

VICTIM IMPACT STATEMENT OF DEBBIE MAHAFFY
(September 2018)

I am the mother of Leslie Mahaffy (“Leslie”) who was abducted by Paul Bernardo (“Bernardo”) on June 14, 1991. Bernardo then took Leslie to his and Karla Homolka’s home in St. Catharines, Ontario, where they committed unspeakable and brutally sadistic criminal acts against her that are too painful and horrifying to describe. Bernardo murdered my 14 year old daughter on June 16, 1991.

This victim impact statement is submitted on behalf of myself, my husband and Leslie’s dad, Dan, and our son and Leslie’s brother, Ryan. It is also supplemental to the video victim impact statement I gave at Bernardo’s sentencing hearing before Associate Chief Justice LaSage, the written statement I gave separately, and the victim impact statements given by Dan and Ryan Mahaffy. We understand that you have a copy of these victim impact statements as they were made Exhibits at Bernardo’s sentencing hearing.

Preparing for this parole hearing has been gut wrenching for our family. We have to relive Leslie’s pain and horror – our pain and horror, as if it happened yesterday. It is a nightmare. The pain, despair and anguish is crushing and debilitating. Preparing a victim impact statement after the passage of 27 years after Leslie’s murder is an excruciating process that again tears us apart. It is a deep and unrelenting pain. The healing we have worked so hard to achieve has been ripped apart, just like Leslie was by Bernardo.

We find ourselves confronted with a very complex and excruciating dilemma; that is choosing between participating in this hearing or not participating. It seems that we are damned if we do and damned if we don’t. This is an emotional hell for us.

Leslie brought so much happiness and joy to our lives – her promise of continued joy in our future was horribly ended by Bernardo’s sadistic cruelty. We miss Leslie every second of every day. Words are terribly inadequate to describe the magnitude and depth of our loss. We will always protect Leslie’s memory and her dignity. That is why we are submitting this statement. We will never abandon her to Bernardo’s cruelty again, in any form.

Feelings that illustrate the harm Bernardo has caused to our family and myself, have torn my soul apart. It is difficult to be succinct in describing the harm Bernardo’s violent actions caused in 1991 to Leslie and our family. It is overwhelming to try and describe the continuing harm that has impacted us during the time since 1991. Because my statement is not considered private, I will mention only a few.

I believed at the time of Bernardo’s sentencing in 1995, that the preparation of my victim impact statement would be cathartic. I attempted to show the court in a video victim impact statement, Leslie’s amazing short life, just a snapshot of the joys she brought to us, that contrasted the wretched perverse videos Bernardo made of her torture and abasement. I found the process of creating that video statement indeed cathartic and a small step of many steps I have taken and our family has taken towards healing the deep pain of Leslie’s loss.

However, preparing this statement for this parole hearing has not been cathartic. It is not healing. While not intended, in effect, it is invasive to re-examine the past years of harm and heartache that we have experienced and worked so hard to accept and try to forget or at least cope with.

We understand that parole hearings have to occur. This said, this parole hearing process rips apart all the healing we have worked so hard to achieve and replaces the beautiful protected memories of Leslie's life with us with familiar terror and uncertainty. The effect of this parole hearing allows Bernardo to abduct our beautiful memories of Leslie as he has inserted himself and the ugliness of her death into our lives yet again. We are forced to wrestle them back, again, knowing how much mindful effort and time that will take.

I do not want to be here, but here I am. I do not want my presence or comments to add to Bernardo's entertainment as surely this process will. I do not want to be in the same room as Bernardo as I so hoped never to have to acknowledge his existence ever again. I do not want to participate, to disclose any private details about the harm our family has suffered because of him, yet here I am.

Bernardo destroyed so many events and experiences in our lives. I do not want to disclose one difficult thing that we have had to cope with since Leslie's death. This, however, leaves me conflicted. My disclosure may enlighten the Board and yet at this moment, seems trivial in comparison to what Leslie had to endure at Bernardo's hands.

I feel I must be here to represent Leslie on behalf of her father and brother and extended family. I fear that Leslie and how very wonderfully ordinary and precious she was to us, will be forgotten. So I am here.

I only hope to inform those of you who have been so lucky as to have never had similar life experiences as our family's because of a dangerous offender like Bernardo, that you might understand that time does not heal all wounds.

Leslie's violent, horrific death changed everything in my psyche and in my life and in every member of our family. And the time that has passed since that day in June 1991, has not changed the pain one degree since her loss.

There still exists the incredible void in my heart and soul that time will never heal. Many of the horrors of Leslie's loss I could not even comprehend in 1991, but I do now. Time does clarify the details and reality of events. In addition, every milestone of life experience that Leslie was denied by Bernardo, we now only experience vicariously through others.

As friends and family members experienced expected and significant life events, her exhilarating absence at these life events broke us again and again. We grieved again and many have experienced survivors' guilt.

I have worked almost full-time trying to heal from Leslie's death and the impact of the complicated grief and PTSD caused by the horrific nature of her murder which was so enduring

and public for so many years. The subsequent trials and information about Bernardo's incarceration that became public, such as his life in prison and book publication, shattered all progress made to overcome the havoc he caused.

This offender's actions created such irreversible chaos in my life that I lost my teaching career and three other full-time positions and the personal rewards and financial benefits they provided me.

I managed to be employed full-time for a total of less than 40% of the 27 years since Leslie's death. Every month I am reminded of the financial implications of this employment record and feel its impact on my retirement pensions and benefits.

It is not dramatic to say that because Leslie was murdered, Bernardo has harmed not only me, her father, brother and grandparents, but also members of her extended family, their children, those who were Leslie's friends and members of their families, members of her school, the community at large and their families. So many lives were irrevocably changed by Bernardo's violent actions.

I was 40 years old when my daughter was abducted, tortured and killed. She was only 14 years old. Leslie's friends were 13 to 19 years old. Today Leslie's friends are 40 to 46 years old and their children are 13 to 19 years old. They are reliving the nightmare of her death and like myself, they are trying to protect their own thoughts, their own flashbacks that have again been provoked.

Leslie's friends are also trying to protect their children from being harmed as they can never deny that dangerous people do indeed exist. They are also trying to protect their teenagers from the horrors of the details of their childhood friend's death. Social media has indeed complicated their task. They are struggling as am I to make sense of why Bernardo is eligible for parole. I understand that the parole system is designed at large for all offenders, but there is a significant difference between those offenders who receive fixed sentences and those who receive life sentences, and more significantly, as here, where the offender has been designated a dangerous offender and sentenced to life in prison.

I understand that offenders convicted of first degree murder and sentenced to life in prison are "eligible" for full parole after 25 years. But Bernardo was convicted of murdering two teenage girls, yet his parole eligibility remains the same. In other words, Paul Bernardo's parole eligibility was not the least bit affected by murdering Kristen French. It was 25 years after murdering Leslie and it remained 25 years after he murdered Kristen. Nor would his parole eligibility have been affected if he was not caught until after murdering more teenage girls. In terms of parole eligibility, Paul Bernardo effectively is getting a free pass for murdering Kristen French because his parole eligibility is still set at 25 years for murdering both Leslie and Kristen. This fact is having a strong negative impact on us. It cheapens life. It is wrong.

Because of Bernardo's depraved actions, Leslie's brother grew up an only child. He was only 7 years old when his sister was murdered. Each year he understood more of the permanency and the horrors of this sister's death. Each year of life experience without her he grieved anew and

had difficulty coping. For a child to grow into his grief and understand that his sister's exhilarating presence in his life was gone forever and that his family as he knew it was shattered irrevocably, was devastating for Ryan to experience.

Preserving Leslie's dignity and memory demands that justice be done today; to keep us and the general public safe from Paul Bernardo. Leslie, through us, has a say in justice – something Bernardo made sure she could not have.

Leslie's right to justice did not end by reason of Bernardo's decision to murder her. Justice demands that Leslie's voice be heard and never forgetting what Bernardo did to her.

Paul Bernardo is a psychopath and a sexual sadist. He was not just convicted of murdering Leslie and Kristen and other horrific violent crimes, he was also declared a dangerous offender. His dangerous offender designation also included the fact that he was the Scarborough rapist. Before declaring Paul Bernardo a dangerous offender, Associate Chief Justice LeSage heard from 15 of Bernardo's Scarborough rape victims. With each subsequent rape victim Bernardo became increasingly more violent.

You must read Justice LeSage's Reasons for Decision on Bernardo's dangerous offender application which I attach to my victim impact statement. Paul Bernardo did not just commit offences against Leslie, Kristen, Jane Doe, Tammy Homolka, the Scarborough rape victims, but also against humanity itself. Bernardo's sadistic sexual violence received international attention. It shocked the conscience of right thinking people around the world. Bernardo is a serial murderer and a serial rapist, which stopped only because he was caught. Had he not been caught, many more young girls would have been sadistically sexually tortured and murdered.

At paragraph 45 of his decision, Associate Chief Justice LeSage said exactly, "**Mr. Bernardo ... You have no right ever to be released**".

At paragraph 47 of his Reasons, Justice LeSage said this:

"I am satisfied that the evidence not only satisfies me, it is overwhelming. Everyone here, everyone in this courtroom, everyone in this courthouse, everyone in this city, everyone in this province, everyone in this country knows that you are a dangerous offender, and you know that yourself. Your conduct over the past, certainly the five years plus from 1987 to late 1992, is such that one could come to no other conclusion but that you constitute a threat to the life, safety, physical and mental well-being of other persons. Your conduct has been a pattern of repetitive behaviour, of which the kidnapping, the aggravated sexual assault of Leslie Mahaffy, and the kidnapping, the aggravated sexual assault of Kristen French, forms a part, which shows a failure on your part to restrain your behaviour, and it establishes and proves that there is a likelihood that you would cause death or injury to other persons and you would inflict severe psychological damage on other persons through your failure in the future to restrain that behaviour".

At paragraph 48 of his Reasons, Justice LeSage said this:

“... I am satisfied beyond a reasonable doubt that you have exhibited a pattern of persistent aggressive behaviour, of which the offences of kidnapping and aggravated sexual assault of Leslie Mahaffy, and kidnapping and aggravated sexual assault of Kristen French, forms a part, which establish not a substantial but an overwhelming degree of indifference on your part respecting the reasonably foreseeable consequences to other persons of your behaviour. That is another basis upon which I am entitled to and do find you a dangerous offender”.

At paragraphs 49 and 50 of his Reasons, Justice LeSage described Bernardo’s repulsive crimes this way:

“... they are of such a brutal nature as to compel the conclusion that your behaviour in the future is unlikely to be inhibited by normal standards of behavioural restraint.”

“The behavioural restraint that you require is jail. You require it, in my view, for the rest of your natural life. ... You are a sexually sadistic psychopath. The likelihood of you being treated is remote in the extreme”.

Justice LeSage is considered to be one of Canada’s most respected, learned and experienced judges. Leslie, Kristen and all of Bernardo’s other victims and the public at large, have a right to have Justice LeSage’s judicial pronouncement carried out.

Speaking for Leslie and our family, and protecting her memory and her dignity, I say that this parole hearing must be bifurcated. A dangerous offender designation is a very specific designation as evidenced by the decision of Justice LeSage and the passages I just read. Because of the indeterminate nature of a dangerous offender designation, the threshold for establishing it is exceptionally high, and must be proven beyond a reasonable doubt. It would be an insult to Leslie’s memory and to her dignity if this dangerous offender designation is not addressed first before you consider the traditional parole eligibility criteria for those offenders not designated dangerous offenders. There is a direct link between the unspeakable crimes Bernardo committed against my daughter, his dangerous offender designation and Justice LeSage’s statement that Bernardo was **“a sexually sadistic psychopath”, who required jail “for the rest of [his] natural life”**.

What medical evidence do you have in your possession that addresses the medical and other evidence that was before Justice LeSage at the dangerous offender hearing? What evidence do you have that says Justice LeSage is wrong? What reliable and tested evidence do you have that confirms that there has been a stunning and unprecedented medical breakthrough, discovered through underfunded CSC penitentiary programs, confirming that they have found a cure for sexual sadism, psychopathy, and being a sexual predator and a serial murderer? Justice LeSage could have left it at sentencing Bernardo to life in prison, but he did not. Based on overwhelming evidence and to protect the public and keep the public safe, he declared Paul Bernardo a dangerous offender and said the only way that the public can be protected, is by making sure he spends the rest of his natural life in jail.

Victims are given the right to submit victim impact statements, but we are not entitled to anything in the offender's institutional file and anything that is before the Parole Board such as medical evidence to assess and evaluate issues of public safety and risk management. Again, the link between the unspeakable crimes Bernardo committed against my daughter, Bernardo's dangerous offender designation and his life sentence on the one hand and on the other hand his attempt, through parole, to be relieved from the full consequences of his crimes, has an indescribable impact on us. Yet all of the facts and evidence relevant to these critical and overarching public interest issues remain private and secret because of Bernardo's privacy rights. This has had a devastating impact on us as our *Access to Information Act* request has been denied. We are told that Bernardo's privacy rights are more important than ours and the public interest, even though he seeks a public remedy, at a public hearing, where the threshold issue is public safety. This is a kick in the teeth for victims and our loved ones.

Bernardo had no regard for Leslie and Kristen's privacy rights or any of his other victims. He violated Leslie and Kristen in ways that defy words and as said repeatedly, are unspeakable. Bernardo took enormous pleasure in degrading, humiliating and brutalizing Leslie and Kristen. He made coerced pornography and child pornography of them for his own sadistic sexual gratification. He made Leslie and Kristen become sexual objects and sexual props for his own perverted and sadistic sexual enjoyment and entertainment. Bernardo engaged in systemic and extreme violence, brutality and dehumanization of Leslie and Kristen.

There is a reason why one of Canada's most respected, learned, experienced, knowledgeable and Honourable Justices and the trial judges in this case concluded that Paul Bernardo could not be treated; that the public would not be safe if released; and for this reason and because of the sheer depth and magnitude of his horrific crimes, he should spend the rest of his natural life in jail.

I ask, does the Parole Board have a copy of Bernardo's self-published 631 page e-book novel "A MAD WORLD ORDER"? The book contains graphic scenes of violence, including a vivid description of someone beheading a lifeless body with a sword. Elsewhere Bernardo described a gunfight with these words "Blood, flesh, and bones exploded from multiple parts of their bodies, as the oversize bullets flew through them".

There is another scene in which a woman in a hotel room fakes being raped. This woman bangs her wrist and inner thigh with a physical object until they are bruised. She also punches herself in the eye with her fist.

This is only a few years ago. Do you have evidence before you of experts reviewing this violent book to determine the link between Bernardo's sadistic psychopathy that lead to the abduction, torture and murder of my daughter and others and the gratuitous violence in his book? Is the rage that was in Bernardo's head when he murdered my daughter and Kristen and raped many other girls the same rage that permeated his mind when writing this violent book?

After more than two decades in prison, with all the programs offered by our prison system, did the experts comment on Bernardo's choice to express himself through a story of graphic violence rather than something that was non-violent, insightful, reflective – perhaps nice poetry? Have the experts commented on whether, under the pretext and disguise of "fiction", the book is, at

least in part, about real crimes or future crimes if given the opportunity? Bernardo has nothing but hate and violence in his heart and in his soul and was properly designated a dangerous offender.

There is an important principle here. In reviewing Bernardo's dangerous offender designation and in reviewing his parole eligibility as an offender sentenced to life imprisonment, your overarching responsibility is that of public safety. However, the two are qualitatively and analytically distinct and must not be conflated, notwithstanding the overlap. Leslie has a right to have Bernardo's dangerous offender designation, as determined by Justice LeSage, to be given true meaning. The threat that Paul Bernardo presents to public safety as a dangerous offender, is qualitatively different and more pronounced and is distinct from his life sentence. A person convicted of first degree murder may be convicted of a single murder and while dangerous, does not meet the criteria of a dangerous offender. Those who meet the dangerous offender criteria are qualitatively and analytically different when considering the issue of public safety. For this reason, the medical evidence has to be qualitatively different. The dangerous offender designation does not become redundant and a mere fiction for parole purposes because the offender also received a life sentence. That would make a mockery out of the dangerous offender provisions of the *Criminal Code*. Whether this notionally results in a bifurcated proceeding within the same proceeding, the two are substantively, qualitatively and analytically distinct.

It is noteworthy that in its conclusion for dismissing Bernardo's appeal, a unanimous Court of Appeal (Laskin, Moldaver, MacPherson J.JA) said as follows about Justice LeSage:

"The nature of the crimes and evidence probably made this one of the most difficult jury trials in Canadian legal history. The nature of the evidence made this a wrenching and draining experience for counsel, court staff, the trial judge and jurors and, especially, the families of the two young victims. In our view, the trial judge presided over this difficult trial with great skill and fairness. We are convinced that the appellant received a fair trial. The appeal is dismissed".

I conclude by repeating the considered judgment and wisdom of Associate Chief Justice LeSage, later to become Chief Justice that, "you [Bernardo] require [jail] [and] in my view, for the rest of your natural life".


Debbie Mahaffy