

CSIS decision to erase tapes in bomb case to be examined

BILL CURRY

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OTTAWA -- Officials working at Canada's spy agency will explain next week why CSIS erased audio wiretaps of key suspects after the 1985 Air India bombing.

The decision by the Canadian Security Intelligence Service to erase audiotapes of phone conversations involving the alleged mastermind of the Air India bombing has long exasperated the families of those who died in the terrorist attack. They frequently cite the erasure as a key factor in why, 22 years later, no one has ever been convicted of orchestrating the bombing.

Starting Monday, the public inquiry into the Air India bombing will hear from those inside CSIS and the RCMP at the time, to better understand the decisions on the erasures and their timing.

The commission is planning a two-month marathon of hearings this fall to wrap up its work. The commission will also explore new evidence from India, the current debate surrounding terrorist trials and the witness protection program.



In an interview with The Globe and Mail, lead commission counsel Mark Freiman said the inquiry - with a few exceptions - will now focus on issues and events that followed the 1985 bombing, beginning with tape erasures.

"I think it will probably be a good introduction into an issue that will keep coming up throughout the fall, which is the difficulties of converting intelligence into evidence," Mr. Freiman said.

Although CSIS has commented on the issue in various forums before, Mr. Freiman said the commission's work will be new in that it will explore the erasure policy in depth.

At issue is when and how CSIS passes on a case to the RCMP. As an intelligence agency, CSIS does not have a mandate to build criminal cases against individuals. When it finds something that may warrant a criminal investigation, it is supposed to pass the file on to the police, who then gather evidence to support charges.

The erasure policy has been explained previously as a simple issue of not having enough space to store reels and reels of tape. The policy at the time was to erase tapes once they had been translated, but the transcripts in this case have been questioned because the conversations were not transcribed verbatim.

Tape erasures by CSIS were a significant issue in the trial of Inderjit Singh Reyat, the only person convicted in relation to the bombing. Mr. Reyat admitted to providing parts for building bombs but said he did not know the materials were to be used to blow up airplanes.

The issue also surfaced in the separate case of Ripudaman Singh Malik and Ajaib Singh Bagri, who were

accused of playing senior roles in the bombing. The case ended in a not-guilty ruling in 2005 following a \$130-million trial.

The Security Intelligence Review Committee, the civilian watchdog for CSIS, reported in 1992 that nothing of value was lost by erasing the wiretaps. But some have criticized that finding for lacking proper analysis.

There has yet to be a clear answer as to why the Justice Department waited eight months after the bombing before instructing the spy agency not to destroy wiretaps of the prime suspect. Also, questions surround CSIS's decision to erase bombing-related interviews in 1987, two years after the terrorist incident.

Mr. Freiman said the commission will address new evidence obtained over the summer from India. Although he would not comment on details, The Globe reported this year that the commission counsel met privately with Harmail Singh Chandi, a former Indian police officer who apprehended and interrogated the alleged mastermind of the bombing, Talwinder Singh Parmar.

A recently released report from the Punjab Human Rights Organization revealed a description of Mr. Parmar confessing and expressing regret for the bombing to Indian police. The report claims Indian police shot Mr. Parmar dead in 1992 while in custody, contrary to previous accounts that he died in a shootout.

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Phillip Crawley, Publisher