

October 21, 2002.

Mrs. N. Saad
4502 Bennet Rd.
Burlington, Ontario
L6L 1Z1

The Crown Attorney's Office
Steeles Ave. W.
Milton, Ontario
Attn: The Crown Attorney

Dear Sir/Madame

RE: Domestic Violence Charges – Mohamed Lemqadem

I am writing this letter in hopes of putting an end to what I believe is a gross misunderstanding of the facts by police and court authorities, which in turn has resulted in grave miscarriage of justice against my husband, myself, as well as our four children. More harm will be done to my family if this nightmare which has been perpetrated as a result of this apparent misunderstanding by the police, the courts and the Children's Aid Society does not end soon.

On April 6, 2002, while angry and frustrated at my husband, I made an error in judgment and wrongly called police to make a complaint against my husband. I suffer from severe anxiety disorder and clinical depression and was also under great stress as a result of an earlier miscarriage of a child. I just simply lost control of myself as a result of my anxiety and depression and failure to take my medication as prescribed. There was no physical contact between my husband and myself and no death threats against myself or my children as the police have reported and for which he was wrongfully charged.

As a result of my call and the charges by police, my husband has been kept from communicating with me and kept from being able to be with the children he very much loves and cares for. He has not had meaningful contact with our children since April of this year. He is a good father and a peaceful man with no prior criminal record yet during this ordeal he has been arrested, thrown in jail for weeks, taken before the public in handcuffs and leg shackles. My husband has lost his good job as a result and my children and myself have been forced to become beggars to the welfare system. The handling of our family matter by the domestic violence court system has resulted in tragic and undesirable affects on not only myself, but all members of my family. The process has literally destroyed us and destroyed the ability of our family to be independent and self reliant. My husband and I came to this country looking for a better way of life, only to find that this country's legal system has caused us to lose our assets and destroy our way of life.

I feel that a number of factors have contributed to this gross miscarriage of justice. The way in which the system has dealt with my family's situation has, in fact, taken a fairly minor conflict in our home involving personal finances and blown it totally out of proportion to a point where our family has been torn apart and virtually destroyed. Myself, and my children have been made to feel totally isolated and victimized by a system that I feel seems more concerned on punishing my husband than it is on ensuring that justice is served and that violence is reduced. My children have

been totally devastated by what the system has done to our family and are very angry at the system for what it has done to us.

The following summarizes the factors which I believe this miscarriage of justice has occurred:

Depression and anxiety related emotional disorder

I suffer from what would be considered severe anxiety and depression and have suffered from these mood disorders for a number of years. I have been under a doctor's care for my condition and take medication. I also attend therapy. In spite of the help I receive, these emotional disorders cause me, at times, to lose control of myself, to cause me to get anxious, to have imaginary fears and to become frustrated and at most time to become angry at my husband. At times, at the slightest things, my first reaction is to cause difficulties to my husband and to make things difficult for him. I have many times in the past become angry and frustrated at my husband over matters, such as financial matters and have become angry at my husband to the point where I have done things to make his life difficult, such as to leave the home and to a women's shelter. I have gone to a women's shelter in the past not because I have been abused by my husband but because going to the shelter was one way of punishing him as a result of my unfounded frustrations and fears. I know that my uncontrollable actions are wrong, but at the time they occur I am unable to control these urges.

On the night when I called police and in the days just prior to this I was suffering from anxiety and was angry at my husband because of our financial problems. As I have tried to explain to my lawyer and to the police, I was not thinking rationally and called the police that day more out of anger and my own imagined fears.

Another factor which I felt affected me was that I had recently miscarried a child. This, as well, put a lot of added emotional stress on me.

Failure of police to inquire about my emotional disorders.

When police came to the house, the police never asked if I suffered from any kind of medical condition or if I was on medication for any condition which may have affected my judgement at the time I called the police. On the night I called police, I was suffering from an anxiety attack and was not thinking rationally or fully aware of what police were asking me to do or what were the consequences of the police actions. I did not read what Halton police asked me to sign and even if they did ask me if I was in no condition to understand what I was signing. There are glaring discrepancies in the police notes and if I had been thinking more clearly that night, I would not have put my signature to the police report. At the time I felt pressured by police to sign the statements.

Language difficulties

English is not my native language. The language I speak and understand best is French. When police came to my neighbour's home I was extremely upset and anxious, not because of real fears of my husband but because of having called the police to my home and because of my anxiety disorder. Not only did I have difficulty in understanding the police, but did not read nor understand what the police had me sign. Under the influence of anxiety it is very difficult to think rationally when you are dealing with people speaking a language which is not your native language.

Third party influences

Some of the friends and others I associate with were also putting pressure on me to leave my

husband. Without knowing all of the details of my family's circumstances or my problems with my illness, the staff at the women's shelter provided me with all kinds of support intended to get me to separate from my husband and to discourage communication, yet offering no suggestions as to family counselling or mediation to resolve matters in a more civil and less adversarial manner. All support given to me seemed geared to separate the couple and to break up the family. I almost felt as if I had to follow the advice given to me by others or to left facing the prospect of never getting help again.

Fear of Reprisal by Police and Children's Aid

After realizing that the police reports were inaccurate, I tried to bring this to the attention of my lawyer and the court. Instead of being welcomed for coming forth to give the truth, I was made to feel like I was a liar and a criminal. I tried to call the court for help but was turned away and made to feel intimidated as well. Everyone kept trying to scare me by telling me that I would get charged if I tried to change my story and that my children would be taken away by the Halton Children's Aid Society. I was made to feel afraid to tell the truth and made to feel that I must continue to support the events as reported by police even though I knew the charges against my husband were wrong. I felt as if I had better support the story as reported by police or face criminal charges myself. I was made to feel like a criminal for making a mistake. I felt as if the authorities were more concerned about procedures and policies than they were in seeing that justice was served.

I was approached by a social worker with the Halton Children's Aid Society who further made me feel scared by threatening to take my children away from me if I let my husband see the children. The social worker with the Children's Aid Society made it very clear that she was not happy with me for visiting my husband while he was in jail and told me that I should not see him anymore. Between the police and the Children's Aid, I was made to feel intimidated and afraid if I was to tell the truth or to do what I felt was in the best interest of my children. My husband has always been a loving father to our children yet the Halton Children's Aid Society immediately painted him as an abuser which just was not the case. The children love their father and have been greatly harmed by his absence from their lives.

In summary, I would like to make the following points:

- 1) My husband did not threaten to kill myself or the children as he has been charged with.
- 2) I am not fearful for my safety in the presence of my husband nor are my children afraid of their father. None of us have ever been afraid of him.
- 3) Anything that may have caused the police to assume that my husband threatened me or my children may have been likely as a result of my anxiety disorder and/or the anger I was feeling towards my husband at the time I made the call to police. I really don't remember the details surrounding that night because of my emotional state of mind at the time.
- 4) That the police did not make any inquiries or take into account any factors which may have affected my reliability as a witness or as to the factors leading up to the call to police. The police just took my word without ever questioning if there may have been other ulterior motives or reasons for the call.
- 5) Items on the police report that I signed were clearly incorrect and grossly misleading to the Court. I would not have signed the police statement had I been in a more rational state of mind when I was asked to sign it. I felt under pressure by police to sign the papers.

- 6) I am of the opinion that the whole system is acting more out of reasons of wanting to punish my husband rather than working towards the reduction of domestic violence.
- 7) My husband is a good father to my children and always has been a good father to them. The children have missed him greatly.
- 8) The actions of the police and the court to keep my children from having contact with their father has been totally unfair to my children and has caused them tremendous emotional stress.
- 9) I have been unsatisfied with the way in which the lawyers have dealt with this matter. The lawyers seem unwilling or unable to rectify this matter by getting the truth before the court. It seems as if the lawyers can do nothing while my children and I continue to suffer.

The actions of the police, the Children's Aid and the Court system just in the past few months, have in fact, caused more disruption and done more harm to myself and my children than any other traumatic event in our lives.

After seeing how this whole process involving the domestic violence system, I can only say I feel very much victimized by the system. My children and I have been put through more abuse by the system than I could ever imagine. I do know that there are some women out there who truly are victims of domestic abuse but after seeing how the system has dealt with my family matter, I can see how some parents could be driven by the system to committing further criminal acts. It seems that the system literally destroys children and parents and gives the family little or no support to fix the minor problems which caused the problem in the first place. From my perspective the system seems only geared to punish parents and not help to resolve the problems.

I want this miscarriage of justice to stop. Charges against my husband should be dropped. He did not threaten me or my children as the police have charged him with. What has been done to my husband is morally wrong and unjust. It is not in the public's interest that more police and court resources be diverted to further persecute my husband and to further deny my children their rights to be with their loving father. I am sure that there are other, more important cases where these resources would be better used.

I only want the pain and suffering that the system has caused to my family to end. The sooner this miscarriage of justice is put to an end, the better it will be for my children and myself.

Yours truly



Nezha Saad

cc: Attorney General of Ontario
Patty Torsney, MP
Cam Jackson, MPP