



Air India report faltered on racism issue: Attorney

AJIT JAIN

Toronto attorney Raj Anand, who represented six families of victims, said Justice John Major's report on the Air India tragedy was well done, "but the process was dismal."

The report was to be completed within one year, but Justice Major took four years, Anand said. He added that the buzz in Ottawa was that the report was completed in September last year. So, there are question marks over why it took another nine months to release the report.

Anand alleged that politically it served greater purpose to release the report six days before the 25th anniversary of the Air India bombing. It was released close to the G8 and G20 summits so that the report "becomes a one-day wonder," he alleged.

Anand, who specializes in aviation security, said, "Justice Major should have clearly pointed out that Canada is non-compliant with international standards with regard to cargo security. Europeans strictly comply with Article 17 of the international conventions, which provides for regulated shippers rather than what we have been doing in Canada... While passengers are subjected to all kinds of checks... including taking objection to our carrying shaving cream, cargo security continues to be lax."

It was lax cargo security that put the bomb



Raj Anand represented six families of victims

inside the plane.

Anand was also critical of Air India. The airline was vindicated by Justice Major as far as informing the Royal Canadian Mounted Police about a threat, but Anand asked how could the airline allow a piece of luggage on the flight when it could not be reconciled with a passenger. "It is that bag that carried the bomb," Anand said.

Anand was disappointed that Justice Major didn't deal with racism in his report. He said he had suggested that the commission call expert witness Sherene H Razack, sociology professor, University of Toronto, to testify to what extent racism played a part in pre-bombing threat assessment and post-bombing handling of the investigation. Razack has written a 29-page report on the subject.

Anand said, "The commission told me, 'You call her to the stand if you want to.' To them Razack was not an expert."

"My point is Razack's racism conclusion is based on facts," Anand said. "It is not that someone in the Canadian government said, 'I don't like Indians.' It is not malicious, but I don't think Major understood that distinction. He lists the facts and then says I am not going to find racism as a factor because it is not useful. It's just denial of reality. Facts are facts in terms of how the families were treated by the government, in terms of no action being taken on aviation security issues and how 9/11 was treated so differently because of the understanding that passengers on Flight 182 were Indians and Air India was a foreign airline and what happened on June 23, 1985, was an Indian problem and we needn't worry about it unlike 9/11. The facts are there and they were not captured very well (*by the commission*) in terms of racism."

The expert whom the inquiry commission wouldn't call

AJIT JAIN

When the Air India inquiry commission refused to call Sherene H Razack, sociology professor, University of Toronto, as an expert witness, attorney Raj Anand, who represented six families of victims, called her to the stand himself.

Razack in a 29-page report on the Air India bombing had concluded that 'race was a factor in pre-bombing threat assessment and in post-bombing responses from the Canadian government and law enforcement agencies.' Her report was based on evidence presented before Justice John Major inquiry commission and earlier research.

'Once the terrible events of the bombings unfolded, there was still no sense of urgency, certainly not the kind that one would expect given that so many Canadians had died in the biggest terrorist bombing to date,' she wrote. 'This is surely a powerful indicator that racism influenced events both before and after the bombings.'

'White Canadians appear to have felt that Sikh terrorism was a problem among Indians, not Canadians. The conflict originated in India and the intended targets were Indians,' she added. 'When information came that indeed a terror threat was imminent, it came from Indian officials who were likely perceived as less rational and competent than white Canadians.'

Indo-Canadians, she said, were deemed 'as different from the norm, outsiders to the nation, and members of an inferior culture.'

Razack's report took note of the poor response from Canadian law enforcement agencies when threat information came from the United States' Federal Bureau of Investigation during then Indian prime minister Rajiv Gandhi's visit to the US during that period, lack of Punjabi translators to listen and translate tapes of telephone conversations between prime bombing suspect Talwinder Singh Parmar with his accomplices, destruction of those tapes and discontinuance of the surveillance on Parmar days before the bombing.

'Neither Canadian Security Intelligence Service nor the Royal Canadian Mounted Police had many Canadians of color among their ranks (*at the time of the Air India bombing*) and more significantly, neither appears to have considered the limitations that their homogeneity posed,' Razack wrote. She saw 'ethnocentric arrogance in the perception that the routine work of security and



Sherene H Razack appears before the Air India inquiry commission

lacked personnel and critical training that would enable them to overcome the limitations of being a homogeneously white organization.'

'It would be hard to find anyone who believes that as a nation, our national response to this terrorist act bore even a passing resemblance to our response to the World Trade Center and Pentagon bombings on September 11, 2001,' she added.

When Razack appeared before the commission, federal government lawyer Barney Brucker accused her of selectively examining a fraction of the evidence before the commission. She stood her ground.

'In that pre-bombing period, despite considerable and mounting evidence of information about Sikh extremism... you find a kind of disregard for this that arises out of people being locked in their own world and without a chance to challenge their homogeneity,' Razack told the commission. 'There was no powerful symbolic gesture that would indicate to Canadians that this is a Canadian tragedy.'

policing can be effective when the force

is a Canadian tragedy.'