

Appeal Campaign for Atif Rafay and Sebastian Burns

OTHER SUSPECTS

In the days following the murders the Bellevue Police Department received three tips through other law enforcement agencies: one from a Constable Gelinias with the Royal Canadian Mounted Police (RCMP), one from an FBI informant, and one from the Intelligence Division of the Seattle Police. These tips were promising. They provided names, addresses, phone numbers, the correct murder weapon and motives. If that wasn't enough, one tip was received before the murders were committed. The Bellevue Police Department discarded all of these leads, with no justifiable reason for doing so.

Here is what we know about these three tips based on information from the Bellevue Police Department and the RCMP:

1. Information from the RCMP:

A confidential RCMP informant contacted Constable Gelinias of the RCMP. The confidential RCMP informant told Constable Gelinias a man (name withheld) told him he had been offered a \$20,000 contract to kill an East Indian family that had previously lived in Vancouver, Canada and had moved to Bellevue, Washington.

Constable Gelinias concluded that the information was related to the murder of the Rafays. The informant also told Gelinias that he heard this information two days before the murders were committed.

Officer Gelinias contacted Bellevue investigators Robert Thompson and Jeff Gomes -- the lead investigators on the Rafay murders -- and communicated the information to them. He also told them how to contact him to follow up.

[Did the Bellevue Police do any follow up on this lead?](#) The Bellevue investigators traveled to Vancouver and knocked on this man's door twice. He was either not home or was not answering the door. The Bellevue Police returned to the United States without making contact.

[Was the RCMP informant reliable?](#) This informant had provided truthful and accurate information to the RCMP in two previous homicides.

[Was the lead talking about the Rafays?](#) The Rafay family is the only family who fits the description the informant provided: an East Indian family who lived in Vancouver, Canada, moved to Bellevue Washington and was murdered in Bellevue.

[Why didn't the Bellevue Police investigate this lead?](#) This remains a mystery. Not only does the description of the target fit the description of the Rafay family perfectly, but the informant heard this information two days before the homicides.

[Is the committee saying it was this person who murdered the Rafay family?](#) No. This confidential informant did not say who murdered the Rafay family. He said someone was offered a contract to murder a family who could be none other than the Rafay family. It's possible this man didn't accept the contract or the money. However, since he talked

about the contract before the Rafay family was murdered, at the very least investigators could have discovered who wanted the Rafay family killed. Ten years later, we still don't know who was offering this contract.

[Did the police ever contact the confidential informant or the suspect he/she named?](#) Yes. In 2001, Sebastian Burns' lawyers learned about this tip and intended to present it in court. Afraid of how this might appear to a jury, seven years after the fact and with charges already laid against Burns and Rafay, RCMP officers contacted the confidential informant. They did so without the participation or consent of Constable Gelinias, who had recorded the informant's initial statement and was the informant's contact.

According to the officers' notes on this meeting, they told the informant how the information he provided could affect the prosecution of Sebastian Burns and Atif Rafay. Specifically, the officers told him that what he said seven years earlier would make the Bellevue Police and their investigation look bad. They even went so far as to mention the OJ Simpson case. After realizing that his story could result in an acquittal, the informant changed his story.

The prosecutors in this case also followed up on the suspect. During the trial, almost 10 years after the murders, they tested his DNA and were permitted to tell the jury that it did not match the incriminating physical evidence left in the house---physical evidence that also did not match Sebastian Burns' or Atif Rafay's DNA profiles.

[Doesn't this prove this suspect was not the real killer and therefore eliminate the relevance of this evidence?](#) The prosecutors' attempt to eliminate this man as a suspect does not diminish the importance of his testimony. Remember, according to the informant, this suspect talked about being offered a contract to commit murder. He did not discuss plans to commit a murder. Finding out who offered him this contract is crucial to actually finding out who committed these murders. An investigation of this man's knowledge of this murder has never been undertaken by the RCMP, the Bellevue Police or any other law enforcement agency. (The name of this suspect has been withheld.)

2. FBI Informant:

About five days after the homicides, the Bellevue Police Department received a call from the FBI advising that one of their informants was coming to provide information about the murder of the Rafay family.

The FBI Informant (name withheld) told Detective Gomes of the Bellevue Police that a militant Islamic faction said that Dr. Tariq Rafay should die because of his beliefs and teachings about the Koran.

The FBI Informant also said that several days after the homicides a member of this militant Islamic faction came to his house and was worried that the FBI Informant had seen a baseball bat that he and some other men were carrying around in their car. Because of this, the FBI Informant believed the murder weapon was a baseball bat, which in fact it was. With this information, the Bellevue investigators learned that the FBI Informant knew the identity of the murder weapon before this information was made public.

The FBI Informant provided names, addresses and phone numbers to the police so they could follow up. Instead of following up, prosecutors in this case explained that the Bellevue investigators thought this FBI informant was "crazy" [Verbatim Report of Proceedings from 11-19-03, page 12]. Because of this they did not follow up on any of

the leads or information he gave to them.

Was the FBI Informant crazy? This man had previously provided reliable information to the FBI, and the FBI contacted the Bellevue Police to tell them he would be providing information relating to this case. Clearly, the FBI believed this informant was a reliable source. More importantly, based on his observations the FBI Informant believed the murder weapon was a baseball bat, a piece of information that was not publicly known. Since the FBI Informant was right, he demonstrated that he had real knowledge of the murders---knowledge that Bellevue investigators should have drawn upon for their investigation.

3. Seattle Police Intelligence Division:

This division called the Bellevue Police Department and told them they had information that the FUQRA, a radical and militant organization, may have been involved in these homicides.

What is the FUQRA? This is how the US State Department describes the FUQRA (a.k.a. Jamaat ul-Fuqra): Description Islamic sect that seeks to purify Islam through violence. Led by Pakistani cleric Shaykh Mubarak Ali Gilani, who established the organization in the early 1980s. Gilani now resides in Pakistan, but most cells are located in North America and the Caribbean. Members have purchased isolated rural compounds in North America to live communally, practice their faith, and insulate themselves from Western culture.

Activities Fuqra members have attacked a variety of targets that they view as enemies of Islam, including Muslims they regard as heretics and Hindus. Attacks during the 1980s included assassinations and firebombings across the United States. Fuqra members in the United States have been convicted of crimes, including murder and fraud. [Patterns of Global Terrorism, 1999]

Didn't the Bellevue Police do any investigation to find out if the Rafay family could have been enemies with religious extremists? No. In addition to not following up on these three leads, the Bellevue Police did not question any members of the Islamic community in Bellevue to find out if Dr. Rafay had conflicts with Muslims in the area.

But how could all three tips be true? Don't they point to too many suspects? These three tips relate to one another: the FUQRA is known to hire contract killings for religious reasons and to not take responsibility; an individual in the Vancouver area was offered a murder contract on the Rafay family; an unnamed militant faction in Seattle wanted Dr. Rafay dead; and members of this unnamed militant faction were worried that an informant saw a baseball bat in their car. Common sense tells us that these tips point to the real killers.

Did Atif Rafay suspect Islamic Extremists murdered his family? During one of the recorded statements just days after the murders, Bellevue investigators asked Atif Rafay, "Why would someone not like your parents?" He told the investigators that his mother had said something about Shiite enemies the family had. She also told him she broke off contact with those people.

Even after the murders, Atif Rafay did not understand the significance of what his mother had told him. It was only in 2001 that he learned of the tips the Bellevue Police had received that tied religious extremists to his family's murder. At that time he also learned these tips were never investigated.

How could the jury convict Sebastian Burns and Atif Rafay with no physical or circumstantial evidence? Especially in light of these other suspects? The evidence provided by the FBI Informant and the tip received from the Seattle Police relating to the group Jamaat ul-Fuqra were never heard by the jury. This is because the trial judge ruled this information inadmissible.

Here is the trial judge's justification for not allowing the evidence from the FBI Informant:

"It just simply would require too much speculation, I guess, as the cases indicate, as to motive, opportunity, and connection, and it - well, I guess that is about all I can say in that analysis. There doesn't seem to be any motive - well, no, that's not true. The motive would be the disagreement over religious interpretations of the Koran would be as the motives urged by this court. Much beyond that, I simply can't satisfy any of the other criteria ..."

Here is his justification (or lack of) for not allowing the jury to learn about the tip from the Seattle Police relating to the involvement of Jamaat ul-Fuqra:

"The FUQRA is also to be excluded, Mr. Robinson [counsel for Sebastian Burns], but thank you for clarifying that, so that nobody was misled, because I did not mention that group called, and I am sure I am not even pronouncing it correct correctly, FUQRA, or whatever."

Judge Mertel's rulings are not only incoherent, they are deeply troubling. In order for other suspects' evidence to be admitted into trial, the defendant must show that some specific individual had: 1. "a motive for committing the crime", 2. "the opportunity to do so", and 3. "some connection with the crime". As the judge reluctantly agreed, "motive" was clearly established by the FBI Informant as religious. Furthermore, "connection with this crime" was also clearly established by the FBI Informant's knowledge of the murder weapon. As for opportunity, it can only be firmly established by the police, who can arrest suspects, interview witnesses and conduct analyses of the physical and circumstantial evidence. In this case, the police did not even contact the individuals the FBI Informant had named. Why did the trial judge allow the Bellevue investigators' gross incompetence to benefit the prosecution?

But isn't it always more likely a family member is responsible? The prosecutors in this case wanted the jury to believe the tip from the FBI informant was not plausible. They wanted the jury to believe that groups of at least three unidentified people do not murder people in their homes, unexpectedly, then leave without taking responsibility. We only wish this were true.

In January of 2003, Riasat Ali Khan - another prominent Muslim who had been a close friend of Atif Rafay's father - was murdered outside his home in Vancouver, BC. Together, Dr. Tariq Rafay and Riasat Ali Khan founded the Canadian-Pakistan Friendship Organization and both men also served as president of this organization. After his death, Mr. Khan was described as a "champion of multiculturalism and a bridgebuilder between ethnic communities." His murder is unsolved.

Mr. Khan was one of Atif Rafay's few visitors while he was awaiting trial for these murders in a pre-trial facility in Vancouver, BC.