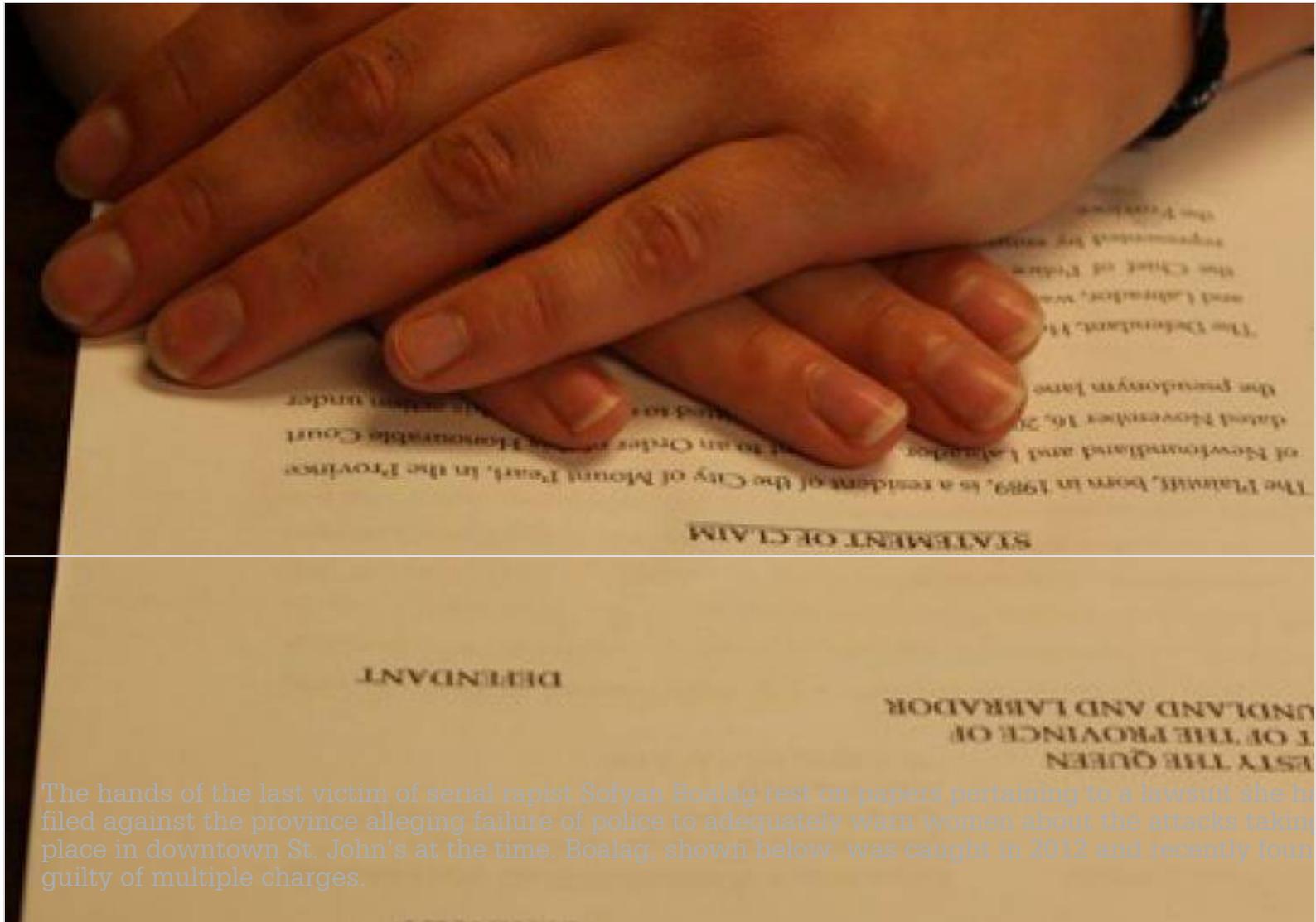


'Why didn't I know?'

Barb Sweet (barbara.sweet@thetelegram.com)

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The hands of the last victim of serial rapist Sofyan Boalag rest on papers pertaining to a lawsuit she had filed against the province alleging failure of police to adequately warn women about the attacks taking place in downtown St. John's at the time. Boalag, shown below, was caught in 2012 and recently found guilty of multiple charges.

A woman violently attacked by serial rapist Sofyan Boalag shortly before he was caught is suing the province for the way police handled the case in 2012, alleging the the Royal Newfoundland Constabulary (RNC) failed a duty to warn women about the downtown attacks.

"Why didn't I know?" the woman, who is in her 20s, said in an interview with The Telegram, maintaining she would have been on alert the night she was sexually assaulted if there had been a public warning.

"St. John's is a small city compared to most. ... Even if they had to go to the colleges and then let women know, 'Hey there's a serial rapist.' Because that's what college students do — they go downtown."

The lawsuit was filed in January by Budden and Associates. The victim agreed to speak to The Telegram now that there has been a decision in the separate criminal trial of Boalag, 37, who was charged with numerous offences occurring between September and December 2012.

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The charges related to six women, one of whom refused to testify.

Boalag, originally from Algeria, was convicted of 13 charges, including sexually assaulting with a weapon three of the six complainants. His youngest victim was 15. Among the other charges he was found guilty of were two counts of robbery, a count of resisting arrest and charges related to the weapon.

In the case of the woman who spoke to The Telegram — known as Jane Doe in the civil case — Boalag was also found guilty of attempting to choke her.

"He has no remorse, not any remorse. He doesn't give a shit. You can see it. He don't care," the woman said of looking directly at her attacker in court. She says he looked away.

She would like to see an admission from the chief of police that it was wrong not to warn women.

"Acknowledgement would go a long way. Whether we will get acknowledgment or not, I guess we'll find out," she said.

"It's not so much closure I'll get from this (lawsuit). It's the fact that it might change. It might change that people get better warnings out there and people will be more careful. I am hoping it will change the system even just a little."

The woman said she heard nothing of the attacks at the time and describes herself as someone who stays current through media websites, radio reports, open-line shows and media Facebook pages.

And she said her mother, who always gave her a ride home from downtown and expected to pick her up that night in December 2012 — the night that ended with her being sexually assaulted — would have warned her if

she had heard any public warnings that young women in the downtown were being targeted by a rapist.

It was a routine Saturday night for a young student in her early 20s — a typical scene played out in any college town in any decade — she was heading downtown to socialize and drink.

The woman, who'd been living in metro just a few years, was from a rural Newfoundland community and saw nothing unusual about speaking to a stranger. She admits to being drunk when her fateful meeting with Boalag took place in the early hours of Sunday morning on Water Street. He was nicely dressed and didn't seem sketchy in any way.

She wanted to use an ATM but couldn't find her bank card. He suggested walking to his nearby home to get his wallet. She intended to wait outside and they would both then go to Liquid Ice. They headed up the steps by the Supreme Court and the St. John's Lockup. A video camera zoomed in on them, it was revealed in court.

As they seemed to be walking too far, the woman tried to break away. Boalag tightened his grip on her arm. In a secluded area by St. Andrew's Presbyterian Church, Boalag put a knife to her throat and raped her. He choked her until she was unconscious.

The woman told The Telegram she was convinced he would kill her. Boalag also stole her cellphone. She said she'd been screaming for help and ran toward three police cars nearby on Queen's Road.

"How did they not hear me yelling for help? ... I always wondered that," she said.

"Until he put the knife to my throat, I was yelling. I fought really hard to get away, and just to know I was being raped just walking distance of the RNC (cars) is so crazy to me."

In the provincial criminal court decision finding Boalag guilty of many of the charges against him, Judge Pamela Goulding described the attack on the woman as violent and did not doubt the woman's account of having a knife to her throat, nor of her being choked. She could find no merit for defence claims that, because the woman had agreed to go with Boalag earlier, she was consenting to sexual assault.

The young woman's route to and from work takes her past where the attack happened by St. Andrew's church.

"Every day, every day," she said in a weary voice. "And every day as I drive past it and see how far away it was from the RNC headquarters, it rots me. It rots me."

She was assaulted on Dec. 9, the last of the victims. Boalag was arrested by police Dec. 10 after a struggle in a shopping mall parking lot.

Allison Conway, a lawyer with Budden and Associates, said her firm hasn't seen any evidence that there was a clear public warning to potential victims of Boalag at the time he was roaming the downtown and assaulting women.

"(Our client) is a responsible individual," Conway said. "She's prudent enough to have arranged a ride home (with her mother) and she wasn't aware of a warning. So, if somebody who is prudent and responsible was not aware — the general population, it's unlikely they were aware. ... Part of the duty of making a warning is that it's sufficient — you provide adequate warning."

Conway noted the 1998 Ontario decision of Jane Doe vs. Board of Commissioners of Police for the Municipality of Metropolitan Toronto civil decision related to the infamous balcony rapist of the mid-1980s. The police force was found to have breached a duty of care to warn women in that Jane Doe's neighbourhood that they were at risk.

Conway said in the St. John's case, the attacks occurred in a two- or three-kilometre radius of the downtown and all were young women.

"There are a lot of things that are similar. ... Here there's an identifiable group just like there was in (the case of the Ontario) Jane Doe."

Conway noted the RNC has issued more crime warnings lately and has taken some flak for victim blaming.

"But this is their duty," Conway said. "Police must provide warnings to identifiable groups that are at risk and these warnings must contain suggestions as to how the public can protect themselves from the risk."

The lawsuit also raises questions on the lack of action taken when video surveillance outside the lockup was zooming in and out on Boalag and the woman he would soon attack.

Boalag's victim said she's ready to go the distance of the civil case, which could see her have to testify again at a Newfoundland and Labrador Supreme Court trial if the government won't settle.

"It's hard to hold someone accountable. It's even harder to hold the government accountable. ... And people are wary of saying they were wrong. Try getting a government agency to do that, yeah right. I am definitely expecting them to fight it. I am expecting them to deny it and say, 'Oh we did our job,'" she said.

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At the criminal trial, the woman felt the questioning from the defence went way over the line. She said the trial was her first time in a courtroom.

During the long process of Boalag coming before the courts, she said she'd had to give up her then good-paying job because of the time she had to take for the case and all the delays as Boalag switched lawyers.

"It is the most stressful, frustrating thing. The system is so screwed up. It's like the accused got more say than the victim," she said. "And we were being attacked. ... One person backed out because she didn't want to go through the humiliation. You're humiliated. Your honesty is questioned. Your morals are questioned. "

Responding to criticism in court that she didn't reach out to victim services for counselling, she credits her family for their support, and noted every person is different when it comes to how they cope. For her, she said there were many times she talked to her dog, sounding out her pain to a silent, but loyal confidant.

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The allegations regarding how the police handled the case have not been proven in court. The lawsuit seeks unspecified monetary damages for the distress, mental and physical pain, among other repercussions of the attack.

Meanwhile, in the criminal matter, Boalag's case was set to be back in provincial court today (Wednesday) so a date could be set for sentencing.

UPDATE: The Telegram had contacted the RNC for a response Tuesday. Wednesday, after the story was published, a short statement was issued to media by Chief William Janes.

"The RNC takes its responsibility to notify the public of potential harm seriously. As this matter is before the courts, we will not make any further comment until this matter is concluded," he said in the emailed statement.

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