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Refugee couple say false accusation and systemic racism tore their family apart | CBC News

Hala Ghonaim · CBC News · Posted: Apr 14, 2022 6:00 AM ET | Last Updated: April 14 : 6-7 minutes : 4/14/2022

A refugee couple blame systemic racism for the way they were treated by retail employees, regional police and the provincial justice system in an incident they say tore their family apart.

Mohammed B. and his wife UmKulthom Al-Nehmi were at the Walmart Supercentre on Bridgeport Road E. in Waterloo, Ont., with their two-year-old son last July to do some shopping ahead of Eid al-Adha celebrations.

When the couple "playfully" embraced in the shampoo aisle with Mohammed, going in for a hug, "that happy day turned into a nightmare in a few seconds," said Mohammed. He said a bystander approached the couple and accused him of choking his wife. The bystander walked away and spoke with store staff who called Waterloo regional police.

CBC has chosen not to publish Mohammed's last name, an asylum seeker from Yemen, out of concern for the physical safety, privacy and future prospects of extended family members living in Canada. His wife, Al-Nehmi, doesn't have extended or immediate family living in Canada.

Al-Nehmi, who does not drive or speak English, was left alone with her child in the Walmart parking lot until a community member found her and called the Coalition of Muslim Women Kitchener-Waterloo for help.

'We feel ignored'

The couple says it wasn't until five days later that police spoke with Al-Nehmi. She told officers she was not assaulted and was smiling at the time, which the bystander couldn't see because she wore a veil that covered part of her face, court documents reveal.

Al-Nehmi said she went back to police and the Crown prosecutor several times to share her side of the story, but it didn't make a difference.

"I felt that I was totally ignored," she said in a statement.

"Part of me feels what happened to me is because of negligence. Part of me also feels that I was treated unfairly because of my identity as a Muslim woman and the way I dress. People assumed they could ignore me," she added.

Mohammed said a court order prevented him from seeing his family for about six months and felt he had no choice but to accept a peace bond in January. The assault charge was withdrawn the same day.

"I just wanted this to be over," he said. "No one believed me. No one believed my wife. We feel ignored. We feel wronged," he said.

The couple said the incident in the shampoo aisle at Walmart. (Hala Ghonaim/CBC)

Police investigation

A spokesperson for Waterloo regional police confirmed to CBC that officers responded to "a citizen-generated" report of a domestic dispute at the Bridgeport Walmart on July 12, 2021.

Police said officers investigated and had grounds to arrest a man with assault, but when asked about video evidence from the store police said there was no video footage "in the particular aisle the incident occurred."

Police did not provide further details about the investigation, however did confirm that a full internal review of the incident was launched after receiving a complaint from the Coalition of Muslim Women Kitchener-Waterloo about the way Al-Nehmi was treated after her husband was arrested.

"[Waterloo Regional Police Service] acknowledges that steps were missed in the support of the victim as part of this incident, including ensuring the victim had proper transportation arranged. We regret that proper victim support was not completed, and we sincerely apologize," a police spokesperson said in an emailed statement.

Police said the involved officers have been educated on standards of victim support.

Walmart said "respect is a core value at Walmart Canada and we do not condone any behaviour which contradicts this value, including racism and discrimination."

Process questioned

Zachary Al-Khatib, Al-Nehmi's lawyer, found it "unusual" that his client's testimony didn't have a greater impact on the legal process with police and prosecutors.

He said police could have dropped the matter and issued a caution or the Crown prosecutor could have withdrawn or stayed the charge upon hearing that Al-Nehmi wasn't hurt and didn't feel in danger.

Al-Khatib said even though police and the prosecutor were acting within the scope of their authority, he questions if the outcome would have been different for a non-racialized family.

"I think this case would have gone a very different way if both of these people spoke English fluently and had a different physical appearance," he told CBC.

While Al-Khatib didn't label the incident systemic racism, he said that can happen "when people exercise their decision making abilities within the scope of their authority, but they do it in a way that they wouldn't do with another person."

A spokesperson with the Ministry of the Attorney General declined a request for comment on behalf of the Crown prosecutor.

"The proposed resolution is assessed on a case-by-case basis depending on the nature of the offence, the facts of the case and the circumstances of the individual accused person," the ministry said in an email.

Systemic racism a factor: advocates

The National Council of Canadian Muslims (NCCM) and the Coalition of Muslim Women Kitchener-Waterloo joined Mohammed, near the Walmart location late last month to speak out about what happened to the family.

"Not the police, not the prosecution or the people working at the Walmart that day bothered to listen to the words of a Muslim woman. They all spoke for her. They pin her as a victim who had no voice. They tossed her aside," said Fatema Abdalla, communications coordinator for NCCM.

"The entire situation is a stark reminder of the institutional Islamophobia shot through our society," she added.

Fauzia Mazhar, executive director of the coalition, said the incident has shaken the community.

"The impact of ... the systemic and institutional racism was not just restricted to the individuals in the family who were directly targeted," she said

Mazhar said the coalition has been involved in a series of conversations with police about this issue and related topics.