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Court No: CSIS 10-85

IN THE FEDERAL COURT OF CANADA

IN THE MATTER OF An Application
for a Warrant Pursuant To Section 21
of the Canadian Security Intelligence
Service Act, S.C. 1983-84, c. 21

AND IN THE MATTER of a warrant in
respect of Talwinder Singh PARMAR

AFFIDAVIT OF ARCHIE M. BARR

I, ARCHIE M. BARR of the City of Ottawa in the
Regional Municipality of Ottawa-Carleton, MAKE OATH AND SAY
AS FOLLOWS:

1. I am an employee of the Canadian Security Intel-
ligence Service ("the Service") designated for this purpose
by the Solicitor General of Canada pursuant to subsection
21(1) of the Act and, as such, have knowledge of the matters
hereinafter deposed to.

2. The Service maintains voluminous records in respect
of this matter, comprising reports from informers ("human
sources") in different Canadian cities, intelligence
obtained from friendly foreign intelligence agencies, intel-
ligence obtained from open sources (media) and in some
instances, from surveillance teams. I am informed by those
officials of the Service responsible for maintaining and
analyzing these records, and do verily believe, that the
facts hereinafter set out are true.

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3. The facts on the basis of which I request the issuance of the warrant are as follows:

- a) Talwinder Singh PARMAR, a Naturalized Canadian citizen, is a Sikh extremist and leader of the Babbar Khalsa. The Babbar Khalsa is a Sikh terrorist group now established in Canada. PARMAR founded the Babbar Khalsa in India during a visit there in 1981. Since its inception, Babbar Khalsa has claimed responsibility for more than forty (40) assassinations of moderate Sikhs and other persons in the Punjab, India opposed to the Khalistan Movement.

- b) Babbar Khalsa is a militant off-shoot of the Khalistan Liberation Movement (KLM). The KLM is an autonomous Sikh organization whose aim, through violent means, is the creation of an independent state in the Punjab, to be known as the Republic of Khalistan. Babbar Khalsa is fanatically dedicated to the Khalistan concept. The Babbar Khalsa in Canada consists of approximately 20 members, PARMAR is their leader. This Canadian group has penned its name to threatening letters to the late Indian Prime Minister Indira GANDHI and other high officials in India. On June 06, 1984, Babbar Khalsa threatened to kidnap or kill the Indian Consul General in Vancouver. This telephone threat was also directed at members of the Consul's family.

- c) PARMAR entered Canada on May 31, 1970 and was granted Canadian Citizenship on August 03, 1976. He did not come to the attention of the Service until 1981 when the Indian government identified him as a terrorist, and implicated him in the murder of six peo-

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ple in India. On April 29, 1982, the Indian government presented a formal request for the extradition of PARMAR from Canada. This request was denied by the Government of Canada in July, 1982. PARMAR was subsequently arrested by German authorities on the basis of an international warrant on June 29, 1983, when he attempted to enter the Federal Republic of Germany. Following lengthy deliberations, on July 6, 1984, the FRG also denied an extradition request.

- d) PARMAR travels extensively throughout Canada portraying himself as the High Priest of the Sikh religion, the leading pro-Khalistan Sikh in Canada, and leader of the Sikh Independence Movement in North America. He presents himself as the self appointed successor to the deceased Sikh militant leader, Sant BHINDRANWALE. BHINDRANWALE, the 37 year old preacher whom large numbers of Sikhs regarded as India's "Ayatollah", died during the June 6, 1984 Indian military assault on the Sikh Golden Temple in Amritsar, India.

- e) In his drive for recognition as the only Sikh leader in North America who can mold a unified Sikh force, PARMAR has advocated the use of violence and terrorism by Sikhs in Canada against the government of India, particularly in retaliation for the assault on the Golden Temple. PARMAR has openly threatened and warned the Indian government, "that they will pay a price for attacking the temple". In Calgary, Alberta, on July 15, 1984 PARMAR urged the Coach Temple congregation to "unite, fight and kill" in order to avenge the attack on the Golden Temple.

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Later in Toronto, Ontario on July 21, 1984 PARMAR addressed Sikh congregations in several locations, urging violence. He is reported to have said: "Sikhs will kill 50,000 Hindus; Sikhs will harrass Hindus, Indian embassies, High Commissions, and Consulate personnel; Sikhs will blow up embassies; and Sikhs will not sit back, but will take revenge on the Hindu government (in India)." In Windsor, Ontario on July 23, 1984, PARMAR discussed Sikh involvement in terrorist activity, stating "there would be no backlash upon the Sikh community for Sikh terrorism because he would take all the responsibility on his shoulders". Then again in a press conference, on August 31, 1984, PARMAR described himself as, "India's most wanted rebel". He commented that his goal, "is to achieve a Sovereign State. Any Sikh who doesn't ask for a Sovereign State is a traitor".

- f) The government of India has described PARMAR as the most dangerous Sikh terrorist presently at large and a threat to Indian Diplomatic personnel. Within the Canadian Sikh community, PARMAR is considered by some to be a hero, and second only to that of BHINDRANWALE in importance. The civil conflict and communal violence in the Punjab resulted in armed confrontations between Indian government security forces and Sikh extremists. Several hundred Sikhs are reported to have died in the Indian military's entry of the Golden Temple in Amritsar. This act is viewed by Sikhs worldwide as a desecration of their holiest shrine. PARMAR is attempting to capitalize on this sentiment and is urging Sikhs in Canada to commit violent acts against the Government of India,

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prominent Hindus and moderate Sikhs not supportive of the Khalistan concept.

g) On October 31, 1984 Indian Prime Minister, Indira GANDHI was assassinated by Sikh extremists. This resulted in severe retaliation by Hindus against Sikhs in India. The large Sikh and Hindu communities in Canada have been sensitive to the recent turmoil in India; fortunately their reaction to these events to date has been moderate. A mood of uncertainty however does exist within the East Indian community in Canada, and a Hindu backlash against the Sikh community here is a strong possibility. Concurrently, the assassination could inspire Sikh extremists to attempt other violent acts against Indian officials in this country. The Golden Temple incident, the GANDHI assassination and the subsequent Hindu retaliation in India are not likely to fade quickly from the public mind. The threat of renewed outbursts of communal and anti-government violence in India remains high. PARMAR will continually attempt to use the problems there to his own advantage, and is expected to further incite and plan acts of violence including terrorism.

h) Babbar Khalsa is based in Vancouver but does not maintain a formal headquarters. PARMAR's residence at 1302 Howard Avenue, Burnaby, British Columbia, where he lives with his family, is used for meetings of Babbar Khalsa, and is the focal point of Babbar Khalsa activities. In this context, we anticipate PARMAR will receive many telephone calls and visitors from persons whose identity is at present unknown to the Service.

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4. Based on the facts in paragraph 3 above, I have reasonable grounds to believe and do believe that a warrant as requested under section 21 of the Act is required to enable the Service to investigate a threat to the security of Canada namely:

- a) activities within or relating to Canada directed toward or in support of the threat or use of acts of serious violence against persons or property for the purpose of achieving a political objective within Canada or a foreign state,

which does not include lawful advocacy, protest or dissent unless carried on in conjunction with any of the activities referred to in a) above.

5. A warrant under section 21 of the Act is required to enable the Service to investigate this threat because of the following reasons:

- a) All conventional investigative techniques have been tried, namely, general inquiries, interviews within the Sikh community, human source coverage and physical surveillance. These techniques have all failed to provide the required information for the following reasons:

Media reports are useful as they provide information concerning events of importance and public statements by prominent figures in the East Indian community. They do not however, contain precise reports about the activities of small secretive groups such as Babbar Khalsa.

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Information from allied services is also of value. This intelligence has aided the Service in developing an assessment of PARMAR, but it is limited in scope particularly with respect to PARMAR's more recent terrorist related activity.

Moderate leaders in the Sikh community in Canada have discussed problems and provided information to the Service. Their comments have given the Service a general appreciation of the tensions and mood within the Sikh community. The scope of their knowledge, however, does not include the non-public activities of PARMAR. Some supporters of the Khalistan Movement have also spoken to Service investigators. They too are excluded from and not privy to PARMAR's and the Babbar Khalsa's private exchanges and plans.

The Babbar Khalsa is a small, tight knit and highly secretive group. In addition to religion, members are tied together by bonds of family and long standing friendships often including common origins in a particular community in the Punjab. The introduction of a human source into such a group is thus virtually impossible.

PARMAR travels often and widely throughout Canada. He normally travels alone or in the company of other radical Sikhs who are close and trusted confidants. Physical surveillance can identify persons contacted by PARMAR, but it cannot look beyond that contact and provide any reason for the meeting or the nature

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of any association. As well, the Service does not maintain professional surveillance teams in many of the communities visited by PARMAR.

The Service attempted to interview PARMAR on December 1, 1982. He however, flatly refused to speak to investigators.

6. Based on the facts set out in paragraph 3 above, I do verily believe that reasonable grounds do exist to justify the issuance of a warrant as follows:

A. to intercept communications as hereinafter mentioned namely:

the oral communications and telecommunications within Canada addressed or destined to, received by, or originating from Talwinder Singh PARMAR, wherever he may be, or any person at 1302 Howard Avenue, Burnaby, British Columbia, or any person at any other place in Canada which Talwinder Singh PARMAR may be using as a temporary or permanent residence whether stationary or mobile,

AND

for such purpose to enter:

a) the said premises at 1302 Howard Avenue, Burnaby, British Columbia, or any other

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place in Canada which Talwinder Singh PARMAR may be using as a temporary or permanent residence, whether stationary or mobile;

- b) any vehicle used by Talwinder Singh PARMAR;
- c) any other place in Canada where there are reasonable grounds to believe Talwinder Singh PARMAR will be present,

in order to install, maintain or remove any thing necessary to effect the said interceptions,

AND

for such purpose:

- d) to install, maintain, or remove any thing necessary to effect, at the places described at A. above, the interception of oral communications and telecommunications.

B. The warrant is requested to be issued for the period commencing on the 5th day of March A.D. 1985 and expiring on the 4th day of March A.D. 1986.

7. The persons or classes of persons to whom the warrant is to be directed are the Director, Canadian Security Intelligence Service, and the employees of the Service acting under his authority or on his behalf.

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8. No previous application has been made pursuant to section 21 of the Act for a warrant in respect of Talwinder Singh PARMAR.

9. I have consulted the Deputy Solicitor General with respect to this application, pursuant to the provisions of subsection 7(2) of the Act.

10. This affidavit is made in support of an application pursuant to section 21 of the Act.

SWORN BEFORE ME at the City)
of Ottawa, in the Regional)
Municipality of Ottawa-Carleton)
this day of 1985)
A.D.)
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Commissioner for oaths)

Archie M. Barr

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