

# Apparent Modern-Day Incidence in Canada

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## Preliminary Examination of so-called "Honour Killings" in Canada

The magnitude of honour killings in Canada is largely unknown but there are anecdotal reports about its occurrence. Such occurrences often relate to specific cultural communities where some immigrants to Canada had maintained cultural practices from their country of origin. With the appearance of such cases in Canada, it is important to understand the dynamics of honour killing, the risk to potential victims, and the characteristics of perpetrators. The following sections set out apparent incidents in Canada, gathered from reported criminal court cases, media reports and refugee decisions. According to these sources, there were at least a dozen killings that appear to have been committed in the name of "honour" in Canada in the decade between 1999 and 2009.

### 3.1 Reported Cases

There are a few criminal court cases in Canada that appear to involve fact patterns that suggest honour-based killings:

1. In June 2010, Kamikar Singh Dhillon pled guilty to second-degree murder in the killing of his daughter-in-law, Amandeep Kaur Dhillon. On January 1, 2009, 22-year-old Amandeep was fatally stabbed in the basement of a Mississauga grocery store. Her father-in-law was also found at the scene of the crime with stab wounds which he claimed were caused by the victim. These were later found to have been self-inflicted and he was charged with first-degree murder. He was sentenced to life imprisonment with no chance of parole for 15 years. He told investigators he was justified in killing Amandeep because she was going to dishonour their family by leaving his son for another man. [Footnote 24](#)
2. Also in June 2010, 57-year-old father, Muhammad Parvez, and his 26-year-old son, Waqas, pled guilty to second-degree murder death of 16-year-old Aqsa Parvez. [Footnote 25](#) Aqsa's father and brother were charged with first-degree murder after she was found strangled in her family's Mississauga home in December 2007. Friends said that Aqsa was experiencing conflicts with her family due to her refusal to wear the hijab, the Islamic headscarf worn by some Muslim women. In order to spend less time at home she had been staying with another family who described her as a "typical" teenager trying to fit in. She was reportedly attempting to repair her strained relationship with her family prior to her killing. [Footnote 26](#)
3. In May 2009, Hasibullah Sadiqi, 23, was convicted of two counts of first degree murder and was sentenced to life imprisonment with parole ineligibility for 25 years, for the murder of his sister, Khatera Sadiqi, 20, and her fiancé, Feroz Mangal, 23. The victims were gunned down on Sept. 19, 2006, in a car parked outside an Ottawa shopping plaza. The trio had been out for dinner and a movie with friends, and conversation turned to their father, from whom Ms. Sadiqi was estranged. The Sadiqi and Mangal families were both from Afghanistan but the Sadiqis are Tajik, while the Mangals are Pashtun. Hasibullah told the

court he had wanted his sister to show greater respect for their father and became angry when Mr. Mangal did not support him on this point. The Crown argued it was an honour killing sparked by anger over the couple's engagement which was not authorized by the father.<sup>Footnote 27</sup> To our knowledge, the case of Sadiqi was the first in Canada where the prosecution used the argument of honour killing to prove pre-meditation.

4. In January 2009, Mr. Dulay's application to reduce his term of parole ineligibility based on his change in attitude toward the cultural justification of the murders he committed was dismissed. In 1991, Kulvinder Dulay killed his younger sister, Kalwinder Dulay, her husband, Gurdawr Dulay and the man they lived with in Calgary, Mukesh Sharma. Mr. Dulay indicated that his family had disapproved of sister's marriage and that as the eldest son he was responsible for cleansing the family honour by killing them. He was convicted of two counts of first degree murder, for which he received the mandatory life sentence with parole ineligibility of 25 years, and one count of second degree murder, for which he got the mandatory life sentence with parole ineligibility for 18 years.<sup>Footnote 28</sup>
5. In November 2009, Sugirthanraj Kailayapillai was sentenced to life imprisonment without parole eligibility for 14 years for the 2006 killing of his wife, Ms. Subramaniam, hanging her body in the garage and sending his four-year old daughter and his mother-in-law to the garage to discover the body. The accused claimed that his wife was "of bad character" because she had developed a romantic relationship with someone with whom she worked. In their victim impact statements, the victim's mother and sister stated that:

...members of the Tamil community, a community that Ms. Sivanantham [the victim's sister] describes as holding, "some very rigid and traditional values and norms when it comes to women", have suggested that Ms. Subramaniam was murdered because she was of bad character. This has brought shame to the family, and causes its members, particularly Kanagama [the victim's mother], to feel isolated from their community. They worry that Ms. Subramaniam's children will be ostracized.<sup>Footnote 29</sup>
6. In November 2007, the convictions against Muhammad Khan (the victim's father) and Fatima Khan (the victim's step-mother) were upheld on appeal. Mr. Khan was convicted in April 2004 of first-degree murder and sentenced to life imprisonment without parole for at least 25 years for the murder of his five-year-old daughter, Farah Khan, in their home in Toronto in 1999. His wife, Fatima Khan was convicted of second-degree murder and sentenced to life imprisonment without parole for at least 15 years in June 2004. On the day of the murder he allegedly chased the child around a coffee table in the living room of their basement apartment. He then caught her by the hair and legs and beat her with a rolling pin. Finally, he banged her head on the table, whereupon she died. Her father argued that he had to restore his honour because his daughter was the child of his first wife and another man.<sup>Footnote 30</sup>
7. In November 2006, the Supreme Court of Canada refused an appeal from Adi Abdul Humaid of his conviction for first degree murder in the death of his wife in 1999.<sup>Footnote 31</sup> Mr. Humaid claimed that his wife's insinuations of infidelity caused him to lose control because of the significance of female infidelity in Islamic religion and culture.

The Appeal court stated that:

The difficult problem, as I see it, is that the alleged beliefs which give the insult added gravity are premised on the notion that women are inferior to men and that violence against women is in some circumstances accepted, if not encouraged. These beliefs are antithetical to fundamental Canadian values, including gender equality. It is arguable that as a matter of criminal law policy, the "ordinary person" cannot be fixed with beliefs that are irreconcilable with fundamental Canadian values. Criminal law may simply not accept that a belief system which is contrary to those fundamental values should somehow provide the basis for a partial defence to murder.<sup>Footnote 32</sup>

The Court went on to find that "(p)rovocation does not shield an accused who has not lost self-control, but has instead acted out of a sense of revenge or a culturally driven sense of the appropriate response to someone else's misconduct."<sup>Footnote 33</sup>

8. In March 2005, Rajinder Singh Atwal, originally from the Punjab region of India, was convicted of second-degree murder for killing his daughter Amandeep Atwal, who died of multiple stab wounds in 2003. He had claimed she had inflicted the wounds on herself, but the court heard that Mr. Atwal disapproved of the 17-year-old's love affair with a classmate. Amandeep's boyfriend, Todd Maclsaac, said the two carried on their romance in secret over a two-year period because she was forbidden to date. Mr. Atwal was convicted of second degree murder and sentenced to life imprisonment with no possibility of parole for 16 years.<sup>Footnote 34</sup>
9. In February 2004, the 2002 conviction against Mr. Nahar for the second degree murder of his wife, was upheld. In 2001, Mr. Nahar fatally stabbed his wife, was charged with second degree murder and raised the defence of provocation on the grounds that her disrespect and defiant behaviour was inconsistent with the expectations of the Sikh community and brought shame upon his family. The victim, Kanwaljeet Kaur Nahar, allegedly smoked, consumed alcohol and socialized with other men. Mr. Nahar sought to prove that because of his cultural background, he was more vulnerable to being provoked to acts of violence against his wife than a person from a different cultural background. The defence failed at trial and on appeal.<sup>Footnote 35</sup>

## 3.2 Media Reports

There have been a few other cases of alleged honour-based killings reported by media in Canada for which Canadian courts have not rendered decisions, including:

1. In June 2009, Rona Amir Mohammad, 50, who appears to be the first wife of Mohammad Shafia, and three of her husband's daughters by the second wife, Zainab, 19; Sahari, 17; and Geeti, 13, were found dead in a submerged car in the Rideau Canal near Kingston. The Shafia family was originally from Kabul, Afghanistan, and had lived in Dubai, in the United Arab Emirates, for 15 years, prior to immigrating to Canada in 2007.<sup>Footnote 36</sup> On July 23, 2009. Mr. Shafia, 56, his second wife, Tooba Mohammad Yahya, 39, and his son Hamed Shafia, 18, were arrested on charges of four counts of first-degree murder and conspiracy to commit murder in the deaths of Mr. Shafia's three daughters and first wife. The trial date is

set for early 2011. As noted above, members of Rona's family in Europe have claimed that the deaths were "honour killings". The media reported claims that Rona was seeking a divorce because her husband was abusive. It has also been reported that Zainab's father was angry about her relationship with a Pakistani boy.

2. In June 2000, Jaswinder Kaur Sidhu a young woman of Indo-Canadian descent secretly met and married her true love while visiting India. This marriage was deemed to have brought dishonour to the family because the man she married came from an unsuitable background. As a result, she was murdered in India by one of her relatives to restore honour to the family. Eleven people, including her uncle, a police inspector and the leader of a local gang, were arrested in India in connection with her case. [Footnote 37](#)

### 3.3 Canadian Refugee Determination Cases

Canadian courts have also had occasion to analyze the phenomenon of honour-based killings in the context of refugee protection law, in connection with incidents of honour killings occurring outside of Canada. In 1993, Canada was the first country in the world to adopt gender persecution guidelines that assist in recognizing gender-based violence as a form of persecution for refugee status purposes. [Footnote 38](#)

Women who have a well-founded fear of persecution because of their gender are eligible for protection in Canada if the state authorities in their country of nationality are unwilling or unable to provide sufficient protection and the woman does not have a viable internal flight alternative in the country. There is no need for a woman to have suffered domestic abuse in the past in order to secure protection in Canada. The assessment of the well-foundedness of the fear is a forward looking assessment – namely, if the woman were to be returned to her country of nationality or last permanent residence, does she have a well-founded fear of persecution because of her gender?

There are many decisions by the Refugee Protection Division, the Pre-Removal Risk Assessment officers and the Federal Court that recognize that a risk of becoming a victim of an honour killing can give rise to a claim for protection as a Convention Refugee or as a Protected Person in Canada. A few are set out below.

#### 1) *Tabassum v. Canada*, 2009 FC 1185

The applicant was a 44 year old citizen from Pakistan. The applicant submitted that since March 2006 her husband and his family had declared the applicant to be a source of shame and dishonour to their family by her act of touching other men's hair in the course of her employment. They are also alleged to have become erroneously convinced that she was living with another man in Canada when a male guest of the applicant answered the phone at her apartment. The applicant alleged that if she were returned to Pakistan, she would be subject to an "honour killing" at the hands of her husband's family. The Court overturned the decision of the pre-removal risk assessment (PRRA) officer to refuse the refugee application on the grounds that the officer had made unreasonable findings of fact with respect to the threats against the applicant because the objective country evidence showed that the Government of Pakistan was not able to provide adequate state protection against "honour killings." For instance, the U.S. Department of State reports 1,200 to 1,500 honour killings took place in Pakistan in 2007, notwithstanding Government efforts to protect women.

#### 2) *Jabbour v. Canada*, 2009 FC 831

The applicants applied for judicial review of the dismissal of their claim for refugee protection. The principal applicant, Ms. Samah Amun, was a divorced Muslim Palestinian who was married to the applicant Shadi Jabbour, a Christian Palestinian. Both Ms. Amun and Mr. Jabbour were citizens of Israel. Ms. Amun was assaulted by two of her brothers when she requested permission to marry Mr. Jabbour, and a third brother threatened to kill Mr. Jabbour if she married him. The applicants were harassed and were the targets of vandalism, but were told if they could not identify the perpetrators the Israeli police could do nothing. The applicants fled Israel out of fear Ms. Amun's brothers would kill her. The Panel rejected their application but on judicial review the Court found that there was evidence before the Panel that raised questions about the effectiveness of police protection in Israel in relation to the threat of an honour killing of a Muslim woman. The matter was therefore sent back for re-determination by a different panel.

3) *Erdogu v. Canada*, 2008 FC 407

The applicant claimed she would be at risk if she were removed to Turkey because her father had threatened to kill her after learning of her pre-marital affair with her former boyfriend. She gave evidence from her family members, a neighbour and a psychiatric report. The pre-removal risk assessment (PRRA) Officer did not dispute that the applicant faced the risk of a possible honour killing, but chose to assign greater weight to the documentary evidence, particularly that protection was available to women who were subjected to violence. The PRRA Officer's decision did not refer to the portions of the documentary evidence that corroborated the reality of honour killings in Turkey and the fact that the government's efforts had not completely addressed the issue of effective protection for women. The application was allowed.

4) *Qalawi v. Canada*, [2007] F.C.J. No. 904

Amjad Qalawi, a Jordanian citizen, sought refugee protection in Canada based upon his fear that members of a rival family wanted to kill him for having an illicit relationship with one of their female relatives. The Board had rejected Qalawi's application on the grounds that the family did not fit the profile of one whose members would be involved in an honour killing. The Board also did not accept that Qalawi would be killed because he had entered into an agreement with the family to marry the female relative in question. The application for judicial review was allowed. The judge found that the Board overlooked documentary evidence that honour killings are not limited to rural, poor families, and evidence that honour killings can be carried out even after pledges were signed by male family members promising not to harm errant individuals.

5) *Syed v. Canada*, [2005] F.C.J. No. 1710

Three members of a Pakistani family – a mother and her two sons – sought refugee protection. One of the sons had been involved with a girl whose family then killed her, beat him, and issued a fatwa against his entire family. The Board accepted this evidence. The claim of the son who was beaten was accepted, but the claims of his family were rejected. The application for judicial review was allowed. The Board had accepted evidence that the entire family were targets of the fatwa. The judge ruled that the Board overlooked other documentary evidence that suggested the mother and son were at risk if they returned to Pakistan.

6) *I.F.X. (Re)* [2000] CDD No. 166

A 24-year old Roman Catholic, Arab-Israeli woman was granted refugee protection on the basis of her fear of becoming the victim of an honour killing in Israel. The claimant had been forced to marry her first cousin at the age of fourteen and was treated badly by her in-laws. After arriving in Canada, her husband

left her. She then started dating a Canadian landed immigrant and became pregnant. She feared that she would become the victim of an honour killing if she were returned to Israel and her family discovered her extra-marital relationship. There was significant evidence of honour killings among Arab Israelis, and also evidence that despite the efforts of the central Israeli government to curb this type of violence, the government was unable to protect women like the claimant. The panel considered the husband's penchant for violence against his wife and found that there existed more than a mere possibility of persecution for the claimant if she were removed from Canada.

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