

1 THE COURT: Shahin Paydar has been convicted
2 by a jury on a charge of conspiracy to import cocaine.

3 The evidence established that the offender
4 travelled to Colombia and other parts of South America
5 in May 1997 for the purpose of buying cocaine to bring
6 back to Iqaluit. He was a mere courier who was to be
7 paid a set fee, \$20,000, for this role. While it was
8 not necessary to prove that the offender actually
9 brought cocaine back to Iqaluit, there was convincing
10 evidence presented that he did indeed bring back one
11 pound of cocaine, which he then gave to his
12 co-conspirators who proceeded to cut it and then
13 distribute it for resale. So while the offender did
14 not profit directly from the huge amounts of money to
15 be made from the trafficking of this drug, he was a
16 critical link in the eventual distribution of a very
17 dangerous drug among the population of Iqaluit.

18 That this criminal enterprise was not the work of
19 a gang of masterminds is, to say the least, an
20 understatement. These people were so stupid -- and I
21 use that word deliberately - these people were so
22 stupid that the offender used his bank machine card to
23 withdraw cash from bank machines in Colombia.
24 Meanwhile, his co-conspirators made cash deposits to
25 his bank account here in Iqaluit and even signed the
26 deposits slips. The evidence suggested that his
27 co-conspirators eventually turned on each other, and

1 one turned another one in by making an anonymous call
2 to the local "Crime Stoppers" line. How these people
3 thought that they would not get caught is beyond me.
4 Frankly, considering the small size of Iqaluit, I am
5 surprised how anyone thinks they can get away with this
6 type of illegal type of activity for very long.

7 The seriousness with which the crime of importing
8 a narcotic is viewed is reflected by the potential
9 maximum penalty of life imprisonment. Conspiracy to
10 import narcotics carries the same potential maximum
11 penalty. It was not too many years ago that Parliament
12 regarded importing as being such a serious crime that
13 it was one of the few crimes that carried a mandatory
14 minimum penalty, that being seven years imprisonment.
15 But, even though that minimum penalty is no longer in
16 place, it is still the fact that importing a narcotic
17 or conspiring to import a narcotic is a crime that will
18 attract severe penalties. This was a point made clear
19 by the current Chief Justice of Canada, in the case of
20 Smith v. The Queen (1987), 34 C.C.C. (3d) 97 (S.C.C.),
21 when he said:

22 "Those who import and market hard drugs
23 for lucre are responsible for the gradual
24 but inexorable degeneration of many of
25 their fellow human beings as a result of
26 their becoming drug addicts. The direct
27 cause of the hardship cast upon their
victims and their families, these
importers must also be made to bear their
fair share of the guilt for the
innumerable serious crimes of all sorts
committed by addicts in order to feed

1 their demand for drugs. Such persons,
2 with few exceptions (as an example, the
3 guilt of addicts who import not only to
4 meet but also to finance their needs is
5 not necessarily the same in degree as
6 that of cold-blooded non-users), should,
7 upon conviction, in my respectful view,
8 be sentenced to and actually serve long
9 periods of penal servitude."

10 The primary sentencing objective in these types of
11 cases is that of deterrence. The offender, and
12 everyone else who has a mind to try their hand at this
13 dangerous game, must be made to realize that this type
14 of conduct will lead to severe penalties.

15 The extent of the penalty in any given case will,
16 of course, depend on the circumstances of that case.
17 The role of the offender is important. A mere courier
18 plays a less contemptible role than the one who then
19 goes out and sells the drugs (although perhaps not
20 necessarily much less). The type and quantity of drugs
21 are significant. Cocaine is regarded as more dangerous
22 than cannabis but not as dangerous as heroin. A
23 quantity meant primarily for personal use will draw far
24 less severe penalties than quantities meant for
25 commercial distribution. In a conspiracy case, the
26 fact that the object of the conspiracy is actually
27 carried out is a very significant aggravating factor.

 The offender is 32 years old. The Crown does not
 allege a record of prior criminal convictions. He was
 born in Iran and immigrated to Canada approximately 12
 years ago. He had a long-term relationship with a

1 woman from Iqaluit and together they have two young
2 children. They are now separated. By all accounts, he
3 is an intelligent man with skills who is capable of
4 maintaining decent employment. I recognize that,
5 living in Iqaluit, he has felt culturally isolated and
6 much apart from his family. Yet I can only assume that
7 he chose to live here because of his emotional
8 relationship with the mother of his children. But with
9 these personal circumstances, it is truly a shame that
10 the conduct of the offender has brought him to this
11 point.

12 There is nothing to suggest that the offender was
13 motivated in this criminal activity by anything other
14 than his perceived need for money. Unfortunately, that
15 is usually the motive for entering the drug trade:
16 greed, pure and simple.

17 The defence presented some psychiatric reports and
18 called a community mental health specialist to testify
19 on the sentence hearing. In summary, I understand that
20 the offender suffers from symptoms of post-traumatic
21 stress disorder. These can be traced to his
22 experiences as a soldier fighting in the Iran-Iraq war
23 and his captivity in an Iraqi prisoner-of-war camp. I
24 have no doubt that he went through some horrific
25 experiences and that he and his family suffered
26 greatly. But there is nothing to suggest that he was
27 or is mentally ill; that he did not know what he was

1 doing; or, that he did not know that what he was doing
2 was very wrong.

3 Crown counsel has suggested a prison sentence of
4 four to five years. This is a very reasonable
5 submission having regard to sentences imposed for
6 similar offences. I think defence counsel appreciates
7 that. I note that one of the co-conspirators, one who
8 allegedly helped finance this offender's travel to
9 South America, has already been convicted and sentenced
10 to four years in prison. That person, however, had
11 spent ten months in pretrial custody, so his effective
12 sentence, with the usual crediting for pretrial
13 custody, is five and a half to six years. There is no
14 pretrial custody here. I think I can draw a
15 distinction, however, since that other offender was one
16 of the actual alleged distributors of the drugs while
17 this offender before me, as I said before, was merely a
18 courier.

19 Having regard to all of these circumstances, I
20 will be as lenient as I possibly can.

21 Stand up, Mr. Paydar.

22 Mr. Paydar, as I said a few minutes ago, I am sure
23 you went through some terrible experiences and I am
24 sure that what you say is true; that you very much
25 appreciate being in this country and very much
26 appreciate the opportunities that freedom in this
27 country affords you. You have committed a very serious

1 crime. But as I said to you before, you are still a
2 young man, you can still do very many good things with
3 your life, and the point now is to try and put what is
4 behind in the past and to think ahead to what you will
5 do in the future.

6 I sentence you to serve a term of imprisonment of
7 four years.

8 Is there anything else we need to deal with,
9 Counsel, with respect to a disposition?

10 MS. STANNERS: I don't believe so, Sir.

11 MR. LATIMER: No, My Lord.

12 THE COURT: Very well. You may sit down. Is
13 there anything else we need to deal with with respect
14 to this case, Counsel?

15 MS. STANNERS: No, Sir.

16 THE COURT: Mr. Latimer?

17 MR. LATIMER: No.

18 THE COURT: Very well. Then, before we close,
19 I would be remiss if I did not extend my appreciation
20 to counsel for the professional way in which they
21 handled this case.

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23 Certified pursuant to Practice
24 Direction #20 dated December 28, 1987

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26 _____
27 Jane Romanowich
Court Reporter

