
Maid abuse: Housewife gets 18 years

Posted by friedice - 2008/11/26 22:37

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Hafiz Yatim | Nov 27, 08 10:56am

Homemaker Yim Pek Ha was found guilty today of grievously hurting domestic helper Nirmala Bonat, and was sentenced to 18 years in jail.

Kuala Lumpur Sessions Court judge Akhtar Tahir found Yim, 40, guilty on three counts of hurting Nirmala. An additional count of causing hurt was however not proven.

He sentenced her to 18 years' jail on each of the three charges but ordered the sentences to run concurrently.

<http://media1.malaysiakini.com/108/40e5578d87f8f6d4b69a9d30b7c34404.jpg>

Akhtar said Yim (above) had committed sadistic behaviour that cannot be tolerated in a civil society.

She had pressed a hot iron on Bonat's back and breasts, and pouring hot water on her legs as punishment for not doing the chores properly.

Yim was cleared of a fourth charge of breaking the maid's nose.

"I agree with the prosecution that you have not shown remorse and have been in a state of denial throughout the case," he said, noting that the court has to give weight to the public interest in passing sentence.

In his judgment, Akhtar said there were suggestions the injury could have been the result of Nirmala suffering bouts of 'gila kambing' (epilepsy).

<http://media1.malaysiakini.com/108/b3543e3c9126e5027c19c822efaf3581.jpg>

"Fermima Anunut, the employer of Nirmala's cousin, had testified that she (Nirmala) has the condition. However, Nirmala's mother, when testifying, had denied this.

• The electrocardiogram test and examinations performed by doctors also proved that Nirmala does not suffer from the ailment. •

Akhtar said it was illogical for Nirmala to have suffered a seizure while in her room, and that she had injured herself.

"Furthermore, the court cannot accept how Fermima would have known that Nirmala had suffered seizures when Fermima herself was in Ipoh, working," he said.

Akhtar hence ruled that the injuries suffered by Nirmala were not self-inflicted.

The judge said evidence also showed that Yim was capable of such actions as she had testified to having slapped Nirmala in the past.

"From the statements of the accused while on the witness stand, she blamed the maid for this and that. I could still see Yim's underlying anger even after three years. So it would not surprise me if she had caused the injuries. She also admitted that she had slapped the victim.

"Nirmala Bonat has been consistent in her statements that her lady boss injured her, in her testimony in court and from the time she was found by a security guard.

• The security guard had also given consistent evidence to say the female boss had done this to her. My finding of fact is that the injuries were not self-inflicted."

<http://media1.malaysiakini.com/55/90dcac86a78161c5cee2d3d58c5b5efb.gif>

Akhtar said the court was also satisfied with the prosecution's decision to classify the case under "grievous hurt", as Nirmala testified that she had not taken a bath for 20 days after suffering injuries.

"If a person cannot take a bath for 20 days, it shows the extent of pain from the injuries. Hence, the prosecution was right in classifying the cases as grievous hurt," he said.

In finding that the prosecution has proven its case beyond reasonable doubt, the judge pronounced Yim's guilt.

Yim was seen crying and later hugging her husband Hii Ik Ting, 42, her children and relatives.

A former air stewardess and a mother of four, Yim was sentenced after Akhtar heard mitigation from her lawyers.

Counsel Jagjit Singh who was assisted by counsel Akbardin Abdul Kader told the court he could not submit that his client was remorseful.

"A staunch Christian, she still believes she is innocent and I too feel the same way," the lawyer said.

"Nightmarish experience"

DPP Raja Rozela Raja Toran, in pressing for a deterrent sentence, said Nirmala had come to Malaysia to find a decent job but had returned emotionally scarred to Indonesia.

"Although the physical injuries may have healed, she will always be haunted by her nightmarish experience while working here," she said.

Raja Rozela said the injuries inflicted on Nirmala were done not using ordinary items, but a hot iron and hot water, while the injuries were to her whole body.

"It is unbelievable that one woman would do that to another who is helpless. The extent of Nirmala's injuries showed the inhumane nature of the perpetrator," the DPP said.

She also applied under section 426 of the Criminal Procedure Code for an order to compel Yim to pay compensation.

Jagjit objected, pointing out that Nirmala had received donations in cash and kind from Malaysia.

"She is already a billionaire in Indonesia. Furthermore, my client is also facing a civil suit filed by Nirmala and the Indonesian government."

Akhtar said he did not want to hear a defence application for stay of execution today, after Raja Rozela raised an objection.

"You have to file a written notice of appeal and after you do that, I will set a date for the hearing," said the judge.

Akbardin then said he wanted to submit an oral application, as he intended to file a written application later today.

However, the judge would not allow it, assuring, "I will set the earliest date available".

Legal history

Outside the court, Jagjit expressed unhappiness with the sentence, saying he felt it to be too harsh.

"This sentence is more severe than for culpable homicide. However, we have to respect the court's decision," he said, adding a notice of appeal would be filed today.

The verdict comes after 110 days of proceedings held over four and a half years.

Yim was charged with four counts of voluntarily causing grievous hurt to the Indonesian, then 19, with a hot iron twice on a day in January and in April 2004, with using hot water on a day in March 2004, and using a metal cup at about 3pm on May 17, 2004.

The offences were committed at Yim's upmarket Villa Putera condominium in Jalan Tun Ismail in Kuala Lumpur.

The first three offences were under section 326 of the Penal Code which carries a maximum punishment of 20 years' jail, and a fine or whipping. The fourth charge under section 325 carries a maximum seven years jail and fine.

This case created legal history when then DPP Stanley Augustin said this was the first time that an individual had been charged with three counts under Section 326 of the Penal Code for offences against the same victim.

Nirmala's case created an uproar among Malaysians and Indonesians, after a security guard discovered her plight.

It made headlines in Malaysia, with photographs of her severe injuries splashed on the front pages of newspapers when her plight was revealed in 2004.

Bonat said that Yim abused her every day of the five months she spent in the family's home, until her breasts and back were covered with burns, and her face was swollen by regular beatings.

In Indonesia, it sparked protests in front of the Malaysian embassy with demonstrators calling for better treatment for domestic helpers.

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Re:Maid abuse: Housewife gets 18 years

Posted by friedice - 2008/11/26 22:53

Yim's contention was that the maid's injuries were self inflicted but it is inconceivable that anyone could do this to themselves! The degree of severity of the injuries beggars belief in the self inflicted theory.

http://utusan.com.my/pix/2004/0520/Utusan_Malaysia/Muka_Hadapan/mh_01_big.jpg

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Yim s sentence reduced to 12 years

Posted by friedice - 2009/12/03 11:21

Yim's sentence reduced to 12 years

http://media.themalaysianinsider.com/images/stories/2009nov11/1203_yimncousel.jpg

Housewife Yim Pek Ha being escorted out of the High Court in Kuala Lumpur by her counsel, Datuk Jagjit Singh. - Bernama pic

KUALA LUMPUR, Dec 3 - The High Court today reduced the jail sentence on housewife Yim Pek Ha from 18 years to 12 years for causing grievous hurt to Indonesian housemaid Nirmala Bonat in 2004.

http://media.themalaysianinsider.com/components/com_gk2_photoslide/images/thumbm/1526331203_yim.jpg

Judicial Commissioner Azman Abdullah allowed an application by Yim's counsel Datuk Jagjit Singh to defer the jail sentence despite protest by Deputy Public Prosecutor (DPP) Rozela Raja Toran.

Yim, 41, a mother of four children aged 4-11 years-old shed tears after hearing the judge's decision.

In his judgement, Azman said after studying the facts of the case and the appeal, the court decided to uphold Yim's conviction on the first and second charge. The court took into account the maximum 20 years' jail sentence under Section 326 of the Penal Code and that the decision of the Sessions Court judge in passing 18 years' jail for each charge was the heaviest under the section.

"After studying the facts of the case and injuries sustained by the victim and the counsel appeal that she is a first offender with four young children, I hereby reduce the jail sentence for both charges from 18 years to five years."

Azman however allowed the prosecution appeal that both sentences run consecutively and not concurrently as ordered by the Sessions Court and would give his reasons in detail later.

On Nov 27 last year, Yim was found guilty on two counts of hurting Nirmala with an iron and splashing hot water on the maid at Villa Putera, Jalan Tun Ismail here in Jan, March and April 2004.

For the third charge, the judge allowed Yim's appeal to drop the conviction and 18 years' jail sentence by the Sessions Court due to confusion in the charge paper.

He said Nirmala testified that she was attacked with an iron in March and not April and that the prosecution had failed to amend the charge.

For the fourth charge, Azman allowed the prosecution appeal by convicting Yim for hurting Nirmala with a metal cup at the same place on May 17, 2004.

Yim was sentenced two years' jail with the sentence to run consecutively to the other sentences.

She was acquitted and discharged by the Sessions Court. Azman said during her testimony, Nirmala did not show signs of having epilepsy or that she was insane. "Nirmala's testimony on the injuries was in line with medical reports and the testimony of specialists and that she did not have the chance to report the abuse to anyone."

The judge said logically, as a mother, Yim should take good care of her housemaid. "Based on the photographs adduced, the pain inflicted on the victim is beyond imagination," he added.

Azman told Yim that the sentences meted on her were a reminder and lesson to others not to hurt the weak. "What more against wives, children, housemaids and even animals," he added.

DPP Raja Rozela said she will appeal against the jail sentences. - Bernama

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