation. Under the given circumstances they were no less than beggars, but with their hard work and determination the family got back the status they enjoyed when they lived in pre-partitioned India.

When they were crossing over to the Indian side after the partition, his grandmother was killed by a mob. His father, Mr. Mohan Singh, was a shattered man with small children and no home to keep his family. Sometimes food in the refugee camps was not even worth eating.

Satwinder had two sisters and two brothers. They all live in India. My father-in-law was a very hardworking man and he reestablished himself this side but it was not easy. Initially, they had to do without the luxuries they were used to in prepartitioned India. Satwinder was a brilliant and very hardworking boy. He rose above every child of his age.

Since they lost everything it was very tough in the first few years and he had four little siblings who too needed financial assistance to survive. He was very fond of reading newspapers and magazines like Newsweek, Times and Readers Digest in his junior schooldays. That was amazing. In those days these were not easily available. As a school-going boy he would not like to ask his father to buy these. Instead, he would quietly go to a shop which sold secondhand books and would buy these magazines at a cheap price. He was a very, very bright child.

He was in the final year of science graduation when he was selected by Indian Air Force to be commissioned as a pilot officer at the age of 19 years
and three months. He was nicknamed Satu. I like addressing him Satu. That’s why we'll call him what I always like to call. At the age of 20 years he fought the first war with our neighbour in Pakistan in 1965.

We both grew up in same city. Our families were close friends. I studied in school with his younger sister. I got to know Satu only after he joined Indian Air Force. At the time I was in senior school as I was younger than him by five years. When I was in second year of my graduation he asked me if I had any objection I should tell him as he was going to approach my parents through an uncle of his for my hand. I too had a soft corner for him and had no objection to his proposal. However, my father, though was very fond of him and had nothing against the family, somehow had a fear of marrying his daughter to an India Air Force pilot. He thought life was never safe.

However, in April 1970 I finished my masters in political science and we married in December 1970. Ours was one of the most successful and happy marriages. He fought the second war with Pakistan in 1971. I was very lucky to have him as my husband. He was a great son, a loyal and caring husband and a doting father, and above everything else a great human being.

We were blessed with a daughter on $31^{\text {st }}$ October, 1974 and a son on $18^{\text {th }}$ July, 1977. He had a brilliant career in the Indian Air Force. We had a wonderful time and enjoyed every moment in air force. He was very fond of good living, going out and seeing and showing new places to me, though he belonged to a well-to-do family but was never in the habit of asking his parents for any financial help. He wanted me to see the world. The best way out was to shift over to Air India so that we could see the world together and in those days Air India used to recruit the best pilots from Indian Air Force.

In October 1977 he was selected by Air India. We moved to Mumbai with him. After he finished his training on the Boeing 747 aircraft and started
his routine flying, he joined Jamuna Lai Bajajh Institute to do his masters in marketing management by attending evening classes for three years. It was very tough going for him to do long haul flights on 747s and attend classes during his off days, but he was a very hardworking person. He needed my support to lead such a hectic and hard life and he always got it because I loved him dearly and respected him. But the person he was with his qualifications and his intelligence, his friends always affectionately told him that one day he would be managing director of Air India. He had also just finished his taxation management exam before leaving on his last flight.

He appeared for his last exam on $9^{\text {th }}$ June and left on last flight on $13^{\text {th }}$ of June. After the crash the registrar of his university came to convey his condolences and told me that I should be proud of my husband as he stood first in his theoretical exam but his result would not be declared as he had promised to submit his project report after he came back from his flight, but the cruel hands of destiny did not grant him enough time to submit his project report. Instead, God had something else in store for us.

We were not given the opportunity to enjoy that life for very long. Destiny cut short the life of a brilliant pilot and a person whose vision was unparalleled in Air India and whose intelligence rare to find. He was a tall, handsome, intelligent and a very honest man. He loved his small world which had his wife and two little children. As an Air India employee one is entitled to a certain number of free concession tickets and interline tickets also on other carriers. We never wasted any passage. He would make sure I used all the passages to go with him on his flights.
hen children grew up, he started taking them also with him to see the world. He promised our daughter, Jasleen that he -- it was his dream to send Jasleen to England for studies after she finished her high school. Jasleen is a very bright girl and
he was very proud of his children, but God did not agree with his plans.
Ever since our son, Ashamdip started to speak, he used to express a desire that, like his dad, he too wanted to be a pilot. When my husband used to return from flight, Ashamdip would try to wear his uniform shirt which used to touch the floor, when he would put it on and tell his father that one day he will fly with his dad as his copilot. Our son did become a pilot but was not lucky enough to fly as his father's co-pilot.

Today, Ashamdip is a committed and thorough professional pilot like his father. Maybe his father is always watching us from somewhere and guiding him. He must be asking God to bless us always and make us good human beings. That is what he always taught us.

Satu had just finished his transatlantic conversion training. In April and May, he was on a temporary posting in London to do this training between London and New York to qualify to operate flights to Canada. Since our children had summer vacations for two months, we accompanied him to London. After he finished his flights, he left us in New York and went back to Mumbai. He then took one month of leave and joined us in New York. He showed us as much as he could in one month.

On the way back, we did a lot of shopping in London. In fact, we spent all our savings in two months. It was crazy, not knowing this was his last hardearned money as we were heading towards a very different phase of our lives. We returned to India in the last week of May as Satwinder was to appear for his taxation management exam. This flight came as a surprise for him as he was not expecting it so soon after his training.

His batch was due for command training. He felt this was his first and last flight to Canada as he was to go for command training on the Airbus 310. So he wanted me to come along. Although I was ever ready to hop onto a plane with him
anytime, this time I was not keen at all, although this would have been our first trip to Canada. I was reluctant to go along with him as the new academic year had commenced on the $10^{\text {th }}$ of June in children's school and their uniforms and books were to be purchased. It was a long two-week flight and we had just returned from two months holiday and spent all the money we had.

All these factors stopped me from going with him. He was a bit disappointed as I could not travel with him on his first flight to Canada. I remember he was picked up by Air India transport at around 6:30 a.m. on the $13^{\text {th }}$ of June. This was the first time I felt low when he left for the next 10 days after that as I missed him terribly. He had asked me to call him on the $23^{\text {rd }}$ of June in London. I was eagerly waiting for the evening to call him at his aunt's place. This was the first time I ever said no to a foreign trip as I'm also fond of seeing new places.

He gave me a lot of alternate plans to join him on this trip. For example, he asked me to take the flight three days later than him on which he would operate Frankfort to Toronto sector, and after one-week stay in Toronto, he suggested me to continue on Toronto to Mumbai while the crew got down in London. This way I would be away only for a week. He even called up our friends to keep the children but I refused to go with him. Whenever he asked me to come to Toronto, my heart would sink. I got strange kind of sinking feelings not to leave my children.

When he left, he looked sad that I was not coming along. On the $23^{\text {rd }}$ of June, I felt very uncomfortable right from the early morning. I felt I had a fever. My whole body was aching. I was missing him terribly. I even cried a few hours before the crash. I thought maybe it was a very long flight and I was missing badly. I even went to one of our dear friend's house, who is also a pilot with Air India, and lived in the same building. I told our friend that I don't know why I was missing him so much. I
remember he joked and said something like we were still like newly married couple, but I was very restless. Perhaps my sixth sense was telling me my fate was going to be sealed forever.

My love was only a short-lived dream which was going to haunt me all of my life. No one has ever seen heaven but I can say my life with Satwinder was no less than heaven on earth. Maybe our life together was going to be short-lived. That is why it was so beautiful.

I cannot forget the fateful day. Both my children were lying on either side of me having an afternoon nap at about 3:30 p.m. when the doorbell rang. One of our close friends was standing at the door. He looked pale and disturbed. He asked me where Satwinder was and I told him he must have landed in London by now. Then he asked me what was his flight number. I told him it was AI-182. He then asked me if I was sure of the flight number. I told him I always kept track of his flights and I was absolutely sure.

By then I sensed that something was not right. I insisted he tell me what it was that was bothering him. He said an accident had taken place with Air India 182. I asked him if it was on the ground or in the air. He said it happened in the air. I still remember my first words which came out, "I am finished". A common friend from London had called him to check if it was my husband flying the aircraft. I lost control over myself. My children heard my cries and they too started howling. I can never forget their faces.

Clinging to me, if I cried, they cried more. If I stopped crying, they would stop too. They only used to look at my face and react. My daughter was 10 and son 7-year-old at that time, not old enough to understand the depth of our loss, but old enough to understand their father would never come back.

Air India officials came to us that evening. I was not in my senses. My beautiful world had collapsed. In seconds, my life had turned upside down. Air India did ask us if we wanted to go to Cork. My children and I went to Cork later. No one from Canadian government had contacted us still then, but the arrangements made by Indian High Commission were good and they made us feel very comfortable. My state of mind did not permit me to travel but Air India was considerate enough to let us travel later in July.

I was told if they found my husband's body, they would fly me to identify him, but being the pilot's wife, I knew it was something like impossible to get his body because the pilots rarely are without their seatbelts on unless one has left the seat for a short duration to use the washroom or gone out of the cockpit to stretch out on a long flight. His body was never found, nor any of the crew members, but he kept on coming in my dreams and asked me to come to Cork.

I then called Air India, told them the reason why I wanted to go even at a later time. Since I had become very weak physically also, Air India allowed me my brother-in-law to accompany me and my children to Cork in middle of July. We were put up in a bed and breakfast for two days. A car was arranged for us to travel from Cork to Bantry to visit the point nearest to the crash site along the Irish coast.

We became penniless. I did not have enough money to make two ends meet. We did have some immovable property but no running regular income other than my husband's salary.

The Indian Pilots Guild came to our rescue by giving us cheque of Rupees 55000. By end July, I got some dues from Air India which included my husband's provident fund, gratuity, Rupees 2 lacs insurance and 2 lacs ex gratia. There was no compensation as such.

We received no compensation from the Canadian government as well. Crew members do not have tickets. So the family members did not even get equivalent to maximum of $\$ 75,000$ US insured against their ticket.

In February 1986, I joined Air India’s commercial department. I had no choice but to work to make two ends meet and raise my children. At this point, I started my life rollercoaster ride of nearly 19 years until my children got settled. We have seen the best days of our lives with my husband and our worst ones without him. A life full of hardships and stress had begun.

Since the job was 9:00 to 5:00, it was difficult to manage this routine in Mumbai due to long distances and commuting time. I had to travel often due to my job. I hardly saw my children when they were awake. So I decided to move to a smaller place where the travelling time could be reduced to a minimum. The best suited place was Chandigarh. So I got myself transferred to Chandigarh in April 1986.

This came as a second blow to the three of us as my children had grown up in Mumbai and spent nine years of their childhood there. They took a long time to get adjusted to a new place.
could not fulfill my husband's dream of sending my daughter to England after she finished her high school. Financially it was not viable, and in the first few years after they lost their father, their grades in school dropped. They had been doing very well academically while life was normal with us.

We did know how to handle our lives without him. My children missed their father tremendously, as he used to spend all his free time at home with them. They had been deprived of one of the best fathers one could ever have. It was very tough to raise two young children with a demanding full-time job. Soon I developed high blood pressure, lower back ache and chronic headache due to tensions. Life became a big
challenge to deal with. I could see my goals of settling my daughter and making my son a pilot, who refused to be anything else. The journey was long, rough and uphill. I was a shattered and emotionally a wrecked person. The loss cannot be described in words. I lost the man I loved the most. I could not imagine my life without him.

We went to attend the first memorial service in Ireland. Again, all arrangements were made by Indian government. After that we never visited Cork as it was not financially possible. Now, third time, we went in June 2005. I thank Canadian authorities for making it possible for us to visit Ireland again after 19 years. We normally go to offer prayers in Gurudwara Sahib every year on $23^{\text {rd }}$ June. We wished to visit Toronto on $23^{\text {rd }}$ whenever we can as we feel that that was the last city which my husband touched last.

As we understand from various sources, Kanishka is known as a Canadian tragedy. Why is it so? It was and continues to be an international tragedy. The majority of the passengers were of Indian origin and settled in Canada. Because the Canadian government believed it was solely a Canadian tragedy, compensation was given to families of only Canadian victims. AI-182 took off from Canada and if safety and security was wholly solely the responsibility of Canadian authorities, we too have been through many hardships in our lives and have had to struggle constantly, both emotionally and financially, just to keep going and stay afloat.

Life has been very different from what it would have been if our near and dear ones were still with us today. We in India have no idea and we were in a state of shock for years to come. Much later we came to know that some family members filed a civil suit and got some compensation in Canada. Though we know this platform is not the one to say this, but this is our only chance to be heard in 21 years.

We know money will not change anything much, nor it will bring
them back, but considering the government here has spent millions and millions of dollars on this case with zero outcome, this little gesture may change or do some good to many family members who have struggled, but still not done as good in their lives as they could have done to come up to the living standards of the times prior to Kanishka tragedy. There is still time for Canada to show the families that this is their moral responsibility to see that this small gesture can make some difference to the ones who have been ignored and been suffering for so long.

Whose responsibility is it to ensure that a flight departing from a particular country takes off safely, without compromising the safety of the people on board the aircraft? Who is responsible for the lapse in security that led to an explosion and consequently the loss of 329 lives on board the ill-fated aircraft? Was the Canadian government unaware of Indian army attack on golden temple; the most sacred shrine of Sikhs, which led to the assassination of India's prime minister? Did the Canadian government not get any warning or intelligence reports to safeguard the Indian interests in Canada, including Air India, keeping in view the political situation in India in general and Punjab in particular?

Taking all of the above into consideration, how did the bags go on CP-003 and CP-060 to connecting Air India flights in Tokyo and Toronto respectively, without the passengers being onboard? Were the handling agents briefed that there was a danger to Air India flights? Were the handling agents aware they were violating traffic rules, not only on one flight same day from same city, but on two flights by letting the bags go without the passengers?

When a passenger checks in, passenger flight coupon is lifted and boarding card is issued at the check-in point. The coupons collected and boarding passes issued and head count are all normally tallied. What went wrong? No one took it
seriously that bags gone no board, minus the passengers, and no one is coming to claim? Was it difficult to trace back the agent who issued these tickets to find out from the agent about the passenger? We all know those days the Indian community was not that big and everyone knew everyone by name and face. Why then this matter did not look serious enough? Because this was an Indian plane, full of mainly Indians?

Was there the required coordination between the RCMP and CSIS after some people experimented with explosives in the woods outside Duncan? Why were the tapes not translated well in time when there were a lot of Punjabis in Canada whose help could be sought?

I strongly feel that inadequate importance has been given to the fact that unfortunately there was tremendous lack of coordination and cooperation between the RCMP and CSIS, which had a great contribution in not averting the tragedy.

The Kanishka tragedy did affect the relationships in the family. It caused a lot of sadness and disappointment. The whole burden fell on the whole shoulders of our parents, mainly my father. As my father-in-law also passed away three years after the Kanishka tragedy, my salary alone was not enough to raise two children. My father aged very fast as he watched us struggle and suffer. As you all are aware, pilots are well paid. When the tragedy struck, we could hardly make two ends meet. All of a sudden we had to lower our standards and our quality of life. This was another kind of tragedy my children had to face after having lost their father. My children did not enjoy the life they were entitled to, had their beloved father lived long enough to raise them with the dreams we had, we both had seen for them.

Since I was working nine to five in a very responsible job with growing children, due to time and financial constraints I almost had to de-link myself from any relationships. Life was more like a machine.

There was no involvement with Mr. Bob Rae regarding this case. The Commission should go deep into this situation; the sole cause, of course, failure to find and punish the guilty. We definitely wish that by means of lessons learned from this tragedy and improvements brought forward in the entire system, there is never another Kanishka.

We hope that no one has to endure the pain, the struggle and the uncertainties that we have had to face over the last 21 years. The inquiry will not be able to answer all our questions about who committed this crime and why. Why did we have to lose our loved ones? Why did we do? What did we do to deserve a life with a void that will never be filled? But we have no choice but to console ourselves and hope that finally there will be a conclusion to Kanishka tragedy.

Though it will not be what we have wanted to know, what happened, and who did it; once again, Justice John Major, I thank you all for letting me speak from my heart for my husband, whom I worship after God Almighty. God bless you all. Thank you.

MR. FREIMAN: Thank you very much, Mrs. Bhinder.
Mr. Commissioner, Ms. Genevieve Coutlee will read in a statement at this point.

MS. COUTLEE: Mr. Commissioner, I have this written statement of Mr. Ali Tahir Sadiq.

## --- WRITTEN STATEMENT BY/DĒCLARATION ĒCRITE PAR MR. SADIQ: <br> MS. COUTLEE: Commissioner Major, my name is Ali Tahir

 Sadiq, and I lost my mother, Sugra Sadiq in the bombing of Air India flight 182.My history: I grew up in India where I obtained a master's degree and teacher's certificate from a university in Hyderabad. After obtaining these degrees, I
immigrated to Canada in April 1970 with the hopes of living a peaceful and better life. It was a great satisfaction and achievement for me to see the Canadian culture. In 1970, I found Canada to be a law-abiding place where human dignity is respected. People, even lonely widows, could live in peace and security.

Diversity of sex, age, culture, and language were tenents of Canadian society. Religious and cultural institutions were honoured. The poor and needy were well supported by welfare activities and organizations. The Canadian government was drafting democratic legislation and protecting human rights for all. I was inspired by this Canadian society. It encouraged me to participate in service to humanity.

To start, I volunteered to welcome and help new immigrants in South Africa. In 1973, I initiated a community calendar that still comes out every year. I also volunteered with the Children's Aid Society. I believe in strong civic participation. In 1983, I made recommendations regarding harmony amongst Canadians which were well received by the Progressive Conservative Party of Canada. In 1989, I introduced Bill 30 and 31, the Burial and Cemetery Act of Ontario, which prompted a simple alternate scheme for all Canadians. I helped set the religious holidays list for Ontario government employees. I was in the Liaison Race Committee for the Scarborough Board of Education and successfully campaigned for the establishment of Urdu language training.

For the last five years, I have been a volunteer member of the Board of Directors of the South Asian Family Support Services, an organization recognized by federal, provincial and city governments, as well as by United Way. It has more than 30 paid employees, who along with volunteers, assist new immigrants.

My job history includes work for the Department of National

# WRITTEN STATEMENT DÉCLARATION ÉCRITE <br> (Sadiq) 

> Health, Welfare, Old Age Security Canada, Metro-Toronto Community Services and Canada Post.

The loved one lost: Our mother, Sugra Sadiq, was a passenger on Air India flight 182. She started her married life when World War II was going on. India was about to get independence. Hyderabad, the kingdom we were living in, was in the clutches of the king's regime and Indian forces and the many political parties were all fighting to take power.
he conditions or circumstances were horrible. Grain, wheat, rice, cooking oil, sugar, clothes, were all being rationed on the basis of number of family members and income category, with no consideration of health or need. In these desperate times people were fleeing out of their responsibilities, ignoring cultural traditions, abandoning manners, selling children and relatives, basically grabbing anything just to survive, but not our mother, even though she was in a minority and fragile community.

Instead, she volunteered as a nurse then joined in the first batch of female students of medical school. She graduated with distinction. She went on to lead the movement to create jobs for women doctors in government hospitals. Ever since that movement medical school seats for women and employment opportunities for women in the government expand year by year. Thousands and thousands of people are benefiting from her energy.

She was a wife and mother while nursing, studying and starting work as a medical practitioner. She ran a maternity home for several years successfully in partnership. After a successful and distinguished completion of full tenure of service she retired at the highest level but she was always an anchor in the circle of the medical profession. Doctors of all sciences, homeopathic, allopathic or holistic; everyone
recognized her dignity and respected her. In family and social community she was a pastor, a model, a counsellor. As a result, she was always engaged with appointments.

One of her great achievements was our father, a highly educated, talented, noble, introverted person who was the principal of a teachers training college. The political upheaval in India made life tough for him but he survived skillfully and patiently. He also worked for many years before retiring at the highest level.

After my parents' retirement my elder brother was living with our parents in India. He was married, working as a bank manager, and had a baby girl of a year and a half. All of a sudden, in a train accident, at 32 years of age, he died. After the death of our brother our parents became unprotected and vulnerable. Thieves and vagabonds started stealing and making harassing phone calls. In that juncture of life they still had two sons and two daughters in Toronto.

Our parents decided to immigrate to the safety of Canada. Right from the first day they were warmly welcomed and started participating in the Canadian community. People started consulting my mother for medical treatment. Once, a deputy attorney general of Ontario was cured with her treatment. He immediately offered her financial support to start a clinic in Toronto.

She was the guardian of her orphan granddaughter who was in high school at the time of the flight and her youngest son had just earned his degree from York University. He had convocation ceremony just two days before her flight.

For me she was everything, right from childhood. I was struck by polio when I was 18 months of age. She found a way to bring me back to health at a time when society still had no knowledge or facilities for polio patients.

In Toronto she used to teach her mother tongue to the students of the University of Toronto. In Sunday school she taught religion. She enjoyed meeting
people and joined a seniors club. Her presence gave my father the energy to teach, give lectures and translate books, articles, et cetera.

They had many friends and professional acquaintances who used to visit them from the U.S.A., the U.K. and the Middle East. We remember our mother in the many people she has touched, people she cured, educated, inspired to follow her profession. With her treatment she helped couples have children.

She herself had many children. We are six sons and four daughters. Among us our post graduates, double graduates and professionally licenced, working in banking, medicine, education, accounting, industries and defence.

She was a woman ahead of the times, an anchor for her large family and many friends. Those she left behind were left helpless without her.

Preparations for the trip: No one can imagine the unusual happenings that occurred before the flight date. Our mother was unusually nervous. She phoned several times to India to make sure that my brother was coming to Mumbai to receive her. The flight was supposed to terminate at Mumbai and she had to take another one hour flight for Hyderabad. She could not express her fear about her flight except by showing concern about the transfer in Mumbai. Her fear and haunts were hidden because firstly, she was still overjoyed about the convocation of her youngest son from York University which had taken place just two days before the flight. Secondly, she was busy in performing religious rites of Ramadan that had just ended two days before the flight.

One of the strange and surprising things in our community was the restless behaviour of our priest. This gentleman came to Toronto on the invitation of the community to lead the prayers and religious rites for the entire month of Ramadan. He was booked on the same flight, Air India 182, to return to India, but about 10 days before
he was to depart he became restless and demanded to return earlier. It was so strange that the organizers took him to a doctor, a psychiatrist in fact, but the gentleman did not accept any alternate other than to leave Toronto a week earlier, which he did, thus avoiding the ill-fated flight.

The day of the bombing: On the day of the bombing rain started in some parts of Toronto. While driving to the airport one of our sisters got into an accident and our younger brother also got stuck somewhere in traffic due to the rain. As a result, neither of them got to say good-bye to our mother before she boarded Air India Flight 182.

Our father, a family friend, myself and my wife were able to see her off at the airport. A few minutes after our mother boarded the plane our sister and brother finally arrived, too late. The plane was still on the tarmac and we could see a big iron box-type thing on a carrier near the plane. The ominous box close to my mother's plane got my paranoia pumping. After a few more minutes I picked up a white phone connected to the plane and requested the air attendant to send back our mother. The lady refused. After a few minutes I made another more insistent request. It was again refused. My third appeal was also turned down. By then some of our family members were getting upset with me.

A family friend and I started talking about high-jacking of planes and terrorists. He comforted me by saying that airlines have taken several measures to control this risk. We walked to the counter selling insurance and I was just about to buy an insurance plan for my mother. However, I was still in sight of the plane and felt that it would be a bad omen so I dropped the idea.

My whole family and all our friends left but I went back to the gate looking at the plane. My wife started forcing me to move but I did not move for one

# WRITTEN STATEMENT DÉCLARATION ÉCRITE <br> (Sadiq) 

hour watching the plane. People around us started saying that one of the crew members had not shown up yet. Others said that the engine was being put on board.

After one hour, when I started moving out of the airport my eyes stayed on the plane. My residence is east of the airport but I started driving west towards the plane which was visible until we passed the entire airport. Instead of going home I drove to my uncle's house. Just a few days prior this uncle gave a very decent dinner in honour of our parents. The last photo of out mother was taken there. We talked about seeing off my mother's plane and the others got engaged in conversation but my thoughts were occupied about the plane. After dinner they went in the basement but I sat in the bedroom anxious, restless until 3:00 o'clock in the morning. At 3:00 in the morning my wife and I drove home and we fell asleep at 4:00 am. It was after 9:00 a.m. in the UK. The plane had already been bombed.

Hearing the news: My sister was the first to find out about the bombing. Her colleague told her. My phone rang at 9:00 o'clock. My brother told me the news. Then we went to the Air India office.

When I reached the Air India office it was degrading to know that the staff of the office and the RCMP, who was present in the Air India office, had not yet phoned or contacted Ireland. Eight hours had passed. Radios were talking about the topic for hours. When we asked the authorities what did they know they said, "We are also just hearing the news from the radio." Instead of contacting Cork the RCMP were trying to stop me, told me to go home and be quiet. They had no information. In fact, they were even more unaware than the common people listening to the radio.

We asked them to let us go to Ireland but they refused for three days. These three days felt like three years. We were hooked to the radio. No official was giving us any news or support. Finally, my brother bought a ticket from the U.S.A.
and flew to Cork from there. The rest of the family soon followed. Just imagine the magnitude and importance of our mother. Family from Libya, my two brothers-in-law were working there, U.S.A., and then from Canada all went to London. People from the UK and India soon joined us; seven in total. We were all hoping to get to Cork but we were told that only two could go. We could not even buy tickets if we wanted to. My two brothers went. One was a dentist and doctor. The rest of us had to stay in London to wait for news.

While I was waiting I could not help but imagine what might have happened to those innocent victims. It was just half an hour before landing. They must have started preparations to get off the plane. Mothers were feeding children, some were sleeping, a few were in line for washrooms, and all of a sudden a bang, the plane cracking in pieces, 329 people out in the air, eyes closed because of the air pressure, screaming, mothers trying to grab children, people just trying to grab something to hold on. Instead, they heard horrible sounds of wind and screams -- were being hit by the pieces of the aircraft. Then Lord knows how long they fell before they hit the water, when they started bleeding, when they died. They faced death yet they were innocent.

The violent and vicious animals who were responsible for this bombing must think about this and all these innocent people. Whoever did this are associates of Satan. In our religious scriptures Satan said that he will make tools for human beings to destroy each other, to destroy the peace in the world. This is what happened.

For my family this was the second family member who had been killed for political reasons. During World War I my grandfather was the Chief of Hyderabad Army, a separate dynasty from India before the 1947 partition. He refused to fight against the innocent people somewhere in the Middle East so the government hired

# WRITTEN STATEMENT DÉCLARATION ÉCRITE <br> (Sadiq) 

an assassin to take him out. He was shot from the back.
The burial ceremonies: By the grace of God we found the body. My brothers brought it after three or four days to London. We then flew it back to Canada.

Accused for the bombing: I was put in a humiliating and painful situation by the RCMP shortly after the bombing. While I was still grieving for my mother the RCMP started phoning and tailing me. They called my home and my office to schedule an interview with me. The interview was very insulting. They did not hide the fact that they were treating me, someone who had just lost his mother, as a suspect. They were asking so many questions, "Why were you asking for your mother to come off the plane? Did you buy insurance?" They thought that I was the person who put the bomb on the plane or was paid to do it. There were two officers interrogating me for about 45 minutes or so. Finally, they openly said at the end of the meeting, "No, he cannot be the person." I have never been so humiliated and treated so poorly.

Concerns for the inquiry: Our concerns for the inquiry are why the government ignored the information given to them about this plan, why CSIS erased the tapes, why one of the CSIS officers was allowed to resign without getting charged for erasing the tapes, why Canadian justice agencies were late to take action and why could they not successfully prove guilt to the criminals.

I wonder what is wrong with the Canadian criminal justice system. We were given the opportunity to attend a trial in Vancouver. I wonder why the judge oes not have the full right to ask questions, especially of a witness who appears to be evading questions. I saw a witness who answered in one way when being questioned by his own counsel, and in a completely different manner when being questioned by the Crown. It was clear that the witness was not cooperating with the Crown lawyers. The
judge should be able to respond to persons lying on the stand right away.
Witnesses should be compelled to tell the truth on the stand or be punished immediately. Their lives should not affect the trial outcome to the advantage of the accused. Key witnesses, even the accused, should not be given the right to stay silent when they obviously know critical information about a crime. Even silence is an action, an action that can assist a crime and should be punished.

I also wonder why the Government of Canada did not help us at all. We have been suffering for 21 years and continue to suffer today. I wish that the government would help the families pursue their case in a civil court.

Many families have lost their earning members and prospects of future. Couples have lost their children, the only bond they had, and were separated forever. Children have lost their parents and became orphans. Women lost husbands.

If we cannot prosecute the perpetrators to a reasonable doubt standard in a criminal court, the government should assist the victims to prosecute to a balance of probabilities standard in the civil court. Something must be given to the families that are still suffering to make up for the lack of support over the years.

The sabotage of Air India calls for sincere thought over its cause and plan. This fierce and ferocious act was a well-planned long term strategy. The authorities had evidence. They should have expected this. It was not caused by any abnormal or accidental behaviour of a single person. Neither was it a crime limited to one victim. Nor will it stop at any limited country or place. It is inevitable to understand the purpose and complexity of this frightful crime. If the Canadian government does not understand the purpose of this crime, then Canada or its people can always be a target of their bloodthirsty barbaric attacks. We will be never safe. No one knows when, where and how they will act towards ruin. Such criminals live in Canada and their partners

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have access to Canada. The calamities of Air India did not end on the $23^{\text {rd }}$ of June, 1985. It has been going on for 20 years and is expending in throughout the world. We must understand the reasons and consequences of these crimes in order to understand the importance of appropriate punishment and support for the victim.

Thank you, Mr. Commissioner. Ali Tahir, son of Sugra Sadiq.
MS. COUTLEE: Mr. Commissioner, I will deposit the statement as the next exhibit.

## --- EXHIBIT NO./PIĒCE No. P-84: <br> WRITTEN STATEMENT - Mr. Ali Tahir Sahiq (READ IN) <br> MS. COUTLEE: Mr. Commissioner, I have another statement

 from Mrs. Sheroo D. Dumasia who lost her husband, Dara D. Dumasia.
## --- WRITTEN STATEMENT BY/DĒCLARATION E ERITE PAR MS. DUMASIA:

It is inevitable that $23^{\text {rd }}$ of June, 1985 will go down in the history as the date of one of the world's worst aviation disasters. It was the day Air India's Flight 182 exploded in mid-air and crashed into the murky waters of the Atlantic. It was the day 329 innocent lives were sacrificed due to the fanatic whims of some terrorists and it was the day my husband, the late Dara D. Dumasia, flight engineer of Air India 182, was snatched away from me so cruelly. My husband worked for 31 years in Air India. He was due to retire from service on October $30^{\text {th }}, 1985$ but just four months before retirement tragedy struck. His life came to an abrupt end in the most cruel manner. He left behind me and my two daughters, Dilshad and Farnaaz. Our lives were shattered. We were absolutely inconsolable in our grief. Nothing that anyone would do or say would stop our tears from flowing.

He was the only male member in our family and the only earning member. Lack of security was immense both financially and emotionally. Death is
always unacceptable to those left behind to grieve but in this instance it was the unexpectedness of it, the senselessness of the disaster that was so appalling. Time heals all pain, we were told, and only time will form a scab over the bleeding wound but the $16^{\text {th }}$ of March, 2005 made us relive the tragedy once again. The verdict "not guilty" seemed to be a mockery of the entire case. As my daughter said, 20 years later it was still the same. With justice denied, we cried again.

To us, the family members of the victims of Air India Flight 182, it seems to be inconceivable that after so many years the culprits still walk shamelessly and fearlessly free, and all I can say is the cross we bear is heavy indeed; the price we pay unfair.

Yours sincerely, Sheroo D. Dumasia.
Mr. Commissioner, I will deposit the statement of the next exhibit, P-85. Thank you, Mr. Commissioner.

## --- EXHIBIT NO./PIĒCE No. P-85

WRITTEN STATEMENT - Mrs. Sheroo D. Dumasia (READ IN)
MR. FRIEMAN: Mr. Commissioner, I neglected after Mrs. Bhinder's testimony to enter the photographs and materials that accompanied her testimony, and I think we reserved number P-83 as the exhibit number.

## --- EXHIBIT NO./PIĒCE No. P-83:

PHOTOS - Accompanying Written Statement of Mrs. Amarjit Bhinder

MR. FREIMAN: Mr. Commissioner, this might be an appropriate time for us to take our morning break.

THE REGISTRAR: Order. All rise. Veulllez vous lever. --- Upon recessing at 10:56 a.m./

L'audience est suspendue à 10:56 a.m.
--- Upon resuming at 10:56 a.m./
L'audience est reprise à 10 h 56
THE REGISTRAR: Please be seated.
THE COMMISSIONER: Thank you.
MR. FREIMAN: Mr. Commissioner, our next witness is Mr.
Ram Gogia.
Mr. Gogia, I understand that you lost your mother on the bombing of Flight 182 and that you have a statement to read. I'd invite you, then, to read the statement.

MR. GOGIA: I apologize if I may not hear properly because I am very severely handicapped for hearing, but I'll read my statement which I had prepared.

THE COMMISSIONER: It is more important that we hear you, not that you hear us.

MR. GOGIA: Thank you.

## --- WRITTEN STATEMENT BY/DĒCLARATION ĒCRITE PAR MR. RAM <br> GOGIA:

My name is Ram Gogia. I lost my mother in the tragic bombing of Air India Flight 182. I'm a Canadian citizen and had immigrated to Canada in 1966. I am currently semi-retired but assist Aliments Rinag Foods, an Indian foods manufacturing and catering company in Ottawa in the capacity of the vice-president. The business is owned by my wife.

My mother was born in India and my father had passed away in 1983. After my father's death, my wife went to India to bring my mother to live with us here in Ottawa as a Canadian immigrant. My mother was a devoted housewife who loved
to cook for her family. I often think and imagine how proud she would have been of our Indian food business if she were alive today. She had four children all of whom she took care of with love. My younger brother had passed away earlier in a tragic accident, leaving his wife, a daughter and a mentally underdeveloped son. My mother helped my brother's wife to run a plastic parts manufacturing business. She also had two daughters, one of whom now lives in Toronto.

My mother was very excited about her trip to India. It was going to be a very busy trip as she had many family members to take care of. My father had been the eldest of his family and my mother devoted her energy to take care of my brother's young family and after his fatal accident. She had wanted to go one week earlier, but due to our love for her, we delayed her for one week.

On June $22^{\text {nd }}, 1985$ my whole family drove to Ottawa -- from Ottawa to Montreal to send her off to Delhi. After we wished farewell to my mother at the airport, we stayed in Montreal for the night with close family friends. Early the next morning we were awoken by our friend who had heard the tragic news of the destruction of Air India flight on the morning radio.

We drove back to Ottawa that day to be home and plan my next move, including travel to Cork in Ireland. No Canadian authority contacted me to help me during this confusing and traumatic time. I contacted Air India through my travel agent to get more information, got my passport issued to go to Ireland alone.

The hospital in Cork was a very sad scene and sombre place at the time. There were many family members who had lost loved ones. We were asked to identify our loved ones from pictures sorted by gender and age group that the Irish officials had posted on various boards. I could tell that the Irish authorities were trying to ensure that family members did not see the wrong body. They were trying to humanize
the whole process. I was lucky that my mother's body was easily identifiable because of a tattoo of my father's name on her forearm. I identified my mother who had met this tragic death at the age of 64 . I was 45 years old then when I lost my mother to the senseless act of terrorism.

Air India officials made arrangements to fly me and my mother's body to India. I spent only three days in Cork and I was one of the first family members to positively identify a body and leave the city of Cork. I was accompanied -- I accompanied the body back to India for the tradition of cremation and deposit her ashes into the Ganges River.

I never received an offer of support or counselling to deal with the tragic loss of my mother from any Canadian official. I did not go to the trial in British Columbia because I did not feel the trial would go well. I did go to a group meeting with Mr. Bob Rae and I also meet every year with the other Ottawa family members at the memorial at Dow's Lake.

The impact of this loss has been severe and very tragic to many families and no action can bring the deceased back. There is always a void that can never be filled and the question of why this act had to happen will always linger. My sister-inlaw in Delhi eventually closed her business as she was unable to cope with the pressure of bringing two young children and manage the business at the same time without the help of my mother.

My main concern is whether we can avoid this or other tragedies from happening again. There is nothing we can do to undo the damage that we have suffered but at least action must be taken to stop senseless killing happening again. We must go to the root cause so that similar acts are not hatched in Canada. Canada must not allow itself to be made a haven for terrorists or other people with criminal records.

In my opinion, the Canadian government has mishandled the whole subject of the Air India crash right from the very beginning. I feel that the government did not take appropriate action due to the fact that the flight was an Air India flight and most of the passengers were of Indian origin. Had this been an Air Canada, U.S. or other, some European flight, the actions would have been totally different.

The other reason for the lack of action is insufficient action by the intelligence organizations of Canada prior to the crash. Had the CSIS or RCMP allocated sufficient resources to the criminal activities of certain people with violent intent, this crash may have been prevented. Even now a large amount of funds are given to religious organizations in Canada that end up financing the terrorist activities all over the world, be it Asia, Middle East or in the past, Ireland. For the safety of innocent people who are killed each year by the terrorists or freedom fighters, it is essential that the Canadian government monitor and audit the flow of funds to and from various villages and charitable organizations and individuals and institute actions or laws to eliminate the transfer of funds. It may not be possible to eliminate the export of funds for terrorist activities, but any exposure of this kind of activity may save a lot of lives.

Commissioner, I thank you for listening to my statement and I look forward to hearing about your recommendation at the end of the inquiry. Thank you, sir.

MR. FREIMAN: Thank you very much, Mr. Gogia.
I would like to enter the pictures that accompanied Mr. Gogia’s testimony as Exhibit P-86.

## --- EXHIBIT NO./PIÈCE NO. P-86:

PHOTOS - Accompanying Written Statement of Mr. Ram Gogia
MR. FREIMAN: Mr. Commissioner, Ms. Yolanda Saito will be reading in a number of statements now.

## --- WRITTEN STATEMENT BY/DĒCLARATION ĒCRITE PAR MS. FRENY

 ENAYATI:MS. SAITO: Mr. Commissioner, we have the written statement of Mrs Freny Enayati of Kirkland, Quebec.

I was born in Bombay, India, now called Mumbai, on the $9^{\text {th }}$ of September 1928. My husband was born in Bombay too, on the $15^{\text {th }}$ of February 1917. My husband was Zoroastrian Baha'i. He was born into a Zoroastrian family but his father was Baha'i. I was also born a Zoroastrian, but after 12 years of my marriage, I became a Baha'i.

The Baha'i religion was formed in 1863. In this religion, we believe men and women are both alike. They each have full rights. We believe in all religions, Hindu, Muslim, Sikh, Catholic, Christian, Zoroastrian, et cetera. We believe religions evolve over the times. We believe in the oneness of God and people.

I was raised in Deolali, a small town outside of Bombay. I met Ardeshir Enayati when he came to study in my small town. He was very educated, handsome and jovial. We were married in 1944 and I moved to Bombay with him. He took good care of me and we loved each other very much.

My husband was a marine shipping engineer. He used to work with Scindia Navigation Company in India. After 14 years of service there, he started working as a foreman engineer with Mazagon Dock Limited in Bombay. In 1970, he retired. After that, he worked occasional engineering contracts, taught classes on the Baha'i faith and marine engineering and travelled the world together with me. With him, I have seen the whole world. I do love to travel, even now.

We have five children, all Baha'i; three girls and two boys. In 1973, my eldest daughter moved to Canada because she fell in love and married a boy

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from Montreal. In 1976, my second daughter moved to Montreal to join her. In 1980, my eldest son also moved.

During a visit to Canada in 1980, my husband liked the country and decided that he wanted to immigrate to Canada, even though he had travelled all over the world. We moved to Montreal with our youngest daughter and son on September the $1^{\text {st }}, 1982$.

By 1985, we were settled in Canada. Ardeshir wanted to go back to India to sell our property and settle all our accounts. He wanted me to come with him but my second daughter had just given birth to her second child on June the $8^{\text {th }}$. He said that I should stay behind to care for our daughter and the new grandchild while he settled our things in India. He had a two-month summer leave from his position as a marine engineering professor at Laurendeau College in LaSalle. So it was the perfect time for him to go.

Even though he was a retired person, he worked here in Canada as a marine engineering professor. He was always working and helping others. After the summer, he was planning to come back to Canada to live the rest of our lives here.

The family all went to the airport to see him off. It was a normal day. I remember our goodbye was playful. I was asking him to bring this and that back from India. He laughed. My husband travelled a lot and would always buy travel insurance. I always teased him about this and asked him why he bothered doing that. As luck would have it, he decided not to buy insurance for this trip.

A friend of my husband's called the next morning from the US. He asked me where my husband was and I told him that he had boarded the Air India 182 Flight. He asked to speak to my young son who was just 18 years old at the time. I still feel so sorry for my young son having to be the one to hear the news first and tell the rest

# WRITTEN STATEMENT DÉCLARATION ÉCRITE <br> (Enayati) 

of us.
I passed the phone to him and saw immediately that my son was acting strange. I poked him and I told him he should not speak so strangely to one of his father's friends. It was not proper. When he hung up, he asked me if we could turn on the TV. I replied, "Of course". Before turning on the TV, he told me about the crash. I was devastated. We turned the TV and the news was on about the crash.

I found out later that one Ardeshir's bags had been pulled off the plane and left in the Mirabel Airport because it had triggered a security alert. I wonder why the passengers were not told about this or at least the owner of the bag. I often wish he had also been pulled from the flight, not just his bag. Then he would still be with me here today.

I got that bag back after a year when I came back to Canada after going to Cork and then India to settle my accounts there, the task my husband had meant to do. I still have that bag today, but I never found my husband.

I went to Cork with my youngest daughter and two sons. Air India paid for all of our tickets. I never found my husband's body. He must have gone into the deep sea. We could not do his last Baha'i rites but held prayers instead.

All my life I had taken care of my family, never had a paying job. After my husband died, I took a nanny's course for three months because I needed money to live. I worked as a nanny. I had to learn to be more independent all by myself.

We were very disheartened with the trial. I went with my eldest son. We found out later that the accused were let free. What can you do? What can I tell you? It seems that with money you can buy anything.

I went during the $20^{\text {th }}$ anniversary memorial with my eldest daughter in 2005. During the prayer ceremony, I asked to read a Baha'i prayer. They
allowed me and I said my Baha'i prayer over the memorial. In Cork, the people were very, very nice. I met the Baha'i community there. I was watching the memorial DVD that the Commission sent. I noticed that my husband was the only victim with the last name that started with "e" and the only Baha'i on the whole plane. He was always unique and special even in death.

God willing, I hope everything goes well. I will pray that we find some answers in this inquiry. We trust in God.

Mr. Commissioner, I'd like to exhibit Ms. Freny Enayati's written statement as Exhibit P-87.

## --- EXHIBIT NO./PIÈCE NO. P-87:

WRITTEN STATEMENT - Ms. Freny Enayati (READ IN)

## --- WRITTEN STATEMENT BY/DĒCLARATION ĒCRITE PAR MRS.

## SANDHYA NIL SINGH:

MS. SAITO: I have another written statement from Mrs. Sandhya Nil Singh. Mrs. Singh lost her brother, S.P. Singh, and his wife, Joyosree Singh, and their baby boy who was one year and four months old, Ratik Singh.

In 1984, I was in London on a posting for three months. At that time, the Sikh sentiments were deeply hurt due to the political situation in India. Being away from India, I was more in contact with people also living outside. At that time, there were open threats on the life of the then Prime Minister Mrs. Indira Gandhi and she did get assassinated.

The threats did not end with Mrs. Gandhi's assassination. They continued. There were open threats to bomb an Air India plane. The Sikhs wanted an independent state in India. That was their demand. Air India flights were on red alert. A lot of movement was taking place in Canada. I fail to understand why the Canadian
authorities did not take it seriously.
After the crash, a lenient view was taken, the results of which are quite evident from the outcome of the court case. An able country like Canada was unable to act in time or give justice. After taking such a long time to give the verdict, nothing worthwhile came out of it. As a matter of fact, it was a big disappointment for all of us.

How can the terrorists responsible for such mass murder be set free or be given humanitarian treatment or not convicted at all? Then, what is the justice there for? If you pardon everyone, then why do you have a court of law and what then is the meaning of law?

Terrorists can attack any country, be it India or Canada. The prime aim of any progressive nation should be to stop any terrorist activity. I am disappointed and sad at the way this case is handled. I do hope that better sense prevails and justice sees the criminals with an impartial eye and some justice is brought for the peace of all those 329 persons who perished in the fateful flight Air India 182 in 1985. Amen.

With deep sadness, Sandhya Singh
THE COMMISSIONER: Where is the person living?
MS. SAITO: She is from Mumbai, India.
Mr. Commissioner, I'd like to file the written statement and the photos from Mrs. Singh's presentation as Exhibit P-88.

## --- EXHIBIT NO./PIECE NO. P-88:

WRITTEN STATEMENT \& PHOTOS - Sandhya Nil Singh
(READ IN)
MS. SAITO: And now for the final statement for today, Mr. Mark

Freiman will present that one.
MR. FREIMAN: Mr. Commissioner, this is the written statement of Ratheish Yelevarthy.

Honourable Justice John Major, I ---
THE COMMISSIONER: Mr. Freiman, I am just a little puzzled by Ms. Singh's statement. Did she lose a member of the family?

MR. FREIMAN: Yes.
THE COMMISSIONER: And who was that? It's probably here.
I just don't see it.
MR. FREIMAN: It's not on the face of the document. It's her brother. You'll recall he was a crew member and we heard in one of the previous witnesses talked about this family as well as one of their closest friends.

## --- WRITTEN STATEMENT BY/DĒCLARATION ĒCRITE PAR MR.

## RATHEISH YELEVARTHY:

This then is the written statement of Ratheish Yelevarthy. Honourable Justice John Major, I am Ratheish, eldest son of the late Y. Nayudamma who was a victim of the Kanishka tragedy. I am a leather technologist who worked in Spain and in Europe before I returned home to be married into a business family in the same field. I had a son aged five at the time of the tragedy. I had various interests prior to the tragedy but later confined myself to my work and my family and listening to Yanni, a Greek musician, in whose music I still continue to derive solace.

My late father, Y. Nayudamma, married to Y. Pavana, was a doctor. He had two sons and a daughter. He was born in a small village in an agricultural community. He graduated in industrial chemistry and later underwent study
and training in the UK and the USA. He became a renowned leather technologist and rose to dizzying heights, occupying a highly esteemed position in the field of science, both in India and abroad.

He was connected with various international organizations across the globe. He truly became the ambassador of India. He used to say proudly he was farmer by birth, cobbler by profession. He was very simple, always smiling and ever ready to help.

I still remember my father used to take me for long walks during my childhood. He used to teach me about life. He said, "The best things in life are available for everyone because they are in silence, truth, imagination, creativity, love, kindness and compassion. So you see, greatness has nothing to do with success, neither money, fame or possessions."

He wrote some very interesting thoughts in his journal, thoughts I wish to quote to you here today.
"I have no regrets. I have lived a full life; loved, enjoyed, worked hard, contributed to the country, community and the world if only to a small extent. My assets are not in the bank. My assets are my friends in all parts of the world; men, women, children of different cast, creed, race, colour and country. To them I send my affection and gratitude as a farmer by birth and untouchable by profession. I am proud of both."

Written in June 22, 1967.
My heart weeps when I am addressing this statement on behalf of all our dear loved ones whom we lost. None should ever go through this horrific
experience, which haunts us every day of our lives, which will remain until our last breath of our lives. We remember them in moments appropriate for our ever daily changing lives in sadness, joy, affection, compassion, in times of protection, misgiving, understanding, a shoulder to cry on. It has become a way of our life caused by vagaries of human misdeeds, euphemistically called terrorism.

My father was last seen in the Montreal airport by Mr. and Mrs. Rao who put him on that flight. He was originally booked on a Swiss Air flight but insisted on changing it to Air India. He was a true patriot.

Prior to the flight, he happened to visit an Egyptian exhibition of arts, which was being held. He had roast lamb for dinner that evening. I understand he was very cheerful and jovial as always. He, my father, had come to Canada to attend the Board of Governors meeting of the IDRC, the International Development Research Council, in Ottawa. He frequently visited Ottawa; once every six weeks that year.

On June 22, 1985, he took his last flight to destiny never to return but rather perhaps roasted in mid-air; a murder in the sky.

Coming back to the news of the Kanishka tragedy, it did not come as a shock to me. I say this because I had just returned home that evening when a strange flash came across my mind as I was settling down for a drink and dinner. The flash said,"Do not put the glass back on the table". My father and I never believed in superstition. I put the glass back. You can call it by any name, confusion, strange, weird, but trust me, the very next few seconds I received a phone call from a young girl. She said, "Uncle, did you hear some news about a plane crash?" I said, "No". She hung up only to return weeping saying, "My father is no more".

I dedicate this statement to the young kids in this tragedy who have been denied their parents to grow with. I was quickly consoled and had to be strong up

# WRITTEN STATEMENT DÉCLARATION ÉCRITE <br> (Yelevarthy) 

for the rest of the family. What happened in my house was pathetic and at this hour of need the communication system was at its lowest ebb. It was hell let loose from all responsible sources.

We immediately rushed to Chennai as another unforeseen catastrophe was waiting for us. My mother just could not take the shock and attempted to take her life even though she was a doctor. I was dazzled to see what was happening around me. She was declared in critical condition and she had to be airlifted to the US, but was not fit to go. I had to leave for Cork to trace the remains of my father.

I flew to Cork with many other bereaved families, each one united in a fraction of a second by the loss expression feeling. The engines of the airplane bringing us roared bringing the man and the machine ever close. Defying all the parameters, we landed safely in Cork. As we put our foot on the soil, I felt I was returning back home. I am sure many other bereaved families will endorse my views. Motherly understanding and affection was showered on us by the people of Cork. I understand they were from Cork Hospital and many Irish families volunteered to put us up in their homes. What a remarkable gesture!

It changed my way of looking at life. Can we have this for the rest of our life? I ponder the answer today and I believe the answer is an emphatic "no". This affection cannot be bought. It was a touch of milk of human kindness which poured.

I had to return without the remains of my father. Even the shark infested waters of the Atlantic chose on whom to prey. I did not have the horrific experience, the agony of many who had to see the charred mutilated body remains. The sight in the sea must have resembled a battlefield.

After only a few hours in Cork, I had to rush back to India to see my mother. I flew back in silence only to arrive to the next blow; the news that my
mother had died from her suicide before I could reach her. Perhaps she had a greater solace in joining her husband's charred remains, but at that time, I could not think this. I was in the wilderness. My mind was blank. I said to myself, "What have we all done? Why is this happening to us?" Is this the end", I thought. Again, the answer was "no". The family rituals for my parents were held. There was a large gathering to mourn them. When the people were departing, I had to attend to another important job for a few moments, when my son walked up and said he wished to accompany me. I refused, but he repeated his request again. My answer was firm, "No", but I promised to return in a short enough time. He then said, "Dad, give me a kiss", which I did and left.

He managed to skip away from the crowd and play in a small pool where he died of accidental drowning. I had just returned only to see his dead body. I quickly buried him in the late hours of the night, as I could not bear his death too after all this. I had to dig up the grave the next day to complete the ritual formalities. He was lying in a serene manner. His face was like a moonlight.

I feel that my dear ones, our bereaved ones are not dead. They have been silenced with no way to tell their story. It is why we come united here to voice it out for them. This time I said, "God, please end this suffering". My system was put to the maximum test. Doctors advised me to get a complete rest and to get out of the scene, but I could not because my grandmother died due to shock.

Life has never been the same after my father's death for all the family members and some of his grandchildren never got to see him. He would have given us high moral support and indirectly it was a name for all of us to refer to, to be proud to, be related to. He was a man liked by everybody and he meant so much for so many of them. On the news of his death, we received condolences from people in many
parts of the world.
So you see what this means. I would like to ask every perpetrator of this crime, "Would you like to undertake my journey?" The answer will be "No". Would they like to use me as the next fodder in spite of all this? Yes, of course.

This brings me to the depressing subject of terrorism. In my opinion, it was a cocktail of poor communications and shoddy intelligence work procedures.

As we know, this battle of wits can never end. There will always be terrorists. However, there is no reason why we should give up. If we did, it would only strengthen the perpetrators of evil instead of weakening them. Events have challenged our sense of right and wrong, of civilized behaviour, of justice.

We have on hand a problem of enormous magnitude that could be a monster in the next decade, and we should not be surprised. I call it the terrorism industry. It will be a part of life and make the most profitable business of this century for some. People will judge not by immediate reaction or verbal statement but by what actually they do against terrorism.

How do we end this as terrorists do not function in a vacuum? They work, they train, they plan and then strike. This only leads to the answer that there is no substitute for accurate and timely intelligence, or give up and wait for the aliens to run our planet. Do I expect anything to come out after all this? My reaction is not hopeful, given the lapse of time and unfortunate incidents to sabotage the investigation. I do not expect anything dramatic to happen. If it does, the people of Canada will show the light to the rest of the world.

Finally, I would like to thank the Honourable Prime Minister, Stephen Harper, Honourable Justice John Major, fellow Canadians and other family
members who have come forward and put in timeless efforts to reopen the issue and seek the truth. To all of them, I extend our gratitude.

Thank you.
Signed: Y. Ratheish
And Mr. Commissioner, I would like to deposit this statement as
Exhibit P-89.
--- EXHIBIT NO./PIÈCE NO. P-89:
WRITTEN STATEMENT - Mr. Ratheish Yelevarthy (READ IN)
MR. FREIMAN: Mr. Commissioner, there is one last bit of business. We were expecting an audiotape, which is accompanied by a number of photographs from Ms. Dianne Beauchesne. What I would propose to do is to reserve Exhibit No. P-90 and, with your permission, to deposit the audiotape when it comes along with the pictures as part of the permanent record of this inquiry.

THE COMMISSIONER: Do you plan on running the tape at some point?

MR. FREIMAN: If the logistics permit it, we will. If logistics don't permit it, I would like to reserve Exhibit P-90 and simply deposit the tape.

## --- EXHIBIT NO./PIÈCE NO. P-90:

(RESERVED) - PHOTOS \& AUDIO - Ms. Dianne Beauchesne
THE COMMISSIONER: Well let's do that but plan on finding some time that we can run the tape.

MR. FREIMAN: That would be very good, Mr. Commissioner.
So I will simply hold on to the material until we have further resolution.

Mr. Commissioner, we've listened for three weeks to sad stories,
uplifting stories and the stories have now come to an end. When we reconvene, we will begin with the substantive issues that arise from the aftermath of these sad stories.

It is my suggestion, Mr. Commissioner, that we adjourn these hearings until the next phase can be commenced.

THE COMMISSIONER: Thank you, Mr. Freiman.
As you state, we are at the conclusion of Stage 1 of the inquiry. It would be remiss on my part if I did not express thanks to family members who, with great sacrifice emotionally and physically, appeared to give evidence, to express some amazement that the families have managed to stay in substantial contact over many years of disappointment and grief. Their participation, I think, contributed to the knowledge of the Canadian people as to the immense nature of the tragedy.

I think too we should express our gratitude to the Irish and other rescuers who came and gave evidence. We thank them for that and, of course, we thank them for their efforts in the rescue attempts that they made.

It is also noteworthy and should be part of the record that to a person every family member that visited Cork for the purposes of identifying bodies and other tasks, we're all impressed by the compassion and generosity shown to them by the Irish people.

In summation, what we've heard to date has been valuable to the Commission and to the country. It has promoted a better understanding of the tragedy experienced by the families and those who worked to recover the bodies lost in the bombing. The Commission is, of course, aware that while we now have a better understanding, only those persons who lived and continue to live the tragedy and its aftermath can truly feel the impact of this act of terrorism.

Having completed Stage 1, it was our intention, our hope I should
say, to move directly to the hearings of evidence in Stage 2 of the inquiry. However, the complexities of collecting documents and evidence over 21 years, and the need for thoroughness in this inquiry, means that additional time is required for parties to properly prepare for the commencement of Stage 2. Documents have to be provided to family members' counsel and that will be done. We want to ensure that when parties leave this hearing that they feel they've had a full opportunity to explore the cause and to be satisfied that they know what happened to the extent that that is possible.

In order to facilitate the work directed towards this end and objective, we have to adjourn until November $6^{\text {th }}$, at which time we will reconvene for the commencement of Stage 2.

Consequently, we stand adjourned until that date.
--- Upon adjourning at 11:36 a.m. /
L'audience est ajournée à 11h36

## C E R T I F I C ATION

I, Barry E. Prouse, a certified court reporter in the Province of Ontario, hereby certify the foregoing pages to be an accurate transcription of my notes/records to the best of my skill and ability, and I so swear.

Je, Barry E. Prouse, un sténographe officiel dans la province de l'Ontario, certifie que les pages ci-hautes sont une transcription conforme de mes notes/enregistrements au meilleur de mes capacités, et je le jure.

$\qquad$

Barry E. Prouse, CVR-CM

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Sheet 7

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Sheet 8

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