



FAMILY PHOTO

In China, the father of a Toronto woman who has spent a year in jail in a child custody case seeks help during the early stages of her incarceration.

Mom in bizarre custody dispute marks a year in jail

JIM RANKIN
STAFF REPORTER

A Toronto single mother has now spent more than a year in jail in a child custody and alleged abduction case that has raised concerns over whether it is in the public's interest to continue.

There are also worries the woman is in a hopeless situation the longer she remains locked up at the Vanier Centre for Women in Milton, where she has been since Oct. 28, 2013.

The woman has told Toronto police she is the victim of repeated physical, sexual and emotional abuse, allegedly committed by a Toronto man she met shortly after coming to Canada from China in 2001. A total of 34 criminal charges were laid as a result, but all are currently inactive.

Caught in the middle is the woman's 11-year-old daughter, sent by the woman to temporarily live with relatives in China in 2010 while the woman went through a probationary period at her job.

The woman's alleged abuser told the Star he is the father of the girl and is seeking her return to Canada. He said the woman concocted the criminal allegations to win sole custody. The court instead granted him custody of the girl, who remains in China.

Because the case involves sexual assault allegations, the woman's identity and any details that might identify her, including the identity of her alleged abuser, are being withheld by the Star. Their names have been changed for this story, and in earlier Star accounts, to Lin and Yousef.

Yousef, 55, says Lin, 47, is lying about their time together. Police at one point believed otherwise, and in consultation with a Crown attorney laid a slew of charges, including threatening death and sexual assault. The charges were stayed in 2012 after police could not locate Lin to testify, and the Crown has thus far decided not to reactivate the charges.

None of the allegations made by Lin and Yousef have been proved in court.

Lin was initially charged with fail-

ing to obey a court order to return her daughter to Canada. About six months after she was arrested and jailed for contempt of court, a child abduction charge was added.

Lin's sister says the girl is safe, living with relatives in China. The family fears having her return while her mother is in jail would result in the child being handed over to Yousef.

The family recently had a lawyer in China take a statement from the girl and shared it with the Star. In it she says "I miss my mother very much. I think of (her) in tears every night."

Yousef, in two interviews with the Star, denied any wrongdoing and said he loves the girl and wants to see her. He welcomed any reopening of the dormant criminal charges, saying it would prove he is innocent.

Toronto lawyer Barry Swadron, who was hired by Lin's sister to investigate the situation, questions whether it is in the public's interest to continue with the case.

He said the Crown's decision to not reactivate serious criminal charges against Yousef but continue with the charges against Lin is "totally over the top and has absolutely no place in a free and democratic society."

Swadron, in a July letter to Ontario Attorney General Madeleine Meilleur, asked for an investigation into Lin's case. Lawyers at the Barbra Schlifer Commemorative Clinic, which specializes in domestic violence cases, have been monitoring the case. Executive Director Amanda Dale says the justice system in this case — where a woman spends a year in jail on a non-violent offence and her alleged abuser, charged with 34 violent crimes, gets bail — has had a "disproportionate impact" on Lin.

After her arrest on Oct. 28, 2013, Lin, who had no criminal record and had a job as a personal support worker with a social services agency, was denied bail and later issued successive jail terms by a family court judge for failing to comply with her order to return the daughter to Canada.

Lin's next court appearance is set for Nov. 19, which will mark her 388th day in custody.