

Court Updates



On Monday February 24th, defence counsel for the two accused made an application to the court to proceed by way of Judge alone. With Crown consenting to these applications, the trial for Mr. Bagri and Mr. Malik will proceed with Judge alone. This will significantly shorten the trial. Originally we expected that the trial could last 2-3 years. Should the trial commence with a Judge sitting alone, we expect that the length of the trial to be 8 to 12 months.

There will be further court appearances to deal with fixing the date for trial and defence counsel admissions. We will inform you as soon as the date is fixed.

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October 6, 2003



AIR INDIA NEWSLETTER

Court Update

On Monday, October 6, 2003 David Crossin, Q.C., counsel for Mr. Malik addressed the Court to seek an adjournment until Tuesday, October 14, 2003 to allow the parties involved in the funding of Mr. Malik's defence to further negotiate an agreement if possible. Mr. Crossin could not confirm whether an agreement would be reached but he informed the Court that a significant amount of progress in the negotiations has been made. It is the position of Mr. Malik that "time has run out", therefore the trial should proceed on Tuesday, October 14, 2003.

Richard Peck, Q.C. informed the Court that although he had been instructed by his client Mr. Bagri to consent to the additional adjournment, it is imperative that the trial proceed on Tuesday, October 14, 2003.

Robert Wright, Q.C. advised the Court that the Crown wanted to resume the trial today and that the next scheduled witnesses were present and prepared to give evidence. Mr. Wright agreed with Mr. Crossin's suggestion that the Court reconvene on Friday morning to obtain a status report on the funding issue. Mr. Wright indicated that it was the Crown's position that this trial should resume on Tuesday next whether Mr. Malik has counsel or not.

Mr. Justice Josephson stated that he was relieved to hear that progress has been made with the negotiations. He agreed with the observation of all counsel that "time has run out" and therefore proceedings must resume on Tuesday, October 14, 2003 with or without counsel for Mr. Malik. He also reiterated that there could be very negative consequences to the trial if it proceeds without counsel for Mr. Malik.

Court adjourned until Friday, October 10, 2003 for continuation.

Regards,

Maryam Majedi
Lindsay Pearce

October 1, 2003



AIR INDIA NEWSLETTER

Court Update

Wednesday October 1, 2003.

On Wednesday October 1, 2003 Mr. Smart, Q.C., counsel for Mr. Malik addressed the Court to seek an adjournment until Monday October 6, 2003 for the purpose of continuing the efforts that are being made to reach an agreement between the Province of British Columbia, Mr. Malik and Mrs. Malik. Mr. Smart, Q.C. stated that it is in the interests of both justice and the public that a resolution to Mr. Malik's funding issue be met.

Mr. Peck, Q.C., counsel for Mr. Bagri stated to the Court that the adjournment sought by Mr. Malik would be the last of such kind that counsel for Mr. Bagri would agree to. Mr. Peck, Q.C. further stated that if an agreement between the parties involved has not been reached by Monday October 6, 2003, he would address the Court as to Mr. Bagri's position.

Mr. Wright, Q.C. agreed with counsel for both Mr. Malik and Mr. Bagri that it is in the best interests for justice and the public that all possibilities in the funding matter are exhausted. If an agreement is reached by Monday, October 6, 2003 it is the intention of the Crown to call the next witness in the Crown's case against Mr. Malik.

Mr. Justice Josephson relayed to counsel that the recent adjournments concerning the funding of Mr. Malik's defence are necessary but nonetheless distressing. Justice Josephson reiterated that he will have no involvement in the negotiations of this matter but stressed that failure to reach a decision promptly could result in undesirable outcomes with respect to the trial.

Court adjourned until Monday October 6, 2003.

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