

My name is Craig O'Donnell, I am the father of Rekih O'Donnell who was killed by her partner Nelson Lai, and as recently as last month(April) attended her murder trial. I'm writing to you, seeking to bring an issue to your attention, one to which at the time of writing, and to my knowledge may not have been addressed? It concerns the ability to access leave from work to attend, in particular the murder trial of an immediate relative without penalty or loss of job. Because this situation is of a particular nature, and would not be accessed by all of the general populace except those going through such an event, I believe this would go somewhat to help minimise the trauma in seeking time off when experiencing such an ordeal.

What I propose is that the immediate relatives who need to take time off from their employment, be able to do so, without loss of pay, nor having to take rec leave or use some other form of leave that they have rightly accrued, and not being penalized, such as work hours cut back, or worse loss of employment. I should clarify that with my situation my employer has acted graciously towards me and are in the process of **'coming up with something'** . But therein lies the problem, they will need to come up with 'something', thus highlighting the problem of what type of **leave** this should come under.

My concern is that not all employers would be, or are so gracious. My wife Kim, recently applied for a job and was successful in her application of the position, having been unemployed for some time. When she was upfront and honest with regards to our daughter's murder trial that she needed to attend, my wife was told that she no longer would be needed, needless to say this added to her and my distress we were already going through. This may be an indirect example but it may highlight such insensitivity around this issue.

What I am seeking is a special leave that is acknowledged and enshrined in law that would be granted to such immediate relatives finding themselves in such tragic situations. I propose that in honour of our daughter Rekih such a 'act' or 'law' be named after her and be recognized and included in the workplace act. I sincerely apologize if there is such an 'act' already enshrined in our workplace.

Thank you for considering this issue and the time taking reading this short letter. Hope to hear from you in the near future to discuss this proposal further.

Yours sincerely

Craig O'Donnell

There's a number of issues that I would like to briefly make regarding my Daughter Rekihah's murder trial.

Firstly the inadequacy of our judicial system, particularly 3 points

The first point is regarding the inadmissible evidence act. Any system of law that would portray to its citizens that it seeks to administer justice and truth, yet has in itself acts that get in the way of achieving this is not after the truth at all. It is the defence's strategy to have as much evidence not permitted in a trial, for it is said to be prejudicial towards the defendant. How then can a jury make a fully informed intelligent decision when evidence that is lawfully collected, withheld from them. Does this not defy logic, worse, other than been seen as prejudicial towards the defendant, it is more so grossly prejudicial to the victim for all the evidence pointing to the accused are not submitted but withheld. I seek to have this act of law abolished. This act does not help at arriving at the facts of the crime but prohibits the process of it

Secondly, the history (and in particular, criminal history) of the defendant is not permitted to be included in the trial. Whilst I understand that at the time of a criminal trial it is the current alleged crime that is being challenged, so I understand 'context', generally life is not lived in isolated events.

For example if the killer of my daughter Rekihah has a criminal history of violence towards women, this ought to be made known, for there it would reveal a continuum of this pattern of lifestyle that has eventually led to the death of my daughter. Now with all the talk about prevention, the jurors' ought to be privy to all of the defendants' past criminal history to see the pattern of behaviour, and not see it as an isolated event, again if in the end we as a community are seeking to intervene or curb or prevent such crimes, then being furnished with as complete a picture of the accused would benefit such a process. Both these acts of law, '**Inadmissible evidence**' and '**Prior criminal history**' must be abolished.

We are told that the system we have is the best of what we have, I challenge that assumption, and to say that, assumes that it is the only system that works best. Well it is not true, to say it is the best system that we have, does not include the thought that it is the best system of law we can have.

It clearly is not the best system of law that we as humans have come up with, just dealing with the two above mentioned acts of law, in some European countries, as in the inquisitional system, all evidence is included in the trial and prior criminal history is before the jury and judge, thus enabling the judicial process the ability to make an informed fact orientated decision. Again this makes sense if we claim that we are after the truth of the matter, rather than the current form that we have that gets in the way of fact gathering thus enabling us as a society to arriving at the truth.

Third, the term 'beyond reasonable doubt' Ask a magistrate to define the term 'beyond reasonable doubt' and hear the response. What does it mean? What is reasonable to one person may not be for another. In the context of a criminal trial, I have read of an example that went something to the effect like 'I'm a reasonable person, now though I believe he/she done it given the evidence, I have some doubt, thus because I have doubt I must find them not guilty though I believe they are'. Doubt is a condition of the human experience, we are not furnished with omniscience, all knowledge of all facts, especially with our system that already limits our access to the facts that could be known. Thus our current system of law fosters or accentuates more doubt which any system purporting to

seek the truth should be trying to minimize. Lets strive for a better definition to equip our judicial participants

Forth If there is a maximum sentence for 'Manslaughter' then it must be enforced, it is an injustice to have this at the disposal of the Magistrate, but then only to give a lighter sentence. That is just another form of victimizing the victims when already they have escaped the verdict and consequences of a 'murder' sentence which presumably would have entailed a longer sentencing.

The voice of the father

I have come to notice that in the past and now with myself the absence of the fathers voice with regards to the impact of their child's murder trial and death. It may have been the wish of the father not wanting to make comments , fair enough,. But that's not to assume that no father wishes to make comment and have input. My experience in my daughter Rekihah's murder trial is that my voice has not been sought, though Rekihah's mother has been. I have throughout this horrid ordeal watched as 'media' and 'victim support groups' sought out the mother and left the father out.

I have attended 'white ribbon' and the 'Safe steps' events recently which i support, but the fathers voice is absent. Im hoping that this is a genuine oversight which I believe it is. This event affects all the family, thus all the family have a voice. Being the father of Rekihah I am dealing with a number of issues. Issues' such as loss, guilt, pain, meaning.

But it is guilt for the purpose of this issue that I want briefly to comment on. the first male in my daughter's life is me, her father. As Rekihah grew, she witnessed how it is that a male interacts with females, mother, sister etc. As Rekihah grew into a adult in which she had more independence which led to eventually living away from her parents, contact naturally becomes more limited, selected.

What I'm getting at is not only is the perpetrator of my daughter's death a male which I share, but it is the relationship between father/daughter that I'm struggling with. Rightly or wrongly a father wants to 'be there' for their children and in this context my daughter. Every time I heard the defendant in my daughters murder trial call her all manner of foul terms and more so, every time Rekihah reported being bashed, kicked, knives being held to her head, been locked up for days on end and the threats' to actually kill her , you can't help as a father but say 'where was I' 'I should be there to protect her' I'm her father, she's my flesh and bone, not all males do this, you'll not do this to my daughter'

Again rightly or wrongly the guilt you carry, the conflicting emotions that tear at you, drag you down and weigh unbearably upon you. When this is not being acknowledged, when the fathers voice concerning what he is going through is not sought, it only intensifies and gives power to feelings of grief, loss, guilt and pain. So I say, do not pass us fathers by, do not assume that we are doing fine, or any other assumptions that you may entertain, for by doing so you feed and give power to the very emotions we are trying to deal with.

Remember as a father I have lost my daughter, we as a family have lost our child.

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