

Box 3.1 Blaming the Victim: The Case of Katelyn Faber

In the summer of 2003, 19-year-old Katelyn Faber, an employee of Colorado's The Lodge and Spa at Cordillera, reported to the police that she had been raped by NBA All-Star Kobe Bryant, who was staying at the hotel. Bryant was arrested and charged with sexual assault. What followed was a highly publicized case in which the media, basketball fans, lawyers, and society appeared to be placing the blame on the alleged victim.

Media tabloid headlines read 'Did she really say no?' and claimed that, because Faber willingly flirted with and kissed Bryant, she 'must have' wanted the sex as well. When Bryant returned to the basketball court, he received standing ovations from the crowd.

The Colorado court allowed details of Faber's sex life to be admitted into evidence. Bryant's lawyers also attempted to have her mental history entered. They claimed that Faber had made false accusations to gain attention from a former boyfriend and that she had financial motive.

In September 2004, the criminal case was dropped because Faber was unwilling to testify in court. She did, however, file a civil suit, which was settled out of court. These actions generated more speculation about the case. Wendy Murphy, a professor at a Boston law school, maintains that the prosecution and government had an obligation to pursue the case. 'It's a different way of blaming the victim,' she says. 'It's the government sloughing off onto the victim the failure of the justice system.'

SOURCE: The Associated Press. (2004). Little sympathy for Kobe case prosecutors; Blame for dropping process shifted to victim; legal expert. *The Spectator*. Retrieved 10 April 2008 from <http://proquest.umi.com/uproxy.library.dc-uoit.ca/pqdweb?did=691258961&sid=1&Fmt=3&clientId=72790&RQT=309&VName=PQD>.

Box 3.2 Blaming the Victim: The Case of 'A'

In November 2003, 14-year-old 'A'¹ was raped and nearly beaten to death with a rock in a riverside park on Montreal's south shore. After enduring hours of the attack, 'A' escaped by swimming in frigid waters to an island in the St Lawrence River. She then walked two kilometres and, at 5:00 a.m., showed up nude at a stranger's door asking for help. As if this ordeal wasn't painful enough, 'A' has been blamed for the attack.

Lynda Bureau, the defence lawyer in this case, perpetuated the idea—in court and in the media—that 'A' bears some responsibility because she agreed to go to the park and meet the man who attacked her. Bureau argued that 'A' 'wanted to have a good time, she knew these men drank beer . . . she permitted [the accused] to sit next to her'. Closer investigation of the case showed that the attack appeared to be well planned and that the man brought along an accomplice.

¹ Name is protected in original for privacy purposes.

SOURCE: Riga, A. (2005). Lawyer blames victim in rape sentencing case. *CanWest News*. Retrieved 10 April 2008 from <http://proquest.umi.com/uproxy.library.dc-uoit.ca/pqdweb?did=894674821&sid=1&Fmt=3&clientId=72790&RQT=309&VName=PQD>.

Box 5.1 Reena Virk

On 14 November 1997, 14-year-old Reena Virk was approached by a group of teenagers—mostly girls—and was attacked and beaten under a bridge on Vancouver Island. As Reena attempted to make it towards a bus stop to escape her attackers and get home, two members of the group grabbed her and beat her to death in Victoria's Gorge waterway. The shocking brutality of her murder was evident when the police found her body eight days later. During the investigation, witnesses claimed that one of the accused bragged to others that she had put her foot on Virk's head and smoked a cigarette while Virk suffered and died in the water.

According to many reports, Virk's murder was blamed on the fact that she was identified as overweight and non-white and was therefore socially isolated. Her untimely death resulted in a lot of media discussion regarding racism, sexism, female-to-female violence, and acceptance of social norms, such as being white and thin. This attention, along with the subsequent, often lengthy, trials, continued to remind Virk's family of their loss.

Virk's grandfather Mukand Virk spoke openly about the pain of outliving his grandchild and missing out on all the things that life had to offer her, such as graduation, her career aspirations of becoming a nurse, getting married, and having children. Nightmares followed, and his wife wept in order to cope.

Virk's mother, Suman Virk, maintained that one of the most difficult things was 'not to be able to hold [her] child'. When she went to view the body she was not allowed to touch Virk, as her body was needed for evidence purposes. The pain of this experience, among others, will forever affect the life of this mother. She understands that the ache will always be there: 'I think that the name Reena Virk will always bring back the horrors of November 14, no matter when and where it's mentioned.'

SOURCES: Crown wants Elard sentenced to maximum for killing Reena Virk (2005, 7 July). *CBC News Online*. Retrieved 19 January 2008, from www.cbc.ca/canada/story/2005/07/06/virk050706.html; Jiwani, Y. (1997). Reena Virk: The erasure of race. *The FREDa Centre for Research on Violence against Women and Children*. Retrieved 19 January 2008, from www.harbour.slu.ca/freda/articles/virk.htm; The murder of Reena Virk: A timeline (2005, 13 April). *CBC News Online*. Retrieved 19 January 2008 from www.cbc.ca/news/background/virk/.

Box 5.2 Jane Creba

For Virginia and Bruce Creba, their 'bright light tragically scattered into darkness on Boxing Day 2005' when their 15-year-old daughter, Jane, was killed during a gang shootout on Toronto's Yonge Street. Jane Creba was shopping with her 18-year-old sister, Alison, who did not realize that Jane had crossed the street, been gunned down outside of the Eaton Centre, and taken to the hospital. After a frenzied search, Alison Creba called her mother, asking if her sister had returned home. When Virginia Creba realized that her daughter was not home she raced downtown and joined the search. Jane Creba died hours later in emergency surgery.

The reaction to Jane Creba's death was evident in the days and months that followed. A memorial of flowers, candles, and stuffed animals was set up on a stretch of sidewalk beginning at Yonge and Dundas streets and continuing several blocks north of the Eaton Centre. Her death was widely publicized, highlighting the fact that Toronto had dealt with many shooting-related homicides in 2005 or, as it became known in the city, the 'year of the gun'. During this time, many people shared with the media their memories of the impact Jane Creba had had in her short 15 years. One classmate wrote that she was 'the funniest, prettiest and all around nicest person'. Another friend said, 'I can't think of a single person who didn't like her and everyone loved laughing and joking with her. She had the nicest fun-loving attitude toward everything and I know everyone will miss her.' Her family commented: 'Her life has been transformed into a shooting star that will be forever a light for her devoted parents, uncles, aunts, cousins and close friends.'

SOURCES: Blatchford, C., Friesen, J., & Appleby, T. (2005, 29 December). Slain teenager veered blithely into crossfire: Dead victim in Yonge Street shootings has been identified as Jane Creba. *The Globe and Mail*. Retrieved 19 January 2008, from www.theglobeandmail.com/servlet/story/RTGAM.20051228.wcreba1228a/BNSStory/National/; Classmates of slain teenager share their loss (2005, 30 December). *CBC News Online*. Retrieved 19 January 2008, from www.ctv.ca/servlet/ArticleNews/story/CTVNews/20051230/grieving_students_051230?s_name=election2006&no_ads=CTV; Family of slain Toronto teen remembers their 'bright light' (2005, 29 December). *CBC News Online*. Retrieved 19 January 2008, from www.cbc.ca/canada/story/2005/12/29/newshooting-Toronto051229.html.

Box 5.3 Nina de Villiers

On 9 August 1991, Nina de Villiers, a 19-year-old biochemistry student at McMaster University, was abducted and murdered while jogging in Burlington, near the shore of Lake Ontario. The apparent randomness of this act instilled fear in her community and resonated with Canadians across the country as well as deeply impacting her family and friends. 'You are left so helpless,' her mother, Priscilla, recalls, 'You lose your ego, your whole sense of having control over your life.' While trying to cope with their grief, de Villiers's family and friends learned that her murderer, Jonathan Yeo, had been released on bail and had a long history of physically and sexually assaulting women.

The impression that de Villiers made on others can be seen in the way they paid tribute to her after her death. Her family created a petition encouraging the Canadian criminal justice system to be more responsive to the needs of Canadians; the initial submission of this petition included 2.5 million signatures. At Yeo's trial, the jury returned with 137 recommendations to ensure that victimizers like Yeo did not continue to fall through the cracks of the criminal and mental health systems.

In addition, a sexual assault and domestic violence crisis centre was named Nina's Place, in memory of de Villiers. At McMaster University the Nina de Villiers Garden was dedicated in front of University Hall in 1993; almost 1,000 people attended the ceremony to see the garden and remember de Villiers. The garden combined two things that she loved: music and flowers. Her mother recalled that her daughter 'saw gardening as a way of finding peace. She would dig, plant, prune and compost and come back refreshed . . . a garden would have been Nina's best birthday present.'

SOURCES: CAVEAT. (2000). Background. Retrieved 6 April 2008, from www.caveat.org/history; CAVEAT. (1993). Lasting Living Tribute to Nina de Villiers. Retrieved 8 April 2008, from www.caveat.org/publications/sw/cav_1993_nov.html; MacLean's. (1995). de Villiers, Priscilla: Maclean's 1995 Honour Roll. Retrieved 6 April 2008, from www.thecanadianencyclopedia.com/index.cfm?PgNm=TCE&Params=M1ARTM0010547; Nina's Place. (2008). Retrieved 6 April 2008, from www.ninasplace.ca.

Box 5.4 Sereena Abotsway

Sereena Abotsway, born with Fetal Alcohol Syndrome, had an infectious laugh and passion for helping others. Even though one of her boyfriends turned her to a lifestyle of drugs, prostitution, and abusive relationships, she continued to have a 'bubbly' attitude. Abotsway never made it home to celebrate her thirtieth birthday on 20 August 2001 with her adoptive mother, Anna Draayers, whom she had known since the age of four. The Draayers knew something was wrong when Abotsway didn't come home: 'She was our girl, and we loved her a lot. She phoned daily for 13 years since she left our home at age 17.' The Friday following Abotsway's birthday, the police informed the Draayers that their daughter was dead. She was the forty-eighth of fifty women to disappear from downtown Vancouver since 1983.

In 2007, pig farmer Robert Pickton was found guilty of her murder and of the murders of five other women. Ironically, Abotsway had participated in several community marches asking for deeper investigations into the disappearances of the Vancouver women. She wrote a poem about them, saying 'when you went missing each and every year, we all fought so hard to find you.'

The stories shared by Abotsway's friends display their sense of loss over their friend, who was a beam of hope and happiness in the dark life of prostitution and drugs. Cheryl Bear Bametson said 'we did definitely see the bright side of Sereena . . . It was great to know her in that short period of time. She always had a smile for everybody. A big hello . . . It was really tragic when we saw her picture on the missing women's list.'

SOURCES: Fournier, S., Fraser, K. & Jiwa, S. (2002, 26 February). Daughter phoned daily for 13 years. *The Province*. Retrieved 19 January 2008, from www.missingpeople.net/cgi-bin/2002/sereen_abotsway-2002.htm; Meissner, D. (2007, 19 January). Sereena Abotsway: Life was always about hope. *Canadian Press*. Retrieved 19 January 2008, from www.ctv.ca/servlet/ArticleNews/story/CTVNews/20070117/missing_abotsway_071117/20070119/.

Box 6.3 The Mount Cashel Orphanage

Mount Cashel Orphanage, a home for boys in St John's, NL, was run by the Christian Brothers of Ireland in Canada (CBIC), a branch of the Roman Catholic order founded in Ireland, for nearly 100 years. For many years, the CBIC opened schools in several countries, and the priests and church clergy were highly respected for their good work in the communities. Between the mid-1970s and late 1980s, however, allegations of sexual and physical abuse at the orphanage—involving children as young as five and dating as far back as the 1950s—were made by more than 300 former residents. The government, police, and Catholic Church attempted to cover up the scandal. However, media coverage in 1989 resulted in the case being re-opened. Within six months, the last remaining resident was placed in alternative accommodation, and Mount Cashel Orphanage was closed. Many individuals were eventually charged and the CBIC was ordered to compensate the victims. Christian Brothers in Rome transferred ownership of

some of their assets out of Canada to prevent millions of their dollars from being liquidated. Barry Stagg, a Newfoundland lawyer representing one of the Mount Cashel Orphanage victims, knew that if money was recovered there would be 'hell to pay in St. John's'.

The money eventually came—years after the orphanage closed—from the liquidation of the CBIC's assets, including the sale of the orphanage property and two schools in Vancouver. 'The government has a responsibility, liability for what went wrong,' says J.J. Byrne, a former resident of the orphanage and spokesperson for the victims. Byrne described the pain of the past when local businesses in St John's posted advertisements around a Mount Cashel Orphanage monument. 'It's meant solely for the purpose of commemorating what we, as victims of Mount Cashel, went through while we lived at Mount Cashel—the physical, sexual abuse, the emotional and psychological abuse.' The abuse and scandal may be over at Mount Cashel (even the court settlements are over), but the pain surrounding this scandal will always be in the lives of the victims and in Canada's history.

SOURCES: CBCnews.ca. (2000, 13 April). Former Mount Cashel victim rips down signs. Retrieved 19 February 2009, from www.cbc.ca/news/story/2000/04/13/nf_cashel000413.html; CP. (2003, 24 April). Money for abused Mount Cashel victims offered deal. Retrieved 19 February 2009, from www.canadiancrc.com/Newspaper_Articles/Toronto_Sun_Money_for_abused_24APR03.aspx; Mount Cashel Orphanage (n.d.). Mount Cashel orphanage: Newfoundland's house of horrors. Retrieved 19 February 2009, from www.mountcashelorphanage.com/; Robinson, B.A. (2002, 26 March). Sexual abuse by Catholic clergy: The Canadian situation. Retrieved 19 February 2009, from www.religioustolerance.org/clergy_sex3.htm.

Box 10.2 The Case of Norman Gettel: Victim of Identity and Mortgage Fraud

Norman Gettel had worked as a printer for Pacific Press for many years when he decided to retire in the late 1990s, a few years after he had paid off the mortgage on his Richmond, BC, bungalow. In 2008, this retiree in his seventies did not receive his annual assessment in the mail, so he decided to call the British Columbia Assessment Authority, who told him that he did not own the property anymore. Perplexed, he made his way to the Land Titles Office and was told the same information. Gettel recalls the confusion of the situation when he told the employee, 'I hate to differ with you, but I didn't sell it.' The papers that Gettel was shown offered a different story. Not only was Gettel's home sold for over \$600,000 in July 2007 without his knowledge, but the 'buyer' had also put a \$400,000 mortgage on it, which had gone into default. The victimizers in this case had redirected the mail for this transaction to an address in Burnaby, BC.

Upon further investigation, it was discovered that someone claiming to be Gettel went to a Surrey law office to sign property transfer papers after selling the house, signing away Gettel's \$607,600 home for '\$1.00 and natural love and affection' to the alleged new owner of the home, Oleg Balan. Balan then immediately took out a \$400,000 mortgage on the property but did not show up to claim the property, as is the pattern with this type of scam. The 'buyer' and the 'seller' are also thought to be working together on defrauding the banks and the owner of the property.

Gettel eventually received a copy of a lawyer's letter to the supposed new owner, dated 1 February 2008. The mortgage was in default and a lawyer for CIBC Mortgages Inc. demanded payment in full of \$403,034.95 plus interest at \$53.18 per day plus legal expenses of \$375. The letter further stated that CIBC Mortgages Inc. was giving notice that it 'intends to enforce its security' on Balan's property.

During this ordeal, Gettel could not pay his property taxes because, at the time, he technically did not own his home. He was also dealing with chronic obstructive pulmonary disease and has been re-victimized by having to pay a lawyer \$10,000 to get his own home back. At the time the article covering this story was written, the case had not made it to court, although Gettel's lawyer had filed a notice of pending litigation. However, the BC Supreme Court made a ruling recently that the true owner of a property can regain the title if it was fraudulently transferred.

SOURCE: Shaw, G. (2008, 20 June). Con artist sell homes without owners knowing. *The Vancouver Sun*. Retrieved 18 January 2009, from www.canada.com/vancouver/sun/news/story.html?id=929a42ce6d51-46d2-87a7-debc8924db79&p=3; Vancouver Sun. (2008, 20 June). Con artists sell homes without owners knowing: When the annual assessment for Norman Gettel's home didn't arrive in the mail this year, he phoned the BC Assessment Authority. Retrieved 7 June 2010, from http://www.canada.com/story_print.html?id=929a42ce6d51-46d2-87a7-debc8924db79&sponsor=.

Box 11.1 Sexual Assault of 'L'

In the summer of 2000, 11-year-old 'L' (whose real name is withheld to protect her privacy) was kidnapped from her family home in Morinville, AB. She was sexually assaulted for many hours, until she managed to escape from her attacker. Even though her assailant was arrested and incarcerated, the impact and suffering continued to affect 'L'. For her, being a victim of sexual assault was more than the hours of counselling she received or the years her attacker spends behind bars. As her aunt described, 'She [was] scared more, I think, of people in general . . . she [was] scared of being alone; she [was] scared of walking past rooms in her house where she was abducted; and she [was] frightened to be in her own home. She [was] frightened of everyone around her.'

SOURCE: Family says young sexual assault victim scared for life. (2001, 16 January). *CBC News Online*. Retrieved 19 January 2008, from www.cbc.ca/news/story/2001/01/16/sex160101.html.

Box 11.2 The After-Effects of Violent Crime on Victims: The Case of Julianne Courneya

In July 2005, Julianne Courneya was 21 years old, engaged, and six weeks pregnant. On her way home from a party in Banff, AB, she was sexually assaulted; she was found partially clothed and brutally injured. Moved to Ottawa to be with her family, Julianne was left in a vegetative state, unable to speak, control her muscles, or feed herself. Doctors have said that she will likely never recover from the attack. 'She is trapped and this is absolutely heartbreaking to witness,' her father said.

Although Julianne's attacker has been imprisoned indefinitely, the family's 'living hell' continues. They cling to hope and believe that the little things make a difference. Julianne's father reads her Harry Potter books, tucks her into bed every night, opens her window blinds every day, plays the radio, and takes her outside to feel the sun. 'I want her back,' he says. The family rallied to get the publication ban of their daughter's face and name lifted in order to elicit sympathy and financial support for a treatment in Florida known as hyperbaric oxygen therapy. Her father explains that 'Just by her picture you can see that this girl is a beautiful soul who wouldn't do anything to harm anyone, and this should never have happened to her, or anyone like her . . . she's everyone's daughter.' As of the beginning of 2008, thousands of dollars have been raised to support this treatment, but Julianne remains in a vegetative state. 'We have made a commitment to our daughter to do everything in our power to help her,' her father has said.

The assault has obviously affected Julianne's life and the life of her family. They continue to be optimistic, hoping for small improvements.

SOURCES: Banff assault victim 'everyone's daughter'. (2006, 3 November). *CBC News Online*. Retrieved 19 January 2008, from www.cbc.ca/canada/ottawa/story/2006/11/03/banff-ban.html; Zickeloose, S. (2006, 16 August). Family in 'living hell' after attack. *Calgary Herald*. Retrieved 19 January 2008, from www.canada.com/calgaryherald/news/story.html?id=63769aa2-9ccb-4ec6-8940-3d76038d51e5.