

INSIGHT

HITTING HOME: SPOUSAL ABUSE

Culture Clash...

For many immigrant women caught in the web of domestic abuse, the situation is magnified by the isolation that comes with living outside mainstream society. Often the pressure to drop charges is overwhelming.

BY JANE ARMSTRONG, RITA DALY AND CAROLINE MALLAN
STAFF REPORTERS

For Sushma Jhamtani, being choked and slapped was caused by her "misbehaving".

For Lan Nguyen, dishes were smashed over her head because of a misunderstanding.

For Jaswinder Sandhu, it was easier to turn off the lights and cower in her apartment than to answer the door and accept the subpoena that would call her to testify against her husband.

These women are immigrants for whom the pressures of the law are magnified by the isolation that comes with living outside mainstream Canadian society, either because they don't speak English or are unfamiliar with Canadian-style justice.

At least 30 of the 127 women who were the complainants in the 133 cases studied by The Star were immigrants, many of them recent newcomers to Canada.

The abuse is no different, the violence no less intense. But for them, the pressure from within their homes and their communities to drop the charges against their husbands is overwhelming.

Here are some of the immigrant women who called police during the first week of July, 1995, to report that they had been assaulted by their husbands, only to recant in the following months.

Sushma Jhamtani's husband hasn't hired a lawyer for his Oct. 30 trial in North York's courtroom 302. Jai Jhamtani, an Indian immigrant who has been in Canada five years, doesn't think he needs one.

His 32-year-old wife will take the stand and explain that her husband is an innocent man who should never have been arrested for assaulting her shortly after midnight on July 7, 1995. She is going to explain that it was all her fault.

In a rushed, nervous voice, Sushma testifies that she refused to sign mortgage papers because her husband would not give her any details about the purchase.

"When I was talking to him I lost my temper," she tells the court. "He was very calm. I know I lost my temper and I was shouting with him."

Sushma pauses and looks at Judge Paul Reinhardt. "I was misbehaving with him," she states flatly.

The fight occurred in their bedroom as she held their son, who was 7 months old at the time and was hooked up to an oxygen tank because of asthma. Her mother-in-law and sister-in-law were both there.

"I was holding my son also and I wanted (Jai) not to shout when I was holding my son," she says. "Then he was taking my son from me. He just slapped me on the right cheek, that's all."

When the crown attorney asks her what else happened, she places both her hands around her neck and states: "He put his hands around here. He didn't mean to kill me, he just wanted me to give up the child."

When police arrived, the red marks on her neck were still visible.

Sushma tells the judge that she wants her husband back. "Oh, yes, I sincerely want to live with him."

Jai Jhamtani's mother then takes the stand to tell the court through a Punjabi interpreter that she did not see any slaps and that her son did not touch his wife's neck.

Testifying in his own defence, Jai gives his impression of what happened: "My specs fell down and I was trying to grab them and my hand hit her face."

But Judge Reinhardt is unswayed. Despite the victim's best efforts to have her husband acquitted, he rules that she has provided the court with enough evidence to find him guilty.

Over the objections of the crown, who pointed out that Jai has shown no remorse for his crime, the judge gives him a conditional discharge and one year probation. He is also ordered to take anger management counselling.

As the family prepares to leave, Jai's mother frowns at her daughter-in-law, shaking her head in bewilderment.

Lan Nguyen's name is called outside the courtroom on Dec. 21, but there's no response. That's because she isn't going to testify against her husband of 25 years, despite being served with a subpoena the night before and assuring the officer that she would attend.

It's almost six full months since that same police officer, Constable Andrew Knoop, found Lan Nguyen sitting on the front step of her modest Jane St. townhouse as he walked his beat. Her ear was bleeding and she was crying.

"Who did this to you?" he asked. Lan, who speaks very little English, responded, "My husband."

Lan was taken to hospital for treatment. Minh Nguyen, a 49-year-old unemployed immigrant who arrived in Canada in 1991, was arrested for assaulting his wife.

By the time her husband's trial date arrived, Lan had already been interviewed by Ian Shoub, her husband's lawyer. After that meeting she met with Tran Hoang Truong of the North York Vietnamese Association and dictated a letter addressed to "Judge - Court of North York Region."

In it she stated, "I thought my husband was drunk and I got angry too, so I pushed the table and stood up at the same time. Unfortunately the table fell down with all the dishes on my side, the plates, bowls and glasses hit me, made me fall down against the table and got wounded. I thought my husband did it, so I call the police, and told everything to them."

"After six months calmly and clearly thinking I realized that there is no place like home and there is no home like happy family, so I decided by myself to tell the truth that my husband is not abused me, and I want to stop the case...."

Shoub assures the trial judge that the letter alone is enough for the charges against Minh Nguyen to be dismissed.

The judge disagrees. Both Lan and her husband are ordered to appear on Dec. 28.

On that day, a new crown attorney assigned to the case withdraws the charges after realizing Lan will recant her story.

Jaswinder Sandhu would not answer the door of her Finch Ave. apartment when an officer came to serve her with a subpoena two weeks before her husband's Jan. 9 trial.

Police alleged that Sandhu's husband, Paramajit Sandhu, was drunk when he picked her up from work on July 4 and threatened to kill them both in his car. When she jumped out and ran into a store for help, he chased her, threatening to kill her with a long, wooden stick.

He was charged with assault with a weapon after the store clerk called police.

Paramajit's trial was adjourned until Jan. 26 to give police more time to serve Jaswinder with a subpoena. They were successful and two weeks later both husband and wife stand side by side before Judge Lauren Marshall, the senior judge in the Metro North courthouse.

The Sandhus share an interpreter.

Marshall notes that Paramajit has changed lawyers several times since the charge was laid.



MINH NGUYEN GOES TO COURT WITH DAUGHTER, 23, ON CHARGE OF ASSAULTING HIS WIFE. CHARGES WERE LATER WITHDRAWN.

After six months calmly and clearly thinking I realized that there is no place like home and there is no home like happy family, so I decided by myself to tell the truth that my husband is not abused me, and I want to stop the case, for the re-union of my family, and the most important is that my children need the love and the care of their father.

Whatever I'm telling is truth, if any false I'm totally responsibility for it.

Yours Sincerely
NGUYEN THI TUYET LAN

LETTER FROM LAN NGUYEN
ASKED COURT TO DROP CHARGES
AGAINST HER HUSBAND.

"A more suspicious person than I would think you're just trying to drag this out," she says sardonically before setting a new date for April 1. Before she lets the couple go, Marshall looks directly at Jaswinder and tells her the importance of her being at the trial.

"You must come back," she says. Jaswinder leaves the building and turns to the left, heading towards the parking lot. Her husband leaves and turns to the right.

Paramajit walks slowly around the entire building and meets his wife at a friend's car in the rear parking lot. They leave together. He is still under a court order not to communicate with Jaswinder.

When Zana Sheme is asked to testify in bail court on July 4, she takes the stand and explains to the justice of the peace through an Albanian interpreter that, "In our country the man abuses the ladies, but here it's different."

She assures the crown attorney that she is not afraid of her husband even though police say she ran up to a stranger in a Lake Shore Blvd. W. park on Canada Day, saying she wanted to get away from her husband, who had grabbed her around the throat and shaken her.

By the date of Sheriff Sheme's Nov. 16 trial, Zana tells the judge that she was hysterical because her sinuses were acting up and that her husband grabbed her chin to get her attention.

Before leaving the witness stand, Zana turns to the judge, "Your honor, I am extremely, very sorry. I don't know how this happened. I get nervous and lose control."

The charges are dismissed.

Last Saturday: Seven days: The face of domestic violence
Sunday: The accused: Crime and punishment
Monday: Anger management: Does it work?
Today: Different cultures, different attitudes
Tomorrow: Three women in the life of a serial abuser

BROCHURES IN A VARIETY OF LANGUAGES
ENCOURAGE WOMEN TO BREAK SILENCE ON
DOMESTIC ASSAULT.

In our country the man abuses the ladies, but here it's different'

ALBANIAN IMMIGRANT
ZANA SHEME

I would also like to make it clear that I do not have anything to say to you and if I have anything to say, I will say it to the Court. This unnecessary publicity can cause me to be ostracised by the community.

I do hope that I have made myself clear to you. I do not wish to speak to you.

Yours truly,
Jaswinder Sandhu

JASWINDER SANDHU EXPRESSES CONCERNS IN LETTER TO A STAR REPORTER.

BEAT THE HEAT THIS SUMMER!
install a Carrier AIR CONDITIONER

- Now Booking Spring Installations
- Delayed Payments Available

SPECIAL EXTENDED OFFER
Free Programmable Thermostat

APPLEWOOD COOLING
3525 HAWKESTONE ROAD, MISSISSAUGA
Oakville Mississauga Toronto Brampton
(905) 829-4426 (905) 275-4500 (416) 233-4525 (905) 455-4403

computer graphics

- obtain your diploma in 30 weeks
- small classes - individual work stations scheduled lab time
- taught by creative professionals
- learn industry's most popular software programs
- financial aid for qualified students
- free lifetime placement service
- limited seating

COURSES BEGIN APRIL 1

International Academy CALL NOW: 416 922 3666
of Merchandising & Design

IF WORK FEELS LIKE A WAR ZONE,

HOW GOOD ARE YOUR SURVIVAL SKILLS?

Find out which of our certified programs will help you best to survive and thrive in today's demanding business environment.

We offer the following programs:

- Business communication
- Assertiveness in the Workplace
- Leadership and Management Training
- Presentation skills
- Relationship-Building Skills
- E.Q. Development

Personal Development Institute (416) 444-3420
A Division of Witz & Associates