

Canada

Rae weighs options for Air-India case

To advise Ottawa in wake of acquittals

Families of victims still demand answers

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OTTAWA—A Crown decision not to appeal acquittals of two men in the Air-India jet bombing has no direct bearing on what Bob Rae will advise Ottawa to do about calling a public inquiry into the 1985 terrorist attack.

"I don't think it affects my work directly," the former NDP premier of Ontario said yesterday.

But many family members of the bombing victims this week have urged Rae to call for a public inquiry, especially since British Columbia will not appeal a Superior Court judge's ruling that Ripudaman Singh Malik, 58, and Ajaib Singh Bagri, 55, are not guilty of first-degree murder and conspiracy in the bombing that killed 329 people.

What may affect Rae's recommendation is the RCMP's search for more evidence in the case.

"When the police commissioner says to me, there is an ongoing active investigation, I take him at his word," Rae said in an Ottawa interview. "Therefore, whatever process we create has to be in compliance with that."

Rae also said a public inquiry might not produce the answers families seek.

"I get a lot of emails and phone messages from people saying they want a public inquiry because they want to find out who did it," the lawyer said. "And the problem with that is — that's what the criminal process is for — and we don't try people in public inquiries."

So he won't just be considering a public inquiry but will look at a variety of



B.C. Crown spokesperson Geoffrey Gaul says an appeals court would not overturn Air-India acquittals.

options, and especially, "what further public processes are in order for us to come to terms with what happened and to draw lessons and to draw conclusions from what happened."

Deputy Prime Minister Anne McLellan, who appointed Rae, told reporters yesterday, "I will certainly take his advice in terms of what those questions are and the process he thinks should be followed."

Rae, who first met with victims' relatives last weekend, would not say when he will make recommendations to McLellan. "I want to do it as expeditiously as possible. But I also want to be thorough, and I think one has to be thorough in a matter of this import."

Malik and Bagri were found not guilty of first-degree murder and conspiracy charges in the jet bombing and in a separate explosion that killed two baggage handlers at Narita airport in Japan.

The verdicts were a huge blow for relatives who had waited for justice since the June 23, 1985, bombings and have been clamouring ever since for a promised public inquiry.

More than 200 Canadians were among the 329 people killed when the shattered jet sank off Ireland.

"I'm getting on with my job, as urgently as I can," said Rae, noting the lack of appeal. "It clarifies my job in the sense that there is no other judicial vehicle."

Rae and Crown spokesperson Geoffrey Gaul both said the RCMP are still investigating the bombings.

Gaul said the trial judge acquitted Malik and Bagri "because he concluded the main prosecution witnesses had significant credibility problems, which in turn rendered their evidence unworthy of belief. The trial judge's judgment is profoundly fact driven. An appellate court will not interfere in such findings."

Prime Minister Paul Martin assured the House of Commons, yesterday, that "The government's plan in appointing Mr. Bob Rae to work with the families and to seek the answers to the questions the families ask and elaborate on how the government should approach (the issue) continues."

NDP Leader Jack Layton told the Commons, "The best testimony would be to respect the wishes of the families and this House and call a public inquiry now."

The decision not to appeal was widely known Tuesday. Yesterday's Crown news conference in Vancouver was held to explain the reasons.

Justice Bruce Josephson of B.C. Supreme Court said the Crown failed to prove any of the charges, including two counts of first-degree murder, that Malik and Bagri faced. The pair spent more than four years in jail, awaiting trial.

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