

CITY REGION

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Survivors share pain of abuse, dehumanization

Students hear about atrocities men faced in residential school, Nazi death camp

BETTY ANN ADAM

SASKATOON Holocaust survivor Nate Leipziger and Indian residential-school survivor Eugene Arcand both know the degradation of having their humanities reduced to an identification number. Leipziger's six-digit number was placed on him at Auschwitz, where he and his father were separated from his mother and sister, who both perished in the Nazi death camp. The family had already been forced to live for years in ghettos, but were rounded up in 1943 and packed, standing, into a train boxcar that took them to Auschwitz.

"These were the last moments I spent with my family," Leipziger said.

Arcand's three-digit number was applied to him at age six at the church-run institution where, for the next 11 years, he was forced to

live with the daily fear of physical, emotional and sexual abuse. The children at the residential schools learned to live by the animal instinct of survival, he said. It was an experience that damaged him and thousands of others who grew up hiding from the shame and pain of their childhood experience, many abusing alcohol and drugs.

On Monday, Leipziger and Arcand told more than 1,000 Saskatoon high school students at Holy Family Cathedral about the commonality of their experiences.

They smiled as an interviewer noted they both always wear a hat, and Arcand observed that they also have the same number of children and grandchildren.

Their similar suffering and strength resonates between them. They both know the pain of separation from their families because of being dehumanized because of



Residential school survivor Eugene Arcand, left, and Holocaust survivor Nate Leipziger told a large audience of Saskatoon high school students this week about their common experiences and suffering. LIAM RICHARDS

their beliefs and cultures. Arcand said he carried a shameful secret most of his life; that he was sexually abused in the residential school. He finally rejected the shame when he heard a public speaker say molested children are not the pervers. Rather, they are innocent victims.

"It was a turning point ... (I began to) try to reprogram myself,"

Arcand said. Since then, he's spoken his truth without shame.

Hearing Arcand's story for the first time a decade ago gave Leipziger the courage to disclose the sexual abuse he suffered at the hands of other prisoners in the concentration camp.

The men on Monday urged the students to hug their parents and

siblings, to understand that all humans are equal and all must be accepted unconditionally.

Leipziger asked the youths to speak out against injustice, to not be bystanders whose silence gives credence to persecutors.

The event was part of the Courageous Conversations series organized by the Saskatchewan Human Rights Commission.

Court denies man's appeal in 2010 murder case

HEATHER POLISCHUK

A man found guilty in the fatal shooting of an ATM technician in 2010 has failed in his bid to have his murder conviction overturned. Daniel Smith, 62, was convicted of second-degree murder in the 2016 death of Roger Byer. He received a life sentence with no parole eligibility for 12 years.

Byer, 57, was last seen on Jan. 20, 2010, while servicing an ATM in Melfort. His body was found next to his truck on April 1 that year on an isolated and abandoned farmyard in east-central Saskatchewan. An autopsy revealed he had been shot three times, with the fatal bullet passing through his head.

Police also learned approximately \$23,000 was missing from the truck. Smith — who, at trial, unsuccessfully claimed it was his then-common law partner wielding the gun that killed Byer — appealed.

His case was heard by the Saskatchewan Court of Appeal in February and the court recently returned with its decision to leave the verdict as is.

At the heart of the appeal was testimony by two key Crown witnesses — Smith's former common-law partner and the man from whom he got the murder weapon

— and the trial judge's decision not to caution the jury in relation to that evidence. By law, it is open to a judge to provide what's known as a Vetrovec warning to a jury about evidence offered by witnesses in cases where it's thought they might have something to gain in testifying a certain way.

Smith's lawyer at appeal, Gordon Kirby, argued there were credibility and reliability issues with both witnesses that called for such a warning. Among reasons, Kirby pointed out Smith's former spouse — who testified to witnessing the shooting — initially lied to police.

But Crown prosecutor Bev Klatt noted the credibility — or lack thereof — of both witnesses was addressed by trial Justice Timothy Keene, meaning the jury was aware of that issue going into deliberations. Additionally, Klatt pointed out Keene had been prepared to put Vetrovec to the jury, but was asked not to by Smith's trial lawyer Morris Bodnar.

The Appeal Court's decision — penned by Justice Lian Schwann — found the discussion between the trial judge and counsel suggests Bodnar was concerned a Vetrovec warning would have meant Keene having to highlight evidence that potentially backed that of the two witnesses.

While Kirby argued such a

warning was mandatory, the Court of Appeal found otherwise, noting case law from the Supreme Court that said a mandatory warning would rob defence counsel of the opportunity to make a tactical decision — such as Bodnar's.

"A Vetrovec warning may, on balance, be more prejudicial to an accused because it draws the jury's attention to the Crown's confirmatory evidence," Schwann wrote. "The trial judge was alive to the possibility of indirect prejudice to Mr. Smith and was concerned that instructions containing confirmatory evidence could be perceived by the jurors as 'showcasing' critical Crown evidence."

The court also referred to Canadian case law that found the warning discretionary on the part of the judge. "I am satisfied from the record that the trial judge understood the law, understood the position of defence counsel, and had a clear foundational basis for not giving a warning in this case," Schwann wrote.

The court further found itself persuaded by the Crown's argument the verdict would have been the same even if a Vetrovec warning had been issued at trial. Schwann's decision was made unanimous by Justices Georgina Jackson and Neal Caldwell. hpolschuk@postmedia.com

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