

# **Rape Survivors' Guide to the Criminal Justice System in NIGERIA.**

**A Simple Guide for School and  
University Students.**



**Alliance**  
DNA LABORATORY



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Signed:

Date: **August 31, 2019**

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# WHY WOMEN DO NOT REPORT RAPE

There are many reasons for not reporting rape: –

- You may feel that no one will believe you, especially if you were raped by your boyfriend, husband or a regular sexual partner;
- You and your family may be financially dependent on the rapist;
- You may believe that the police will not do anything even if you try to report, especially if the rapist is wealthy or influential;
- You may be afraid of being stigmatized if you report being raped;
- You may not have the money to travel to the police station and the hospital;
- You may be afraid you will lose your job because of discrimination or stigma;
- You may think that you are to blame for the rape;
- You may be pressured by your family members to not report;
- You may be threatened with further violence by the rapist;
- You may believe that even if you report the rape, the rapist will bribe the police and the docket will disappear from the police station;
- You may believe that even if the rapist is arrested, his friends and family will come to take revenge;
- You may not have the time and the money to engage in a long police and court process;
- You may believe that even if you manage to go to court, the case will be thrown out because of “insufficient evidence”;
- You may believe that even if you win the case, the rapist will be let off with a small jail term and come after you when he is released.

**All these reasons for not reporting rape to the police are valid and you must consider them carefully before you decide to engage with the legal system so that you are prepared for the secondary victimization you are likely to face.**

# **SIX STEPS TO TAKE IF YOU HAVE BEEN RAPED**

## **Advice for rape survivors.**



The one thing you may want to do is wash but this may wash away physical evidence of the rape that doctors will collect in order to help prosecute perpetrators

## **1. Get to a safe place.**

The first thing you should do if you are in any immediate danger is to get yourself to a safe place.

## **2. Tell someone what has happened.**

Once you are out of danger, tell the first person you see what has happened or contact someone you know and trust and tell them the whole story while it is fresh in your mind. Although this can be difficult, it is very important because this person can help with the

police investigation and later support your story in court. They are known as the first contact witness.

### **3. Preserve evidence of the rape.**

The one thing you may want to do is wash. If you do, you run the risk of washing away all physical evidence of the rape so do not bath, shower or wash your clothes. Doing this would get rid of blood, semen, saliva or hair that could be used as evidence of the rape. If you are injured, go straight to your nearest hospital, community health centre or doctor.

### **4. Decide whether you want to report the rape.**

You do not have to decide immediately whether to report the rape to the police but the sooner a doctor examines you, the more likely they are to find physical evidence that they can link to the rapist. If you decide to report the rape to the police, then you should go to your nearest police station where the statement. The police will take you to a health centre where you will receive medical attention and undergo a forensic examination. If you do not report the rape, you can go directly to a health centre to get these services.

### **5. Get medicine to prevent unwanted pregnancies, HIV and sexually transmitted infections (STIs).**

After the forensic examination, the doctor will give you the morning-after pill to prevent pregnancy and antibiotics to prevent possible STIs). You will also be given an HIV test and if it is negative you will be given antiretroviral treatment for 28 days to prevent contracting HIV. This is called post-exposure prophylaxis (PEP).

### **6. Get support to help you to recover.**

You can get the support you need further down the line by asking for pamphlets or booklets on rape, and the number of a local counselling service that can give you support and advice on the police report, an eventual court case, and your own physical

and emotional wellbeing. If you do fall pregnant or contract an STI it is important to seek follow up medical care and counselling.

## **Dos & Don'ts:**

- **If it is late at night and you are unable to go to a police station, try to avoid washing yourself. Wrap the clothes you were wearing in paper, NOT in plastic bags.**
- **Try to find someone who will go with you to report the case, as the process can be long and tiring.**
- **If you have been injured, try your best to not wash yourself fully as you clean the wounds, no matter how dirty you feel – you may wash away the evidence that can prove that you were raped.**
- **If you are badly injured, call the ambulance or emergency services instead of waiting for the police.**
- **Try to go to the police station within 48 hours of being raped.**
- **Try to go to a hospital within 24 hours of being raped so that you can get the treatment and medication you might need.**

## **Reporting Rape**

Reporting rape can be a traumatizing experience. You will have to deal with insensitive policemen and policewomen who will ask you unnecessary and irrelevant questions. Instead of taking your statement, the police may try to persuade you to not report the rape – this will especially be the case if you are bringing a rape charge against your boyfriend or husband, if the rapist is a powerful person in the community or if the rapist has friends among the police.

## **When and Where**

You can report rape at any police station; if the police station you go to is not the one that is closest to the area where the rape took place, they are still obliged to register your case and then transfer it to the appropriate police station.

You can also report rape by calling the nearest police station; if you call the police to report rape, the police must come to where you are. However, you might have to wait a long time for them to come to you. Call 999 or 911.

## What Should Happen When You Go To the Police Station



You can ask to speak to a female officer

Once you get to the police station, you will have to **tell the constable at the reception that you want to lay a rape charge – you do not have to give the constable any details** of what happened, just record the rape in the “occurrence book.” Try to note the occurrence book number under which your case is recorded at this stage, as this will serve as proof that you reported the rape to the police even if you do not get a copy of your statement or a case number.

At this point, you should be taken to a **private** office or a trauma room, where you can make a statement and talk to trained Police counsellors. Most police stations have special trauma rooms and these are supposed to be open at all times of the night and on weekends.

If the police station you go to does not have a trauma room, you can ask to be taken to a private office where you can give a brief statement. You can ask to speak to a **female officer**.

If you can describe the rapist and give details of where you were raped, the police may be able to arrest the rapist quickly but you do not have to speak in detail at this point.

As soon as you have given a brief statement registering a rape case, the police should take you to the hospital for a medical examination. The doctor will fill out a special form (attached to a sexual assault evidence kit) that will record all the evidence gathered from the examination – the clothes you were wearing when you were raped may also be included as part of the evidence (see the section on going to the hospital).

Once you have received medical attention, the police must take you back the police station where you can give a detailed description of what happened to the detective (Investigating Officer, IO). If it is late and you are tired, this can even happen a day or two after the rape.

The IO is the only police official to whom you need to give all the details of the incident.

**The IO must listen to you without judgement, record everything you say faithfully, and not try to persuade you to drop the case.**

Try and give as much detail about what happened and a description of the rapist to the IO. You must tell the IO if the rapist threatened to harm you if you reported the case.

**You can ask for police protection if you feel threatened by the rapist.**

If the rapist is arrested, his threat will also help the court decide if he should be given bail.

Once you have made a full statement, you can read it through to make sure everything you said has been captured correctly and then sign it.

**You must ask the IO to give you a copy of the statement and the case number.**

The IO must also give you her/his full name and contact details. You must also give the IO your phone number and physical address, and if either changes, you must make sure to let the IO know. It is the job of the IO to be in touch with you from this point onwards but you might also have to contact the IO if you have further evidence or information about the rapist or the case.

All this information, including your statement, the results of your medical examination and any other evidence that has been collected will go into your case file and get registered in the police docket. You should be given a criminal register (CR) number,



which will be used along with your case number to identify your case when it is being handled by the police.

**Make sure to read your statement carefully before you sign it.**

Your statement is one of the most crucial pieces of evidence and any mistake in it can break your case. The IO may try to pressure you into signing the statement without reading it but it is your right to read it thoroughly and make any corrections you need to.

If you remember something later that you want to add to the statement, you can go back to the IO and do so, as long as you have the case number.

**Make sure to take a copy of your statement before you leave the police station.**

In case the docket gets “lost” or your statement goes missing, you will have your own copy to rely on. The police may tell you that they cannot give you a copy but you must insist on it.

If it is impossible to get a copy of your statement the same day, be sure to get a case number from the IO before you leave and follow up on your copy of the statement the next day.

## **Rights and Reality**

Although you have the right to be treated with respect and dignity at the police station and to make your complaint in a private and comfortable setting, you might find on reaching the police station that you have to queue up behind everyone else and shout to be heard. The officer on duty may demand that you speak in front of everyone else in the room and may treat you disrespectfully.

Knowing your rights and what to expect at the police station can prepare you for dealing with some of the problems you may face when you are trying to lay a charge. If possible, go to the police station with someone who will be able to help you negotiate your way through the process.

**Do not go to report rape at the police station with someone who could be a witness in your case. This can jeopardise the case at a later stage.**

## **RIGHTS:**

- **You have the right to make your statement in a private room,**
- **You have the right to speak to a female police officer,**
- **You have the right to victim support services,**

- **You have the right to make your statement in a language of your choice and the police must provide interpretation,**
- **You have the right to be taken to a hospital for medical treatment as soon as you have made a brief statement stating that you have been raped,**
- **You need to tell the police what happened in detail only once, when you make your statement to the IO,**
- **Once you have made a full statement to the IO, you have the right to read your statement and make corrections before signing it,**
- **You have the right to receive a copy of your statement before you leave the police station.**

## **REALITY:**

- **The police may tell you they do not have a private room,**
- **A female officer may not be available at the police station for hours or days,**
- **There may be no victim support services at the police station,**
- **You may have to wait for a long time for an interpreter or the police may tell you they do not have an interpreter and force you to speak in English,**
- **The police may tell you to go to the hospital on your own and bring the evidence form and medical report back to the police station,**
- **The police may ask you to tell your story more than once, to the same or different officers,**
- **The IO may not offer you the statement to read and may tell you that you have to sign the statement without reading it,**
- **The police may tell you they cannot give you a copy of the statement.**

Though the process of reporting a rape is not very difficult or complicated, in terms of the steps that have to be followed, it can be made very hard by the hostile attitudes of the police.

Both female and male police officers can be insensitive; they may ask offensive and inappropriate questions, make unpleasant remarks and even question your motives for reporting. You need to prepare yourself in order to continue with the process when you face of secondary victimization and degrading treatment by the police.

## TIPS for making the process easier



Go to the Police station with a friend

As far as possible, try to not make this journey alone. During this time you need as much support as you can get from those around you. **Try to seek help from supportive family members, relatives and friends.**

If you told someone about the rape soon after it happened, try to take that person with you to the police station. In addition to providing moral support, this person may be able to help fill in gaps in your statement, if you forget some of the details.

You have just suffered a traumatic experience and you are probably feeling overwhelmed by emotion or numb and speechless. Take some time to calm your mind and try to recall the details of what happened with as much clarity as you can.

No detail is insignificant; **write down everything you can remember** about the perpetrator's appearance and behaviour, the time of day, the weather, the location and your mental state, no matter how small or unimportant it seems. Small details can help the investigation and add credibility to your story when you are being cross-examined.

Know the reporting process and ask to speak to the right police officer at different stages of the process. For instance, demand your right to give your statement only to the IO in a private setting rather than being made to tell your whole story at the reception, in front of everyone in the police station.

No matter how unsure and intimidated you feel, **do not sign anything unless you are satisfied with it.** If the statement has been written in a language and style that you find difficult to understand, ask the IO to re-write it so that it represents what you said.

It is your right to refuse to sign a statement you are not satisfied with.

Do not leave the police station unless you get a case number. You cannot follow up on your case unless you have a case number. Also try to note the name of each police officer you speak to in case you have been given incorrect information.

If the police do not give you a copy of your statement immediately, try to get the name and rank of the police officer whom you can contact the next day for a copy.

**Call or visit the police station every day until you get your statement.**

Having a copy of the statement may help you remember other details and knowing what you said in your statement will also be important during the trial when you will be cross-examined by the defense attorney.

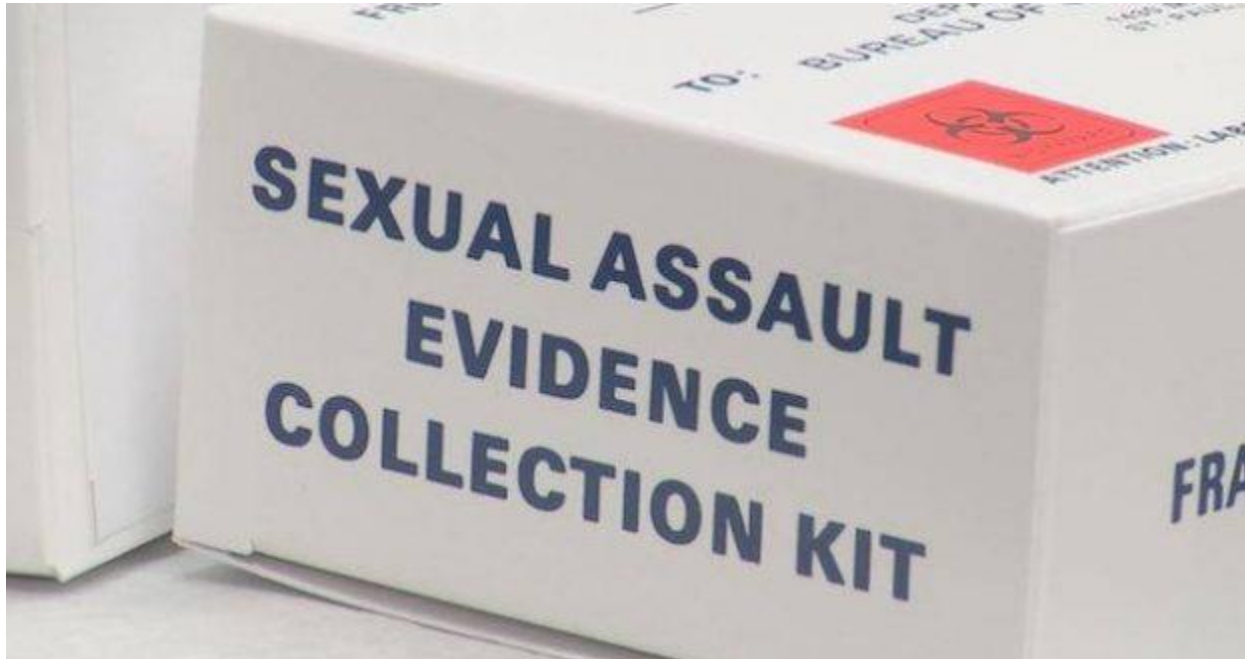
The police are known to be reluctant to open rape cases because they think that rape survivors will come back and withdraw their case at a later stage. Insist on opening a case if the police try to persuade you to drop charges.

Expect policemen, and sometimes even policewomen, to be sympathetic towards rapists and doubt what you say. Even though duty officers at the reception or charge office are only supposed to note your complaint in the occurrence book and send you to a private room where you can make a statement, they may try to interrogate you and make you feel as if you are in the wrong for wanting to report rape.

**Remember that you only have to tell the whole story to the IO** and that no one has the right to doubt or question your statement.

Try to call the IO once a month to get an update on the case and ask if there are any court dates coming up. Though the IO is supposed to keep you informed of the progress in the case, you may have to contact the IO so that you do not miss any important court dates or news, for instance, if the rapist has been granted bail and is no longer in jail.

## Going to the hospital



Make sure the Doctor or Nurse uses a standard rape kit

Apart from the psychological trauma and physical injury you may have suffered, you must also consider the possibility that the rapist may have transmitted a sexually transmitted illness (STI) to you. It is better to not wait for symptoms of an STI before going to the hospital for a check-up.

You can also get post-exposure prophylaxis (PEP), which can prevent HIV transmission, if you need it. PEP is only effective if taken within 72 hours of exposure, so, if you are worried that you may have contracted HIV through the rape, you must go to the hospital within the first three days after the rape. You can also get a morning after pill to prevent pregnancy if you are able to go soon after the incident.

The hospital staff may recommend that you get tested for HIV but they cannot force you to get tested.

It is your right to get proper medical treatment even if you do not want to be tested for or disclose your HIV status.

Even if you are HIV positive at the time of rape, it is still a good idea to go to the hospital to get medication for other possible STIs and diseases and to avoid getting pregnant. There are two possible routes for going to the hospital:

One, you first go to the police station to report the rape and the police take you to the hospital for medical examination as soon as you have made a brief statement about

being raped. In this case, the police would take a rape kit along and the evidence collected during the medical examination would be stored in the rape kit.

Two, you go to the hospital before going to the police station. You may be unsure about whether you want to open a case against the rapist. In this case, you can still get treatment from the hospital and you can also ask for a “medico-legal examination” at the same time, if you think there is a possibility that you might open a case later. This means that in addition to giving you treatment, the doctor will also conduct a physical examination, noting any injuries you may have suffered during the rape and collecting evidence such as semen and other materials for DNA testing. The evidence gathered during the medico-legal examination will be recorded in a special form and it will be useful if you decide later to lay a charge against the rapist.

Whether you report or not, in addition to the physical examination, the doctor should also speak to you about psychological support and refer you to a counsellor.

Doctors in Gender Violence Recovery Centers or government hospitals are trained in collecting forensic evidence whereas a private doctor may or may not know how to do this properly.

Try to take someone with you when you go to the hospital because you may spend the whole day there and need some support.

Take the clothes you were wearing at the time that you were attacked and other relevant materials to the hospital. They will be examined for traces of evidence, such as the rapists’ blood or semen and other fluids and added to the rape kit.

## **Your rights at the hospital**

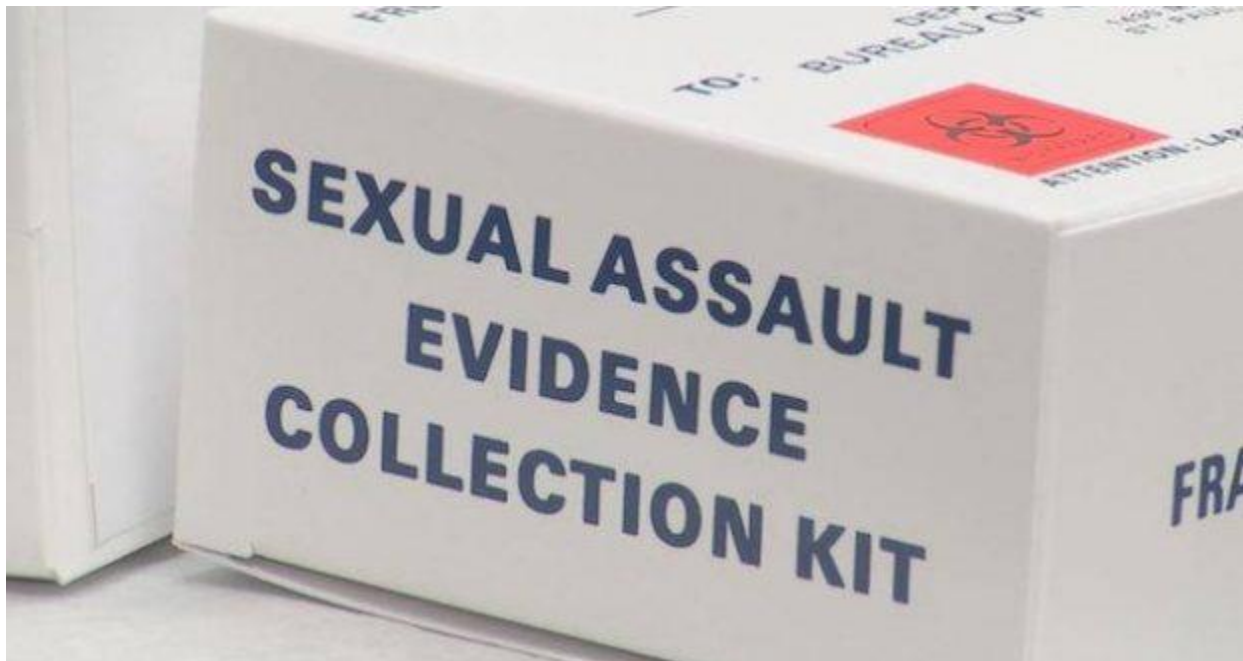
- You have the right to ask to be examined by a female nurse or doctor,
- You have the right to ask that a female attendant to be present when the medical evidence is collected,
- You have the right to ask for counselling; if the hospital cannot provide it, they must give you a referral,
- You have a right to have a family member or friend present throughout the process,
- You have a right to counseling,
- You have a right to be given medication to calm your nerves; you can ask for it if it is not offered,
- You have a right to be told what is happening during the examination. The doctor must talk you through what she is doing,
- You have the right to an interpreter,
- The doctor may carry out the following tests on you with your consent:

Blood test: To determine pregnancy, STI transmission, as well as exposure to HIV

Internal examination: To test for semen and other evidence that might be used during the case.

Once she has examined you the doctor should complete a special form. This form must contain the results of the tests and physical examination conducted on you. Once completed, the doctor must put the special form inside the rape kit, which would also contain all the other evidence, including your clothes. If you go to a government hospital, they should send the rape kit back to the police station after the examination is complete.

## Rape Kits – Where You Can Get Some for your Medical Facility



**DNA TESTING SERVICES** assembles standard rape kits for most hospitals in East and Central Africa. You may contact us for kits on **Cells: +254 733 555 893, +254 727 536 488 or [kinyanjui@dnakenya.com](mailto:kinyanjui@dnakenya.com)**

