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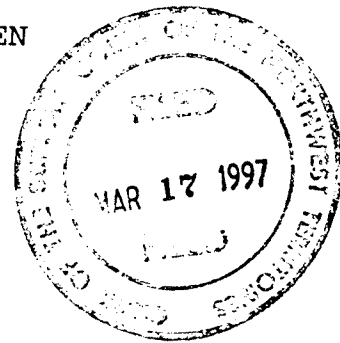
IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

- v -

PHILIP MANIK



Transcript of the Reasons for Sentence held before The Honourable Justice J.E. Richard, sitting in Resolute Bay, in the Northwest Territories, on Monday, the 10th day of March, A.D., 1997.

APPEARANCES:

MS. D. ROBINSON:

Counsel for the Crown

MS. S. COOPER:

Counsel for the Defence

1 THE COURT: Fine then. In those
2 circumstances, I am going to allow Mr. Manik the
3 exception provided for in (1.1) of Section 100.

4 Now, with respect to sentencing. This 44-year-old
5 offender, Philip Manik, is before the Court this
6 morning to be sentenced for two crimes that he
7 committed about 20 years ago here in his home community
8 of Resolute Bay. A jury of 12 of his fellow citizens
9 convicted him last Saturday of two sexual offences
10 against young girls.

11 In the first incident which occurred in 1975, the
12 victim who is now 34 years of age says that when she
13 was a child and after she had lost her mother, she was
14 taken to live in the home of her great grandmother.
15 This offender, Philip Manik, who she is related to
16 apparently through her father, also lived in that house
17 with his own wife.

18 The victim says that on an occasion in 1975 when
19 the offender's wife was out of the community having a
20 baby, the offender Philip Manik, then 22 years of age,
21 took her forcibly to a bedroom in that house and raped
22 her. She was 13 years of age at the time.

23 The second offence occurred in 1977 or 1978. The
24 second victim who is now 31 years of age told the jury
25 of an incident which started here at the community hall
26 where she and other young people were attending a
27 Christmas function. She says that this offender,

1 Philip Manik, appeared beside her all of a sudden in an
2 intoxicated condition and grabbed her forcibly and took
3 her to the nearby fire hall where he forced her into
4 the cab of a truck and attempted to have intercourse
5 with her. She was 12 or 13 at the time. She says that
6 he only stopped these efforts when he heard banging on
7 the walls of the building. The banging noise was
8 caused by her young friends who were trying to
9 intervene.

10 Neither of these victims told anyone of what had
11 happened to her at the hands of Philip Manik for many,
12 many years. Each of them told the Court that they were
13 too scared to say anything, that it was simply too
14 difficult to talk about. Then in 1995, each of them
15 disclosed the incident to the police, apparently after
16 participating in a healing conference here in the
17 community.

18 The crime in Count 1 carries a maximum penalty of
19 ten years imprisonment in a penitentiary and in Count
20 3, the maximum penalty is five years imprisonment.
21 Neither offence carries a minimum punishment.

22 The courts in this jurisdiction have always taken
23 a very strict approach in the matter of sentencing men
24 who have sexually abused young children. Crimes of the
25 kind committed by Philip Manik have invariably resulted
26 in a penitentiary term. The Court is compelled to
27 impose a meaningful sentence in each case of sexual

1 abuse of children in order to deter other men from
2 committing a similar crime. Also, the sentence imposed
3 on the offender must reflect the fact that the
4 community strongly denounces this kind of behaviour as
5 appalling and unacceptable conduct.

6 In the first incident, the young victim and her
7 family and this community were entitled to expect that
8 she, the 13-year-old girl, was safe in that home, safe
9 from harm, safe from sexual predators; but Mr. Manik as
10 an adult, albeit a young adult living in that home, he
11 breached his position as an adult in that home,
12 breached the trust that people had here in the
13 community that adults do not sexually assault or abuse
14 vulnerable young girls who live in the same household.

15 With respect to the second incident, again, the
16 community is entitled to expect that young girls are
17 safe to attend a function at the community centre
18 without being assaulted and raped, whether by a drunken
19 man or a sober man. Mr. Manik breached that trust that
20 the community members normally place upon the young
21 married men in the community.

22 Mr. Manik appears before the Court this morning,
23 it seems, a quite different man than he was 20 years
24 ago when he committed these crimes. Apparently, he was
25 an habitual drinker in the 1970s and 1980s. He says
26 that he has a huge blur concerning that period of his
27 life.

1 I note that he has six convictions for assaultive
2 behaviour in the 1980s. He says that he has turned his
3 life around these past few years and has overcome his
4 drinking problem. I am told that he and his wife have
5 seven children and two grandchildren, that he is able
6 to secure meaningful employment because of his trades
7 training, and that he is able to support this large
8 family.

9 Although I am satisfied that Philip Manik appears
10 to be a different man today than he was when he
11 committed these crimes as a young man, his crimes
12 against these two young girls are no less serious today
13 than at the moment he committed them. They are no less
14 serious because of the passage of time.

15 The passage of time, some 20 years, without a
16 resolution or a closing of these traumatic events has
17 no doubt taken its toll on the two victims. Each of
18 those women has had to carry this trauma, these
19 emotional scars with them all these years as they grew
20 up and had children of their own.

21 One of the victims states in a victim impact
22 statement filed with the Court that because of this
23 rape by Philip Manik when she was a 13-year-old, and
24 other problems in her life, she says that she has tried
25 to kill herself lots of times, that she does not know
26 how to trust men, that she does not know how to love a
27 man. That victim also states in the statement that

1 with the help of her faith in God, her own religious
2 beliefs, that she has been able to forgive Philip Manik
3 for what he has done to her.

4 It is the Court's sincere wish and hope that each
5 of these victims will benefit even in some small way by
6 making their disclosure and having these matters
7 resolved in a final way here in a public courtroom in
8 the community. The Court hopes that these women will
9 get some kind of closure through this process, and it
10 is the Court's hope that both victims will now be able
11 to put these traumatic memories behind them and to get
12 on with their lives.

13 As to an appropriate sentence for Mr. Manik, I
14 have some hesitancy in applying straight consecutive
15 terms of the usual sentence for each of these crimes.
16 In that context, I am mindful that these two crimes
17 occurred some 20 years ago. I am of the view that the
18 Court instead should look firstly at an appropriate
19 global sentence and then assess individual terms of
20 imprisonment accordingly.

21 In this regard taking into consideration all of
22 the circumstances of this case and the submissions of
23 counsel, I regard a four-year global sentence as the
24 appropriate sentence in this case. Mr. Manik, would
25 you now stand, sir?

26 Philip Manik, for the crime that you have
27 committed in Count 1, unlawful sexual intercourse with

1 A K , it is the sentence of this Court that
2 you serve a term of imprisonment of four years and for
3 the crime in Count 3, indecently assaulting L
4 P , it is the sentence of this Court that you serve
5 a term of imprisonment of two years concurrent to the
6 sentence on Count 1.

7 For the reasons mentioned by counsel, I decline to
8 impose any firearms prohibition order, and in the
9 circumstances of your incarceration, there will be no
10 Victim Fine Surcharge. Thank you. You may sit down
11 now.

12 Now, is there anything further with this case,
13 Counsel?

14 MS. ROBINSON: No. Thank you, My Lord.

15 MS. COOPER: No, My Lord.

16 THE COURT: Fine. I want to thank counsel for
17 your conduct of the cases on this docket. I know these
18 cases were not particularly easy. They are very
19 difficult cases always.

20 I want to, for the record, give a special thank
21 you to our three interpreters for their assistance this
22 past week or so, and I want to thank also the people in
23 the community for their hospitality. Our court,
24 perhaps fortunately, has not come to your community for
25 many years, and these are always difficult cases when
26 we do come to a small community. Although the court is
27 pleased to be here to enjoy your hospitality, to enjoy

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your community, I would hope that it not be in the same
circumstances that brings us back here again. Thank
you.

Madam Clerk, if you will close court then.

THE CLERK: All rise. Court stands adjourned
without a day.

ADJOURNED SINE DIE

Certified Pursuant to Rule #723.

Tara Taylor

Tara Taylor, CSR(A), Court Reporter