

January 13, 2003.

4502 Bennet Rd.
Burlington, Ontario
L6L 1Z1

Chief Justice Roy McMurtry
c/o Osgoode Hall
130 Queen Street West
Toronto, Ontario
M5H 2N5

Dear Chief Justice McMurtry

RE: One reason why the courts are backlogged

I read an article in the Toronto Star, dated January 7, 2003, in which it was reported that you were upset about the courts being backlogged and that you were looking for answers to this problem.

As one woman who has been forcefully and unwillingly branded as a helpless “victim” of domestic violence by police and the local Crown Attorney’s office, I would like to give you what my thoughts are as to why the courts are backlogged.

Early last year, in a fit of anger and frustration against my husband, I wrongly called police. I was under medication at the time and to this day still suffer from depression and severe anxiety disorder. When I get upset at my husband, my disorder causes me to get angry and to want to cause problems for him. Calling police on that occasion was my reaction that day to cause him problems. Under pressure from police to charge him with something and during a moment when my mind was not thinking clearly, I told police that I felt that husband had threatened to harm me and the children. I have seen so much in the newspapers and on the TV about husbands abusing their wives that this was the first thought that came to my mind when the police came to my home. There was absolutely no physical violence leading up to my call to police, absolutely none. At the time, however, I did not realize the implications of my actions as I was acting more out of emotion, rather than from reason.

Police officers never asked if there would have been any reason to cause me to make these allegations nor did they seem to care. No time was given for me to get my thoughts together rationally. Police just took my words as being the truth. Immediately, my husband was arrested and thrown in jail where he eventually spent six weeks in jail. After his arrest, I became even more anxious and fearful of authorities for doing something that was wrong.

Initially, I stayed at a women’s shelter as I thought this was the thing to do. While in the women’s shelter, I was put under tremendous pressure from shelter workers, most of who are divorced

women themselves, to say even more negative things about my husband to get him in more trouble with the law. I felt pressured by shelter staff and felt compelled to follow their legal instructions. In my opinion, shelters should not be giving legal advice to woman or pressuring women to take certain legal actions. This should be left up to the lawyers. Being in a position of dependency at the shelter makes a woman feel obligated to follow the legal advice given to them by the workers. While in the shelter, both myself and my children were inundated with information about how abusive men are. I believe that exposure to domestic violence audio and visual materials in the shelter has negatively affected my children to the point where even they may now feel that men, in general, are abusive. As it turned out, the shelter was not just a place where women can go for help, but a place where women and children are told all the bad things about men and where women are encouraged to divorce their husbands and break up their families. While my children and I were at the shelter, the police had to come in and take one woman out of the facility for being abusive to the other women in front of the children. My children were exposed to more abuse in the shelter than they were ever exposed outside of it.

When I tried to admit my mistake to the Crown Attorney's office, I was basically told that I was a liar and that I had better stick to my original statement which was made while under pressure and while suffering from anxiety. I was told that women only recant their stories because their husbands are intimidating them. I was told that I would get arrested if I tried to change my story. When I tried to get my lawyer to write a letter to the Crown to explain the circumstances, my lawyer refused to follow my instructions. It was as if my lawyer was not willing to go against what he knew the Crown and the police wanted, which was to get my husband to plead guilty. My lawyer refused to return my phone calls and refused to answer my letters to his office. Yet, while my lawyer refused to follow my instructions, to my knowledge he billed Legal Aid, claiming to represent me. I wrote my own letter to the Crown's Office directly but they refused to respond.

During this whole ordeal, nobody in the Justice System wanted to help me or my children. Everyone just wanted to label me as a poor victim and my husband as an abuser. Not at any time did I get the feeling that the justice system cared about me, my children, or about justice. The feeling that I have to this day is that the only thing the system wants is to convict my husband and that they will use any means, including intimidation and removal of children, to accomplish this.

I went to the court during one of preliminary hearings to try to tell the truth but when the Crown Attorney saw me at the court, she would not even talk to me. Yet, when my husband was in a hearing, representatives of the local women's shelter had no problem getting a private meeting with the Crown to discuss my husband's case. It seems that the Crown Attorney considered what the representatives of the local woman's shelter had to say as being more important than what I, the alleged victim, had to say. Everything seemed to revolve around how to get my husband convicted and to keep him from seeing our children, no matter what the cost to myself and the children was.

My husband has been forced from his job due to the actions of the authorities who contacted his work and had him dismissed. Myself, and my four children have been forced on to the welfare system. My children cry to see their father who has always been a good father to them. The

Children's Aid has threatened to take my children from me if I let the children see their father, yet he has always been a good father to them. Terrible financial and emotional harm has been done to my children, myself and my husband by the justice system.

It has been over nine months since my family's horror story with the justice system started. To this day, those in the Justice system still do not want to listen to me nor do they care about my children. It seems that the system is not willing to admit that a woman can make a mistake such as calling police out of anger. Based on my experience, it seems that criminalizing and persecuting fathers, regardless of the damage done to children, is the ultimate goal of the system. I feel that all of our family members have been victimized by the system and this is so terribly wrong and unjust.

Since this matter started, thousands of dollars in taxpayer's monies have been spent and countless hours spent on my case by police, court officials and the Crown Attorney's Office. I am the only witness to just statements made, yet the Crown Attorney presses on relentlessly to get my husband to plead guilty while intimidating me to go along with what they want. How can he plead guilty when he is not? I would not expect him or want him to plead guilty for an alleged crime he did not do. What kind of justice would that be?

There appears to be a systemic bias against fathers by the police and the Crown Attorney's Office in the area of domestic violence to the point where justice is being purposely and maliciously disregarded. I have a young son and it worries me to think of what he might face in the justice system when he gets older. I am appalled at what I have seen is going on with justice in this province and how domestic violence is being used to destroy families. Based on just a few words said in anger, the justice system has gone on a witch hunt against my husband and in the process caused terrible harm to my entire family.

So getting back on the topic of the backlog in the court system, just put a stop to the persecuting and criminalizing of fathers and ensure that the principles of equality and fundamental justice are upheld by those working in the system and I am sure that you will see a noticeable drop in the court system caseload. Justice, not man-hating ideology, must prevail in our justice system.

Yours truly

A handwritten signature in black ink, appearing to read 'Saad', with a horizontal line underneath it.

Nezha Saad

cc: all members of Provincial Parliament