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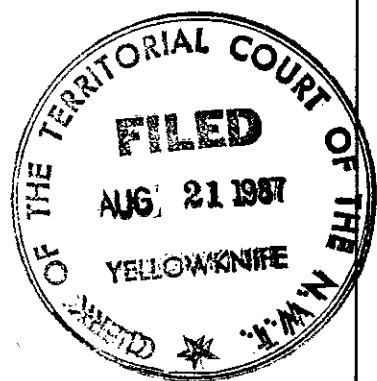
IN THE TERRITORIAL COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

VS

SIMEONIE SIAKULUK



Transcript of the Oral Sentencing Delivered by His
Honour Chief Judge J. R. Slaven, sitting at Yellowknife
in the Northwest Territories, on Thursday, August 20th,
A.D., 1987.

APPEARANCES:

MS. N. BOILLAT: Counsel for the Crown

MR. J. VERTES: Counsel for the Defence

(Section 246.1 C.C. X 3)

1 THE COURT:

2 In this case Simeonie Siakuluk has pled
3 guilty to three counts of sexual assault, one on a seven year
4 old female, M., on February 6th of this year, and the second
5 on M.'s nine year old sister, L., between the 1st of January
6 and the 4th of February of this year, and the third again
7 on L. on the 10th of May of this year.

8 Mr. Siakuluk is a 28 year old Inuit born on the land
9 near Hall Beach, a medium sized Inuit community in the
10 high Arctic, into a large and traditional type family.
11 He left school in grade six, but since then has achieved
12 grade 12 educational equivalent.

13 Over the years he has had a wide range of jobs including
14 some responsible ones in both Hamlet Government and the
15 Government of the N.W.T. He is obviously a man of some
16 intelligence and ability.

17 He fathered a child when he was only 15, the mother
18 being aged 16. That child was taken away. He was married
19 at an early age, and had other children. He has been
20 separated for the past three years. For the six months
21 immediately prior to his arrest on May 10th of this year
22 he lived with the mother of M. and L. as her common-law
23 husband.

24 He has a criminal record dating back to 1980. The
25 significant convictions are one for assault causing bodily
26 harm in 1982 for which he was fined \$250 and placed on
27 probation for two years, and a rape conviction in the same
year for which he was sentenced to imprisonment for a period

1 of two years.

2 Prior to his elections and pleas in these cases he
3 went out to Edmonton to the Alberta Hospital on a psychiatric
4 remand. A short summary of the extensive tests and assessments
5 done of him indicate that he has a strong heterosexual
6 paedophilic orientation with a clear overall response
7 preference for female children, especially prepubescent
8 females.

9 Apparently, in connection with his earlier appearances
10 before the courts, and during his two year jail term, he
11 received no psychiatric or psychological testing or assessments,
12 and this inherent tendency in his makeup has not been
13 identified until the recent assessments in Edmonton, and, of
14 course, he received no treatment.

15 In these cases the sexual assaults went on for some
16 period of time involving penetration of the vagina as well
17 as oral sex. The victims understandably put up no resistance,
18 presumably because of the position he occupied in the
19 household as standing in the place of their father. Even
20 their mother turned a blind eye to it until finally on
21 the last occurrence on the 10th of May, which went on for
22 some time, she telephoned the police, and the R.C.M.P.
23 corporal came over and found the accused and the victim
24 both naked in the bathroom. Upon his arrival the victim,
25 L., ran crying to her mother.

26 Counsel have referred me to various cases to assist
27 me. The Crown referred to the cases of R. vs. Clayton,

1 in the Ontario Court of Appeal, R. vs. Beere, in the Alberta
2 Court of Appeal, as found in R. vs. R.P.T., in the Alberta
3 Court of Appeal, those decisions being in 1982 and 1983,
4 referring to sexual offences committed by persons in positions
5 of authority over the victims. In this case I agree the
6 accused would be perceived by the children as a father
7 figure.

8 Quoting from the case of R. vs. Beere, at page 307,
9 the middle of the page:

10 "The sexual abuse of a child by a person
11 **in loco parentis** is a serious crime. Where
12 a child of very tender years is involved,
13 there can be no element of consent present.
14 The child is incapable of consent and is
15 betrayed by the very person to whom it is
16 entitled to look for protection."

17 Miss Boillat urges me that I should treat this as to what
18 is referred to as the most serious category of sexual crimes
19 referred to on page 565 of the Alberta Court of Appeal
20 decision in R.P.T.

21 I am also referred to the case of R. vs. Sandercock
22 from the Alberta Court of Appeal, a decision in 1985,
23 regarding the effects on the victims. Here there were
24 sexual diseases transmitted to both children. There was
25 evidence also of some physical damage to L.'s vagina. And as I
26 have stated, immediately upon the R.C.M.P. officer arriving
27 and rescuing her, she cried and ran to her mother.

As pointed out in the psychological history in the
Edmonton Hospital, Mr. Siakuluk himself was sexually abused
as a child by older males, and this may have contributed

1 to his condition.

2 It is impossible for us to know what psychological
3 problems these two young girls will have during their life
4 time, whether they will ever be capable of having a happy,
5 normal sexual relationship with a male.

6 Mr. Siakuluk knew that he was doing wrong. He twice,
7 when confronted by the mother about these matters, said
8 that if she told anybody he would kill himself. On May
9 10th he told L. that if she or her young sister M. told
10 anybody that he would kill both their mother and the two
11 daughters.

12 I am referred to the very helpful decision of Mr.
13 Justice Marshall in the case of R. vs. Horne. Mr. Justice
14 Marshall sentenced Mr. Horne this year on ten counts of
15 sexual assault on young men which took place over a period
16 of some years with eight different victims in two different
17 communities, Mr. Horne being a school teacher and paedophile.
18 He had been a valuable teacher through the years. He
19 had a wife, one natural child and a couple of adopted children.
20 The decision is most helpful in the discussion on paedophilia.
21 I refer to the top of page 173 where it is indicated that
22 paedophilia is a lifelong condition and it seems incurable.
23 At the bottom of the page it indicates that the treatment
24 amounts to strict control. An understanding of the problem
25 by the paedophile himself is the best hope for treatment.
26 Now Mr. Siakuluk for the first time has an understanding
27 of his problem.

1 I referred to the case of R. vs. Allen, whom I sentenced
2 last year in Inuvik. He was a man in his thirties with
3 a previous conviction for sexual assault or rape to which
4 he had been sentenced to jail. In the case before me
5 he had been left in charge of his 12 year old niece and
6 had been drinking himself, had given her some liquor with
7 the aim of having sex with her, and did have sex with her.
8 He confessed and pled guilty at the first possible opportunity.
9 I sentenced him to six years imprisonment, and the matter
10 was appealed by the Crown, and the Court of Appeal did
11 not grant leave to appeal, so accordingly, I take it that
12 they were in agreement with that sentence of mine, and
13 I feel the circumstances there were quite similar to these
14 here. Allen was addicted to liquor. As Mr. Vertes points
15 out, Mr. Siakuluk has been addicted to liquor and drugs,
16 and that their consumption removes his inhibitions at times,
17 and allows his paedophilic condition to take over.
18 In the case of the May 10th assault on L. he apparently
19 had been drinking heavily.

20 I have to look at deterring this man from ever doing
21 anything like this again. I also have to show that by
22 a denunciatory sentence that acts such as this are abhorred
23 by society. It states in R. vs. Beere that:

24 "Society must clearly state that those in
25 a position of trust to children must not betray
26 that trust."

27 Also I feel that society must clearly state that any adult
male treating young girls like this is abhorrent. If it

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were a case of a single occurrence, I feel that the same sentence as Mr. Allen received, six years, would be an appropriate one. Here, however, I have to look at totality and I don't think I can simply say that a six year sentence multiplied by three resulting in an 18 year sentence is an appropriate one.

Having then considered all of the aggravating and mitigating factors, I come to the bottom line. Would you stand up, please, Mr. Siakuluk. I convict you of the sexual assault on M. on the 6th of February of this year, and direct you to be imprisoned for a period of four years. I convict you of the assault on L. between the 1st day of January, 1987, and the 4th day of February, 1987, and direct you to be imprisoned for a period of four years to be served consecutively. I convict you of the sexual assault on L. on the 10th day of May and direct you be imprisoned for a period of six years to be served concurrently. That is a total of eight years consecutive time and six years concurrent.

Do you want to address yourself to the Section 98(1) of the Code, Mr. Vertes?

MR. VERTES: I have no comments on that, Your Honour. I heard my friend's submission.

THE COURT: I think certainly violence was threatened, not to get consent for the sexual act, but to persuade the victim, L., that no one should tell. This was done in the commission of an offence.

1 MR. VERTES: Well, I guess one could argue as for
2 furtherance of the commission of the offence in the sense
3 of avoiding disclosure of it. I think the Criminal Code
4 speaks in a mandatory fashion in that situation.

5 THE COURT: Yes. Very well then, pursuant to Section
6 98(1) of the Criminal Code, I order that Mr. Siakuluk be
7 prohibited from having in his possession any firearm or
8 any ammunition or explosive substance for a period of five
9 years after the time of his release from imprisonment for
10 the offences for which he is convicted today. What should
11 I do about including in the order his surrendering any
12 of those things that he has? Can they be surrendered forth-
13 with?

14 MR. VERTES: He informs me he doesn't own any, Your
15 Honour.

16 THE COURT: I will say they are to be surrendered
17 forthwith then if he has any.

18 MS. BOILLAT: Thank you. sir.

19 (AT WHICH TIME THESE PROCEEDINGS WERE CONCLUDED.)

20
21 Certified a correct transcript,

22
23 Laurie Ann Young
24 Laurie Ann Young
25 Court Reporter
26
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