

Globe British Columbia

CORRUPTION TRIAL

Defence slams allegation of drug money laundering

Falsehoods led to wiretaps: lawyer

BY MARK HUME VANCOUVER

A secret informant told police in 2003 that Dave Basi — one of the central figures in a political corruption trial — was laundering drug money through the Liberal Party, the Supreme Court of British Columbia has heard.

The informant's allegation was raised and immediately rejected as "totally false" by Mr. Basi's lawyer, Michael Bolton, during a defence application seeking disclosure of more than 400 RCMP files.

Lawyers defending Mr. Basi, Bob Virk and Aneal Basi, who are charged with trading in confidential government information surrounding the 2003 sale of BC Rail, are asking to see the RCMP's secret informant files, which are known as "source debriefing notes."

Mr. Bolton, who represents Dave Basi, and Kevin McCullough, the lawyer for Mr. Virk, told court the debriefing notes will show police relied on false information when getting authorizations to wiretap their clients.

Mr. Bolton said the RCMP obtained four wiretap authorizations in Victoria in 2003 while conducting a drug investigation of Jasmohan Singh Bains, who in 2008 was sentenced to nine years for conspiracy to traffic cocaine.

"Mr. Basi was a target in two [of those four wiretaps]. [but] none of the authorizations ever related to any part of the BC Rail investigation," Mr. Bolton said.

Mr. Bolton said the BC Rail investigation flowed from the drug case — but police made the connection based on falsehoods.

"[An informant] said that Mr. Basi was cleaning some of Mr. Bains's drug money. Informant A ... said Mr. Basi was cleaning some of that drug money through the Liberal Party ... [and] we believe that is totally false," said Mr. Bolton.

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SCHOOL ABUSE



Debbie Brkich, a Woodlands resident in 1960, is excluded from proposed compensation. 'Even people ... there for a very short time were affected.' JOHN LEHMANN/THE GLOBE AND MAIL

Settlement cutoff date outrages ex-Woodlands residents

People at institution before Aug. 1, 1974, excluded from proposed compensation due to Crown Proceeding Act

BY WENDY STUECK VANCOUVER

Debbie Brkich was just a toddler when she was placed in Woodlands School, sent there because she was deaf and mute at the age of three-and-a-half and therefore deemed mentally retarded.

She doesn't remember much of the place, other than ominous hallways and some stern women who looked after her.

But as an adult, she learned that her mother — who, along with a sympathetic doctor, fought to get the girl out of the facility — was horrified on picking her up after five weeks to find that she was no longer toilet trained and shied away from even the most basic communication.

"I want to make the point that even people who were there for a very short time were affected," Ms. Brkich said yesterday, speaking at a press conference for former residents of the facility.

Ms. Brkich said she was hurt and disappointed by a proposed settlement that excludes her, and others who were at the institution before Aug. 1, 1974, from any compensation.

Ms. Brkich, 52, was in Woodlands in 1960 and missed the cutoff by more than a decade. Bill McArthur, the lead plaintiff in a class-action lawsuit brought by former Woodlands residents, missed it by a mere 10 days.

Yesterday, he described the

proposed settlement as a miscarriage of justice that leaves him and 500 other former students as abandoned as they were in Woodlands.

"I think this government should do the right thing," said Mr. McArthur, who says he was beaten and sexually assaulted at the school as a teenager. "Settle with everybody. Don't pick and choose."

Located in New Westminster, Woodlands operated from 1898 to 1996 and was home to as many as 1,200 children and adults at a time, many of them with intellectual or physical disabilities.

In 2000, after widespread reports of abuse at the facility, the government commissioned a review by former om-

budsman Darcie McCallum. Her report, completed in 2001, found that abuse did occur, including physical abuse such as kicking and shoving, isolation, baths hot enough to burn skin and the use of shackles and leashes. Sexual abuse included assaults that in some cases resulted in pregnancies.

The province disagrees with Ms. McCallum's findings of "systemic abuse" at the facility.

Former residents launched a class action in 2005, and negotiations have been under way since.

The timing for compensation hinges on the B.C.'s Crown Proceeding Act, which came into force on Aug. 1, 1974, and allows citizens to sue the prov-

ince for wrongdoing.

Canadian governments have waived such boundaries in other cases involving compensation, and the B.C. government should do the same for Woodlands, said the lawyer representing former residents.

"Governments across Canada have recognized that this type of Crown immunity is unfair and unjust," said David Klein, citing the federal government's payments to residential school survivors and Alberta's compensation of women who were forcibly sterilized. "There is ample precedent for it — Premier [Gordon] Campbell and his cabinet can ignore that arbitrary date, and should ignore it."

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VANCOUVER 2010

CRIME » GRAFFITI BYLAW

Despite a City of Vancouver removal order, Jesse Corcoran's anti-Olympics mural is again on display PAGE 3 >

Proposed settlement would exclude 500 former Woodlands residents

» The proposed settlement would cover about 1,100 former residents. Compensation amounts would range from \$3,000 to \$150,000, Mr. Klein said. An additional 500 former residents are excluded from the settlement.

Attorney-General Michael de Jong said yesterday that the province has to balance its desire to provide a fair settlement to former Woodlands residents against its obligation

to protect taxpayers. He cited a 2005 B.C. Court of Appeal decision that found B.C. cannot be sued for abuse alleged to have taken place before Aug. 1, 1974. The Supreme Court of Canada denied plaintiffs in that case the right to appeal. It involved Doukhobor children (members of a religious sect) who were placed in residential schools where they were allegedly abused.

“In any of these types of cases, there are dates drawn

that would seem to be quite arbitrary,” Mr. de Jong said. “There are some people who are and already have been disappointed by what the Supreme Court of Canada has said. If this [Woodlands] settlement is endorsed by the court, there are many others, upwards of 1,200, who would receive a settlement for which they have waited a very long time.”

A hearing is scheduled for Jan. 27 in B.C. Supreme Court.