

## Appeal Campaign for Atif Rafay and Sebastian Burns

# DID THEY FLEE?

### Analysing the State's Theory of "Suspicious Behavior"

After the murders of Tariq, Basma and Sultana Rafay on July 12th, 1994 Bellevue investigators had full access to Sebastian and Atif for two days and three nights. During that time, Sebastian and Atif provided three interviews each, allowed themselves to be fingerprinted, tested for gunshot residue, photographed, volunteered their clothing, shoes and, in Atif's case, eyeglasses, and had their bodies examined with blood-detecting lamps. Atif allowed Bellevue investigators to access his computer and gave them the password. Sebastian and Atif did not deny even one request made by the police, even though it was perfectly in their right to do so.

Sebastian and Atif left Bellevue on July 15th, 1994 with the permission of the Bellevue Police Department and with the assistance of an employee from the Canadian Consulate in Seattle.

After their legal and escorted return to Canada, Bellevue investigators told reporters, the RCMP and members of the public a series of lies designed to make Sebastian and Atif's behavior appear suspicious. Bellevue investigators used this false pattern of "suspicious behavior" to legitimate their theory that Sebastian and Atif were responsible for these murders.

During trial, this characterization of Sebastian and Atif's behavior as "suspicious" was shown to be inaccurate and groundless. However, journalists and the public are not aware of this and are also not aware of the series of lies perpetrated by Bellevue investigators to substantiate this characterization.

We have used trial transcripts, pre-trial hearing transcripts and first-hand accounts to prepare this document that exposes the misinformation perpetuated by the lead investigators of the Bellevue Police Department.

**Police claim:** Sebastian and Atif did not show any emotion after the murders.

**Reality:** This claim is utterly false and is refuted by police officers' reports of Sebastian and Atif's demeanor after they discovered the murder victims.

- Officer Hromata of the Bellevue Police Department was the first police officer at the scene after Sebastian and Atif called 911. He reported that Atif and Sebastian were visibly upset, shaking and on the verge of tears. They had difficulty talking, at times incoherent. He had to tell them to "calm down."
- Officer Goodson was the next officer to have contact with Sebastian and Atif and remained with them for 15 to 20 minutes. She reported that Sebastian was very emotional, bent over and appeared ill. She asked him, "Are you okay?"
- Officer Goodson reported that Atif was subdued at that time. She turned Atif over

to Officer Lewis. Officer Lewis also reported that Atif was subdued. Officer Lewis reported that Atif appeared to be stunned and in shock.

In the weeks following the murders, investigators in Bellevue knew that Atif continued to display typical signs of grief.

- Atif's uncle communicated with the police two weeks after the murders and told them Atif was "crying very hard" and "sobbing" about the loss of his family.

**Police claim:** Atif did not contact his family members and did not want them contacted.

**Reality:** This is false. Atif helped Bellevue investigators contact his relatives. Using information he gave them, Atif's relatives were contacted the day after the murders, on July 13th. Atif told Bellevue investigators that he would like to see his family, but Bellevue investigators kept Atif from his family and friends for the entire time he and Sebastian were in Bellevue.

- On July 13th, the day after the murders, Atif helped the police contact his family. He gave Officer Lewis, the first police officer that interviewed him, the name of his father's closest friend in Bellevue, who was a work associate, and told Officer Lewis where he lived, the name of his wife, the names of his and children and the name of his employer. He told Officer Lewis this man could contact his relatives. Atif didn't know the phone numbers of his extended family members, but he told the police that these numbers could be retrieved from the speed dial on his parents' phone.
- The police used this information, provided by Atif, to contact his relatives and his father's work associate. They contacted these people and informed them of the tragedy on the very same day--July 13th, 1994.
- Detective Gomes of the Bellevue Police Department told Atif he would contact his relatives for him, so that 18-year-old Atif did not have to phone up all his distant relations living in Pakistan, Alberta, British Columbia and Ontario to inform them that he had found his entire family slaughtered.
- On July 14th, almost two days after the murders, Atif reminded Detective Gomes during a taped interview that Detective Gomes had offered to contact Atif's relatives for him. Detective Gomes responded, "Well, we talked, we talked about that, but you didn't, I didn't promise that I was going to call anybody."
- In fact, at the time of this meeting on July 14th, not only had Atif's relatives already been contacted, many had arrived in Bellevue. Instead of telling Atif the truth, the two lead detectives carried on a bizarre charade: they told Atif he had to inform the extended family of the tragedy. They repeatedly chastised him for not contacting his relatives, calling him irresponsible and accusing him of not loving his extended family. Atif didn't have a phone in his motel room, he didn't have his relatives' phone numbers and, being in shock himself, he didn't have the courage to make these calls. The detectives told him he should use a payphone and directory assistance. The Bellevue investigators did not tell him what they knew: Atif's relatives would not be home because they had already gathered in Bellevue, Washington.
- Later in the taped interview of July 14th, Detective Gomes asked Atif: "... What if I told you that half of your family is already in Seattle?" Atif responded, "I'd like to see them I guess." Detective Gomes did NOT proceed to tell Atif they were in Seattle, although they were.
- Atif's family were only told of his whereabouts on July 15th. By then it was too

late to reach him as he had already returned to Vancouver.

**Police claim:** The Bellevue Police found it suspicious when Atif left Bellevue to return to Vancouver, BC.

**Reality:** Sebastian and Atif left Bellevue 3 days after the murders with the assistance of the Canadian consulate in Seattle and the blessing of the Bellevue Police Department. If the Bellevue Police Department wanted him to stay, why did they tell the Canadian consulate he was free to leave?

- After the murder of his family on July 12th, 1994, Atif remained in Bellevue Washington in order to cooperate with the police investigation. He remained in Bellevue until the morning of July 15th, 1994. Both Sebastian and Atif submitted to numerous tests and interviews during this time period. It is still unclear what additional interviews or tests the Bellevue Police required.
- On July 14th, 1994 Sebastian's mother contacted the Canadian Consulate in Seattle to ask for assistance in having her son and Atif returned to her home in Vancouver. An employee of the Consulate, Cindy Taylor-Blakley, telephoned the Bellevue Police Department and asked if the boys were free to return to Canada. Lieutenant Mott of the Bellevue Police Department told her they were not suspects and they were free to go [Cindy Taylor-Blakley testified at trial for the defense]. She met Sebastian and Atif at the bus station and they left for Canada on the morning of July 15th, 1994.

**Police claim:** Atif knew about the funeral or should have known about the funeral but missed it on purpose.

**Reality:** This claim is false. Sebastian and Atif were kept isolated from friends and family, therefore they could not have known the timing of the funeral. Additionally, the Bellevue investigators did not tell them that the bodies would soon be released---in fact, the bodies were released only 3 days after the murders.

- The bodies of Tariq, Sultana and Basma Rafay were released to family members on July 15th. The lead detective in Bellevue learned about the funeral arrangements at 10 a.m. on July 15th, after Sebastian and Atif had caught the bus with the assistance of Cindy Taylor-Blakley of the Canadian Consulate.
- Bellevue Police contacted border officials to inform them Sebastian and Atif would be crossing the border. However, Bellevue investigators did NOT tell border officials to inform Atif of the funeral or of the fact that his family was already in Bellevue. They continued to keep this information from him. Why?

The question is not why Atif did not attend the funeral, but why he was prevented from attending the funeral. Why wasn't Atif told that his family was already in Bellevue before he left? Why wasn't Atif met at the border and told not only that his relatives were in Bellevue, but that his family's funeral would take place in a few hours?

Furthermore, why were the bodies released less than three days after the murders? Wouldn't it have been reasonable to expect more thorough autopsies?

**Conclusion:**

### Did Atif purposefully miss his family's funeral?

On the morning of July 15th, 1994, the day the Rafay family was buried, Atif did not know that his family was in Bellevue, he did not know that the bodies of his mother, father and sister had been released, he did not know funeral arrangements were being made and he did not know the funeral would be held in Bellevue instead of in Vancouver, where the family had deeper connections. Furthermore, it was clear to him that the Bellevue Police viewed him as a suspect, even if for no good reason. It is not suspicious that Atif returned to safety in Vancouver, Canada.

However, it is alarming and suspicious that the Bellevue Police Department isolated Atif from his family and that they permitted him to return to Canada without informing him that his family was in the US.

Tragically, Atif Rafay learned that his family's funeral had taken place by watching the evening news, which was playing in the Burns' living room in Vancouver. Upon discovering his family's funeral had been planned and carried out without his involvement, Atif was mortified. He immediately ran to the phone and called Detective Thompson at the Bellevue Police Department. Detective Thompson never returned this phone call.

### Did Atif and Sebastian show emotion after discovering the murders?

Reports generated by the Bellevue Police Department demonstrate that Atif and Sebastian both behaved very emotionally. In fact, both displayed classic signs of fear, grief and shock.

The REAL questions remain:

Why did Bellevue investigators misrepresent Sebastian and Atif's behavior and actions?

Why did Bellevue investigators cause Atif to miss his family's funeral then blame Atif for this cruel mistake?