

Canadian report blocks path to justice, families say

By Mark PavilonsEditor

Canada is standing firm that Iran takes full responsibility in the downing of Ukraine International Airlines Flight 752, and will strongly pursue all avenues for reparations. That vow came from Prime Minister Justin Trudeau last week, when The Canadian Forensic and Examination Team released its report. The report stopped short of saying the tragedy was premeditated and some vagaries in the report are seen as a hurdle to getting justice, according to families of victims. Canada will negotiate reparations with eyes wide open. Should negotiations with Iran not result in an acceptable outcome for Canada on behalf of the families, we will pursue all available options, including recourse to the International Court of Justice, Trudeau said. The conclusion is clear, according to the Prime Minister: "Through their decisions, actions and omissions, Iranian civilian and military authorities bear full and complete responsibility. Flight PS752 was shot down due to their recklessness, incompetence, and wanton disregard for human life. We continue to mourn the 176 precious lives lost, including 55 Canadian citizens, 30 permanent residents, and 53 others with ties to Canada. He said he's met with many passengers' families who live with "unfathomable grief." Let us be clear: The Forensic Team has analyzed the information at its disposal, from public sources and classified intelligence, with professionalism and skill, but only Iran has full access to the evidence, crash site, and witnesses. The onus is on Iran to provide definitive answers about all aspects of this tragedy. While indicating Iran takes full responsibility, Ottawa stopped short of saying this was an intentional act. Nobleton's Shahin Moghaddam, who lost his wife and son in the atrocity, said the government is ignoring key evidence which suggests this was indeed, intentional. The final report published by the fact-finding team was nothing but a translation and interpretation of the final report of the terrorist regime of Iran," he said. "(Your) government is a disgrace to all Canadians and (you) played with remaining PS752 families. You did not even recognize the Ontario court's ruling that the crime was terrorist act. It is a shame that after a year and a half, this awful and baseless report was published by Canada based on the complete lies of the Islamic Republic. Moghaddam said he's repeatedly asked the authorities (ministers) during these 18 months, whether they believe that the shooting of the Ukrainian plane was terrorist act and intentional or not. Officials dodged the question. According to the Forensic Team's report, Iranian authorities positioned anti-aircraft systems on high alert near a civilian airport, without implementing basic protections like closing Tehran's airspace or notifying airlines. All planes flying into or out of Tehran's airport that night were at risk, including the four that took off immediately before PS752: Qatar Airways Flight QR491, Turkish Airlines Flight TK873, Atlas Global Flight KK1185, and Qatar Airways Flight QR8408. In fact, the totality of available information leads the Forensic Team to conclude that Iran tracked multiple targets but could not differentiate between passenger aircraft and legitimate threats. The report demonstrates that Iran's official account of events is disingenuous, misleading and superficial, and intentionally ignores key factors. The downing cannot be conveniently blamed on a few junior personnel. Senior regime officials made the decisions that led to this tragedy, and the world must not allow them to hide with impunity behind a handful of low-ranking scapegoats. Trudeau said the families and loved ones of the victims deserve a full explanation of Iran's dangerous and deliberate choice to keep its airspace open, and a full accounting of the Iranian military's training and command and control procedures for anti-aircraft operations. Iran must also account for the cover-up that followed the downing of Flight PS752, including bulldozing the crash site before investigators arrived. Iran owes these answers to the victims' loved ones so they can have a measure of closure. And Iran owes these answers to the world, because without them, no country, airline or passenger can have confidence in the safety of Iranian airspace. While we continue to press Iran for these answers, Canada will work closely with our partners in the International Coordination and Response Group to pursue reparations in accordance with international law. This includes a complete accounting of the events that led to the downing, along with concrete assurances of non-repetition. As well, Canada will demand just compensation for the harm caused to the victims, their families and the affected states. Moghaddam wonders how the Canadian government can claim that there is no evidence that the shooting down of PS752 was an intentional act when the Iranian Final Report confirms that a TNT explosion occurred inside the cockpit. Moghaddam said he personally delivered to the RCMP a voice recording of an Iranian official discussing the plan to shoot down the plane prior to the event. He wants to know what has become of it, and why no mention was made in the Forensic Report. Why is there nothing about satellite details about how many (missiles) there were and where they were placed? He wonders why the Forensic Team found no evidence that the downing of Flight PS752 was premeditated, when evidence exists to the contrary. Reports and evidence suggests the aircraft's GPS was impacted by an external force, but the Canadian report indicates there

was no jamming. Moghaddam said TOR-M1 missile expert Mike Mihajlovic, in his book, "Jetliner Down: TOR-MZ Missile System Which Downed Ukrainian Flight PS752" indicates it cannot be misaligned as suggested. Moghaddam points out: "The Canadian government is playing with words. The path to justice is blocked by the government with this report as they wanted since the beginning." This flight, he pointed out, was the only one that night with 99% originally Iranian passengers. He says the government skirted around the issue and didn't take a firm stand against Iran. History will be the final judge, he pointed out. The report references official Iranian reports on the downing of Flight PS752 including a thorough analysis of Iran's Final Report issued on March 15, 2021. "Nothing in Iran's official reports was taken at face value." The Forensic Team also benefitted from discussions with and material provided by several family members of the victims of Flight PS752. "Without all of these contributions, we would have been unable to shed light on the facts as we know them. It is my hope that our work will help the families in some little way on their difficult journey to reconciling their unimaginable grief," said Jeff Yaworski Head, Forensic Examination and Assessment Team. "I want to emphasize that only Iran has full access to the evidence, the crash site, witnesses, and those ultimately responsible. It therefore remains incumbent upon Iran to provide a full and credible accounting of the events so that the families and loved ones of the victims may finally know the truth about what happened to Flight PS752. Iran must also provide assurances to the international community that this tragic event will never happen again." In the report's summary, it says that Iran's final report "falls well short of providing a credible explanation of how and why an Iranian Islamic Revolutionary Guard Corps (IRGC) surface-to-air missile (SAM) downed Flight PS752." The Forensic Team's report draws upon an extensive body of information to deliver an account of the factual sequence of events that led to the tragedy. It also examines the full range of human and organizational factors that likely contributed to the downing and presents analysis that either substantiates, questions, or dispels Iran's assertions. The findings and conclusions in this report are based on a comprehensive analysis of the reports produced by the AAIB and other publicly available information, and have been validated by consulting information collected by the Government of Canada, including classified information. "Iran's explanation to date, including its Final Report, is evasive and presents a highly selective explanation of events. Its claims are not substantiated with evidence. Iran's account lacks context and fails to address the full breadth of causes and contributing factors that led to the downing." Subject to further legal analysis, the Forensic Team's assessment is that Iran's Final Report fails to meet the standards and recommended practices set out in Annex 13 to the Chicago Convention as a result of these shortcomings. "The Forensic Team's analysis shows that Iranian civilian and military authorities " through their actions and omissions " directly put Flight PS752 and other civilian aircraft in danger by creating conditions in which a SAM operator could launch missiles at them and by failing to take adequate preventative measures to reduce this high risk." The report says while the act of shooting the missiles was a deliberate and intended action, the information available to the Forensic Team indicates the IRGC SAM unit operator likely misidentified Flight PS752 as a hostile target. A properly functioning command and control system, procedures, and effective training are meant to prevent this outcome, however, "Iran has not provided any substantive information on these important factors. Iran's incomplete explanation of the events and the absence of supporting evidence undermines the credibility of its assertion that the SAM operator's actions were the sole cause of the downing." While it is likely that authority to fire on aerial targets was delegated to lower levels of Iran's military than usual given high alert levels, it is very unlikely the SAM operator would have been authorized to launch missiles without approval from his command. However, given the number and sequence of events known to the Forensic Team, Iran has not provided sufficient information or explanations to account for the broader questions this raises. Important questions about the proficiency of the IRGC SAM operator who downed Flight PS752, including the adequacy of his training, the target validation process, and the supervision of SAM operators under such circumstances, remain unanswered. Moghaddam wants to know why the IRGC is not listed as a terrorist organization in Canada. Schomberg's Andre Milne, of Unicorn Aerospace, whose investigation evidence of PS752 as submitted to the Ukraine prosecutor has led to his being given legal status in the case, said: "For logic that escapes me, the Canadian government has selectively excluded all the CVR and FDR data that identifies how a TNT bomb explosion occurred 'inside' the cockpit well 'after' the 2nd missile explosion that irrefutably demonstrates premeditated intention to commit mass murder. Period." There is now zero doubt that the Canadian government has suppressed a massive amount of forensic evidence in their so called Factual Report."