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*Mr. Justice Ian Bruce Josephson.*

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*Public Safety Minister Anne McLellan.*

**'I want to repeat publicly today what I have told the authorities numerous times since 1985, that I had absolutely no involvement in any of these criminal activities.'**

*Ajaib Singh Bagri, after his acquittal.*

**'Why did they even have this trial? We were suffering anyway. Now we will suffer more.'**

*Rattan Singh Kalsi, whose daughter was killed.*

# Not guilty on all counts



JOHN LEHMANN / THE GLOBE AND MAIL

Ripudaman Singh Malik smiles from the passenger seat as his son drives him away from the Vancouver courthouse yesterday.

## Judge clears pair of role in Air-India bombing after marathon trial

### The Decision

BY ROBERT MATAS, VANCOUVER

A 20-year odyssey to bring those responsible for the horrific Air-India disaster to justice was in shambles yesterday after a B.C. trial judge found Ripudaman Singh Malik and Ajaib Singh Bagri not guilty of the mass murder of 329 people.

As victims' families sobbed and gasped for air, Mr. Justice Ian Bruce Josephson of the British Columbia Supreme Court said he did not find any of the key witnesses against the two men in the international terrorism case to be credible.

The acquittals wipe out the work of hundreds of investigators and police officers in 12 law enforcement agencies in the largest, most complex and most expensive international investigation Canadian authorities have ever undertaken. The court spent 347 days over 4½ years on pretrial motions and hearing trial evidence.

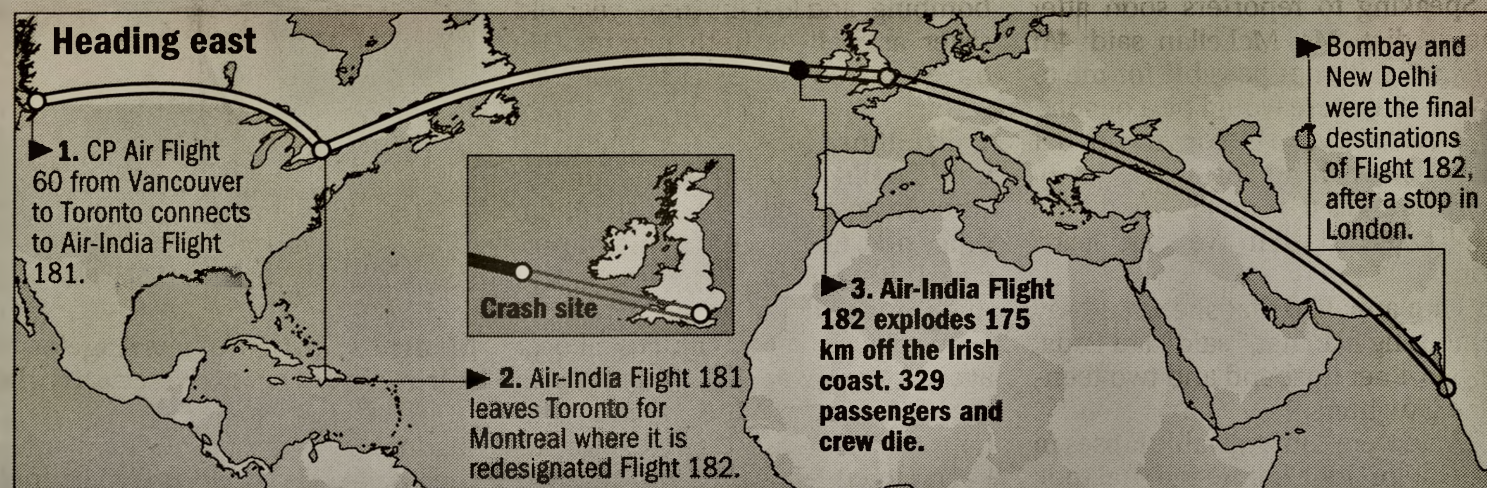
Despite spending more than \$130-million on the case, the only person to be held responsible in the deadliest terrorist attack in Canadian history is auto mechanic Inderjit Singh Reyat, who admitted he provided parts for building bombs, but said he did not know they were to be used to blow up airplanes.

In the public gallery, members of the victims' families appeared to be stunned, wiping tears from their eyes as the judge dismissed as untruthful the testimony of a key witness who said she believed she risked her life by giving evidence against Mr. Malik.

Many were shaking their heads as Judge Josephson said the case against Mr. Bagri had relied on hearsay evidence that could not be cor-

### The routes of two bombs

Air-India records show that both bags containing the bombs were checked in at Vancouver's airport.



RICHARD JOHNSON / THE GLOBE AND MAIL

roborated and on the testimony of a paid informant who was more concerned about his self-interest than about telling the truth.

Several members of victims' families, who travelled from around the world to hear the verdict, called on the federal government to appoint a public inquiry into the crime and the investigation.

Eddie Madon, whose father was on the ill-fated flight, said the perpetrators of the crime made a mockery of Canadian justice.

"This is a day of mourning for all Canadians," he said. "As hard as it is to swallow, the Canadian justice system has failed us."

The victims' families have no choice but to move on and focus all their energies on obtaining an inquiry, he said. An inquiry should examine why "this completely preventable crime" was allowed to occur and why Canadian investigative agencies failed, Mr. Madon said.

"This was a Canadian crime. When will the government publicly acknowledge the fact? It sickens us to think the government enacted anti-terrorism laws only after Sept 11, [2001]," he added.

However, Public Safety Minister Anne McLellan quickly poured cold water on the demand for an inquiry. Without giving the final word on the issue, she said that she doubts it would uncover anything not already disclosed at the trial.

"There will be, tragically, some questions that may very well not be answered," Ms. McLellan said. "I know that is small comfort to the families of the victims of that flight. . . . [but] I have to be convinced that at this point there is anything to be gained from a public inquiry."

Neither the prosecution nor police expressed any regrets about how they handled the case or commented on what they could have done differently.

The Crown presented the evidence that was available, said Geoff Gaul, spokesman for the prosecution team. It was up to the court to weigh the evidence, he said.

Crown counsel realized at the beginning that the case would not be "a slam-dunk," he said. But it was sufficient to go to court.

The prosecution has 30 days to decide if an appeal will be filed. Mr. Gaul said the team will review the

judge's decision. "We still seek justice for the victims of this crime."

RCMP spokesman Sergeant John Ward said the RCMP stands behind its investigation. "We are confident of the work we have done," he said. "I'm not prepared to say our investigation was flawed."

The RCMP investigation into the disaster continues, he said. Urging the community to remain calm, he said 15 officers continue to work full time on the case.

Mr. Malik, 58, and Mr. Bagri, 55, were accused of participating in a conspiracy to place bombs on Air-India aircraft to avenge the killing of thousands of Sikhs in 1984 by Indian government troops. The conspiracy involved a bomb explosion at Tokyo's Narita airport that killed two baggage handlers and another explosion 54 minutes later aboard an Air-India flight over the Atlantic Ocean in which all 329 passengers and crew died.

The case was based on circumstantial evidence. The prosecution had no witnesses with firsthand information or any physical evidence that could be tied directly to either Mr. Malik or Mr. Bagri.

Judge Josephson decided the prosecution had proven that two bomb blasts on opposite sides of the world on June 23, 1985, were carried out by a B.C.-based terrorist conspiracy.

But he said the prosecution did not prove beyond a reasonable doubt that Mr. Malik and Mr. Bagri were involved.

The judge described the bombings as "cruel acts of terrorism, acts which cry out for justice. Justice is not achieved, however, if persons are convicted on anything less than the requisite standard of proof beyond a reasonable doubt."

"Despite what appear to have been the best and most earnest of efforts by the police and the Crown, the evidence has fallen markedly short of that standard."

"Thank goodness," a Malik family member said with a big smile as Mr. Malik was found not guilty.

Mr. Bagri, dressed in Sikh garb of dark blue turban, white tunic and slippers with turned up tips, stepped outside the courthouse moments after the ruling to reaffirm his innocence.

"I had absolutely no involvement

in any of these criminal activities," he said in a statement read by his youngest daughter, Inderdeep Kaur Bagri.

Mr. Malik, accompanied by his sons, rushed out of the courthouse without making any public comments. Beaming a huge smile, he stepped straight into the family's Mercedes-Benz and drove away.

However, the Malik family posted comments on a website that was available moments after the ruling.

"Our dad has been found to be innocent," the family stated. "Our justice system is based on the principle of innocent until proven guilty. Please remember that a verdict of not guilty is a verdict of innocent."

The Malik family also said the anger of the victims' families should be directed at the RCMP and Crown.

"They had given these families a false hope of justice by proceeding with a case without merit," the Malik family said. "The focus now must be on how CSIS, the RCMP and Crown have handled this case, on who is actually responsible for this heinous crime, and on exposing the witnesses who lied in search of attention and money."

## From the courtroom to triumphant family and supporters

### The Acquitted

BY PETTI FONG, VANCOUVER

The two men acquitted of masterminding the mass murder of 329 people aboard Air-India Flight 182 walked out of court to waiting, triumphant family members and supporters yesterday.

After one of Canada's lengthiest and costliest investigations, Ripudaman Singh Malik and Ajaib Singh Bagri were found not guilty of all the criminal charges laid against them in October of 2000. Their two-year trial in B.C. Supreme Court ended when Mr. Justice Ian Bruce Josephson said

they should be acquitted. Judge Josephson questioned the credibility of Crown witnesses who testified against the two men.

"I have been accused of horrendous crimes and have been imprisoned for over four years while these charges were before the court," Mr. Bagri said in a statement his daughter read outside court after the verdict.

"In 1985, when these terrible events occurred, I was a passionate advocate for an independent homeland for the Sikh people. But I want to repeat publicly today what I have told the authorities numerous times since 1985, that I had absolutely no involvement in any of these criminal activities."

Mr. Bagri called the loss of lives an

"enormous tragedy."

"It has brought unspeakable suffering to the families and friends of those who died. It has caused deep divisions within the Sikh community. It is my hope that the completion of these legal proceedings will now allow healing to begin and will encourage our community to come together."

Other members of Mr. Bagri's family and those of Mr. Malik left without speaking.

With police and his supporters clearing a path ahead of him, Mr. Malik, without comment, left the courthouse accompanied by his son, and entered a late-model Mercedes-Benz car.

After he settled in the front passen-

ger seat, he was handed a cellphone and smiled slightly as the car drove away.

Friends and family members gave jubilant shouts and applauded when Mr. Malik arrived at his home. He was greeted with respectful bows, and he kissed the children who greeted him at the doorway.

"Our father was innocent," said his son Jaspreet Malik in a brief statement outside, "and that's real innocence, and not just some technical thing."

Shortly after the verdict, the Malik family had set up a website called notguilty.org. A statement under the header Great is the Greatness of the Lord; His Justice is totally Righteous, says the family had remained confi-

dent that justice would prevail.

"There is nothing that can be done to compensate our family for the last four and a half years. On top of taking away our dad's freedom, the justice system has made us financial victims even when innocent."

"Our dad has been found to be innocent. Our justice system is based on the principle of innocent until proven guilty. Please remember that a verdict of not guilty is a verdict of innocence," says the release that is signed, The Malik Family.

Although Mr. Malik showed no emotion in the courtroom or during his first short walk after being freed, his family said they are "proud of the way our dad has stayed in high spirits throughout this ordeal."

One of the courtroom observers, Rahael Jalan, who lost a friend in the explosion, said the case had taken too long. "That's why we didn't get the verdict we should have," Ms. Jalan said. "Many of the witnesses may not be around. They forgot things. Justice delayed was justice denied."

Inside the courtroom before the verdict was heard, Mr. Malik was nervous, fiddling with his prayer beads, his hands twitching. When Mr. Justice Josephson found Mr. Malik not guilty, his supporters silently clapped, and one man jubilantly pumped his fist.

Outside court, after his daughter spoke on his behalf, Mr. Bagri made a quick comment: "I'm going home. It was very hard in jail."