

## **Statement by Missing Women Commission of Inquiry Commissioner Wally Oppal**

On June 30<sup>th</sup> 2011 I wrote to the Attorney General on the subject of funding for participants.

On July 15<sup>th</sup> of this year, the Deputy Attorney General brought to the attention of my counsel, Mr. Art Vertlieb, QC, two comments I made that have given rise to a concern that I may have prejudged certain questions I am investigating. I believe that it is very important that this Commission proceed in a way that is completely transparent and fair to everyone. Consequently I have decided to share those comments and to provide some clarification to all participants.

The first comment was made in my letter of June 30 which has been published on the Commission's website since early July. In the first part of my letter, I wrote the following with respect to the 1998 prosecution of Robert Pickton for attempted murder:

In neither instance [referring to the 1997 charges as well as a prior investigation] were the cases proceeded with. If they had been it is clear that the murder of a number of missing women would have been avoided.

The purpose of this letter was to get my renewed recommendation for funding to the government as soon as possible after the pre-hearing conference of June 27, 2011. The letter and this passage in particular could have been more precisely worded.

I did not mean to suggest that I had concluded that the decision to stay the 1997 charges was wrong, nor did I mean to imply that if the charges had not been stayed that Pickton would have been convicted. My intention was to suggest that if there had been sufficient evidence to support a conviction at that time, Pickton's criminal activities might have ended in 1998.

Why there was not sufficient evidence or, for that matter, why Pickton was not caught earlier, is a question that I will be investigating. However, I want to stress that I have absolutely not reached any conclusion on this point.

The second comment was made on Tuesday, July 5<sup>th</sup>, 2011. At that time, I left a voicemail message for then Attorney General Barry Penner. The message said, in relevant part:

... These are the women who complained to the police about women being missing and were given the back of their hands... the police gave them the back of their hands to these women and disregarded what they had to say. So they can't cross-examine the police, who are of course well-armed with publicly funded lawyers...

So anyway, I just wanted you to know that, it's how important this all is. And the government is now being seen as funding the people who allegedly done everything wrong and ignored the women, ignored the victims but not funding...will not go and fund the victims, and not fund the women, the poor aboriginal women. That's what the government is seen as. I just want you to know that.

I should point out that it is not uncommon for a Commissioner to have contact with the Attorney General on administrative matters after the Commission has been established; in fact this happened on a number of occasions during my term as Attorney General.

Obviously this was a private phone message to a former colleague that was not worded with the thought in mind that it might be transcribed and analyzed, but nevertheless I should explain what I said.

I assumed that the Attorney General, as a lawyer, would understand that these were just mere allegations. I have always been careful to emphasize that I recognize the questions that I am inquiring into, including the alleged inadequacy of the police investigation, are at this point based on assertions and allegations that have been made over the years. So, for instance, I use the term "allegedly" in the second paragraph above, and perhaps I should have used it in the first as well. In this instance there are allegations by some individuals and groups that they had attempted to alert the authorities to missing women and that they have been turned away, sometimes brusquely. Those accounts find support in the VPD's LePard report which said essentially the same thing. In my phone message, I simply wanted to emphasize that these allegations deserve to be explored, and that I believe funded counsel for those making the allegations, not just for those refuting them, would assist the process.

Of course, I recognize that I will have to assess the substance of these matters on the basis of the evidence and testimony that will come out in the course of the hearings. I have not reached even preliminary conclusions on the facts. I hope that my judicial record, including 23 years on the County, Supreme and Appeal Court bench, demonstrates that I understand the need not to come to any conclusion before all of the evidence and submissions have been heard.

I am bringing these matters to public light to give any participant the fair opportunity, in light of the comments and my explanation today, to make any submissions they deem appropriate to the Commission. Should any participant wish to do so they can contact Mr. Vertlieb. I am determined that this Commission continue to carry out its important mandate and to ensure that there is no uncertainty hanging over the process as we move toward the initiation of the hearings on October 11, 2011.