BREAKING THE CULTURE OF SILENCE ON RAPE: A CRY FOR JUSTICE

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Abstract

The myth associated with rape is not restricted to the fear of stigmatization, subjection to ritual cleansing, and confirmation of guilt on the victim by the people. It extends to the consequential effect of compromising justice for remaining silent and shielding the cankerworm. A call for breaking the culture of silence on rape and a cry for justice is eminent. This bedrock was the crux of the matter in this study. The research methodology was doctrinal approach, using investigatory and expository research design. The main sources of data collection were various legal literatures, both from the physical library and the e-library. It was observed that there are chunks of incidences of rape in our society which most of them are unreported or evidence for justice seeking are being destroyed even by the victims Therefore, it was recommended, among others, that feminist jurisprudence, human right scholars, the government and every stakeholder should encourage rape victims to speak out their experience to help curb the societal cankerworm. It was also recommended that some the laws on rape should be expanded and made more enforceable and victims of rape should be compensated and register of rapist should be created in every states of the federation. International and Regional instruments should have enforcement power and punitive measures on member states and also International and Regional Conventions that protects women's rights should be domesticated. Finally, this article has significant to all stakeholders in human rights, feminism, civil society organizations, legislature and other policy makers.

Keywords: Women, Exposition, Incidences, Human Rights, Sexual Violence, Feminism, Jurisprudence, Breaking, Silence, Rape, Justice

1. Introduction

Traumatic events such as rape and sexual assault have, aside from obvious physical traumas, profound long-term psychological effects on all victims including but not limited to children who are assault victims. These include denial, helplessness, dislike of sex, anger, self-blame, anxiety, shame, nightmares, fear, depression, flashbacks, guilt, rationalization, mood-swings, numbness, promiscuity, loneliness, social anxiety, difficulty trusting oneself or others and difficulty concentrating. Family and friends experience emotional scarring including a strong desire for revenge, a desire to "fix' the problem and/or move on, and a rationalization that "it wasn't that bad".[1]

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[3] K Falayi 'Group Protests Sexual Violence in Lagos' *Online Database* <http://www.punching.com/news/groups-protests-sexualviolence-in-lagos> accessed on 14th October, 2021.

A coalition of non-governmental organisations and civil society groups have protested against increasing sexual violence against women and urged the government to intensify efforts in dealing with rape and other sexual offences in the state. The group marched from Allen Roundabout in Ikeja to the Office of the Deputy Governor in Alausa, displaying placards which decried the alarming rate of rape in the state. The march, which was organised by the Legal Defence and Assistance Project in conjunction with the National Youth Service Corps had 22 other NGOs represented. The Executive Programmes Manager, LEDAP, Ms. Adaobi Egboka, said the march was a call on the state government to take a decisive action against the issue of rape. She suggested that the government has to do more to protect the women against sexual violence. Rape cases should be prosecuted in such a way that victims and parents of victims will be willing to come forward and make reports."[2]

She said rape cases were increasing in the state, adding that everybody had to be involved to stop the menace. Also, Executive Director, Media Concern Initiative, Princess Olufemi-Kayode, whose group also took part in the event, said the rally was meant to demand a strict enforcement of laws against rape and sexual violence in the state. Olufemi-Kayode said government's efforts so far were not achieving results because the incidence of rape was on the increase. A corps member and President, Legal Aid Community Development Service Group, Mr. Ogene Tega, said the fight against rape was not working. Tega said the decaying moral values of the society had provided a fertile ground for the festering of sexual violence in the state.[3]

Rape is one form of sexual violence against women and children that are underreported in the media, probably due to the unwillingness of the victims to speak up for fear of stigmatization. There should be sensitization of the public and women in particular to enlighten them on the need to be vocal and infuse the courageous mentality in them. Most importantly, the educational right in Chapter Two of the Nigerian Constitution[4] should be enforceable and justiceable. How can uneducated woman understand that her sexual and reproductive rights have been violated? Education is power and ignorance is powerlessness, darkness and poverty. Poverty is not the absence of money but the state of the mind. Education will give the women power to protect their rights.

2. Definition of Rape

The offence of rape is defined as:

> Any person who has unlawful carnal knowledge of a woman or girl without her consent or with her consent if the consent is obtained by force or by means of threats or intimidation of any kind or by fear of harm or by means of false or fraudulent representation as to the nature of the act or in case of a married woman by personating her husband, is guilty of an offence which is called rape.[5]

[4] *Ibid.*
[5] Ibid
[6] Constitution of Federal Republic of Nigeria 1999 (As Amended) s 18(3)
[6] *Criminal Code Act*, Cap 38 I, LFN 2004, section 357.

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The offence of rape is also committed and it provides as follows:

> A man can be said to commit rape if he has sexual intercourse with a woman in any of the following circumstances: (a) Against her will, (b) Without her consent, (c) With her consent, when her consent has been obtained by putting her in fear of death or of hurt, (d) With the consent, when the man knows that he is not her husband and that her consent is given because she believes that he is another man to whom she is or believes herself to be lawfully married, (e) With or without her consents, when she is under fourteen years of age or of unsound mind.[6]

Furthermore, section 6[7] appears to be saying that carnal relations which take place between husband and wives, are not prima facie unlawful but the tormenting question is whether a husband is not guilty of rape in having carnal knowledge of the wife without the latter's consent. The punishment of rape and attempted rape are also stipulated as follows. Any person who commits the offence of rape is liable to imprisonment for life, with or without caning.[8] Also any person who attempts to commit the offence of rape is guilty of a felony, and is liable to imprisonment for fourteen years, with or without caning.[9] Any person who unlawfully and indecently assaults a woman or girl is guilty of a misdemeanor and is liable to imprisonment for two years. Irrespective of these laws there is sexual rascality of the female folk and on daily basis women and girls are beaten, kicked, threatened at gunpoint and most times killed in order to be raped. Indeed, women are in perpetual fear of men's use of the penis as a weapon to subdue the women folk.

Rape As Crime: Definition And Legal Scope In Nigeria.

Any unlawful, non-consensual carnal knowledge of a girl or woman by a male constitutes rape, which is the most serious type of sexual assault. Rape is punishable with life imprisonment which depending on the circumstances or region goes alongside whipping[10]. According to Black's Law Dictionary, rape is a crime in which a male has sexual intercourse with a female by force and against her will and without her consent. This definition seems to be in contrast with the common law definition of rape, which states that it is when a man has sexual intercourse with a woman who is not his wife with force against her will and under threat[11]. Rape has also been defined as an unlawful sexual encounter with a person that doesn't entail mutual consent and involves the use of force, threat, or another undesirable method[12]. Rape is codified in both the Criminal Code by virtue of Section 357 applicable to the Southern States in Nigeria and also the Penal Code by virtue of Section 282 applicable to the Northern States. Both codes demonstrate that rape is legally

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[7] *Penal Code Law*, Cap p 3 1 I LFN 2004, section.282.

[8] *Criminal Code Act,* section 358.

[9] *Ibid*, section 360.

[9] *Ibid.*

[10] Olopade, O., "The Law Of Rape In Nigeria- A Revisit" in Ogungbe M.O.(Ed) Nigerian Law: Contemporary Issues Okada, College of Law Igbinedion University 2003 p227 . 1978 and Section 283 of the Penal Code. See Republic v. Nwachukwu (1964) 2 ALL NLR 104, Saraki v. R (1964) NMLR 28. The State v. Ojo (1980)2 NCR 391.

[11] Mahoney P, Williams LM n- 5

[12] Garcia-Moreno, C., Guedes, A and Knerr, W., "Understanding and Addressing Violence against Women" <https://apps.who.int/iris/bitstream/handle/10665/77433/WHO_RHR_12.35_eng.pdf;jsessionid=AE4397A66312F4630DF6E093EBF0B2BC?sequence=1> (accessed on 9th July, 2022).

understood to be an act which can only be committed against a female. In the case of *Jegede V State*[13] the Supreme Court of Nigeria per *Belgore JSC* defined rape as follows:

> "The offence of rape is "the unlawful carnal knowledge of a woman or girl, without her consent, or with her consent, if the consent is obtained by force or by means of threats or intimidation of any kind or by fear of harm or by means of false and fraudulent representation as to the nature of the act, or in the case of a married woman, by personating her husband, thus rape is only committed in circumstances set out above with clear evidence of penetration and who was responsible for it."

Thus, rape according to Nigerian law until 2015 limited the commission of the crime to a male against a female. It must also be pointed out that the offence of rape would not be established until penetration is proved as intercourse cannot be said to have taken place without penetration of the vagina. In the case of *Ahmed vs. Nigerian Army*[14], the Supreme Court defined intercourse as physical sexual contact especially involving the penetration of the vagina by the penis. It has been stated that rape is complete the moment the penis touches the folds of skin over the vagina.[15] In the case of *Natsaha v The State*[16] the Supreme Court stated what must be proved for an accused person to be convicted for rape as follows:

1. That the accused had sexual consent with the prosecutrix;
2. That the act of sexual intercourse was done without her consent or that the consent was obtained by fraud, force, threat, intimidation, deceit, or impersonation;
3. That the prosecutrix was not the wife of the accused;
4. That the accused had the mens rea, the intention to have sexual intercourse with the prosecutrix without her consent, or that the accused acted recklessly, not caring whether the prosecutrix consented or not;
5. That there was penetration.

It has also been held that the slightest penetration is sufficient to prove the offence of rape. This was the position of the court in *R v Kufi*[17] where it was held that there rape cannot be proved without penetration. It was also invariably held in *Iko v State*[18] that the most essential ingredient of rape is penetration without which conviction cannot be granted. It must be noted that the offence of rape was limited by the various codes and laws that criminalized sexual offences to a crime capable of being committed against the female by the male and never envisaged the possibility of a man being raped. Also, the various laws did not consider the unlawful penetration of a woman's anus or mouth without her consent as rape.[19] Arguments have been made that sexual activity involving penetration of a woman or girl's anus or mouth with the penis could be just as traumatic

[13] Jegede V State (2001) LPELR-1603(SC)
[14] Ahmed vs. Nigerian Army (2016) 17 NWLR (Pt. 1540) 34
[15] Joel Samaha, Criminal Law, West Publishing Company 1996, 358.
[16] Natsaha V. State (2017) LPELR-42359(SC) (Pp. 29-30 paras. G)
[17] (1960) WNLR I
[18] (2001) 14 NWLR (PT 732) 221
[19] Arinze-Umobi & Dinwoke n- 1 p. 157

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as the forced penetration of the vagina and should be treated as acts that meet the criteria for being called rape.[20]

2.2 Rape under The Violence Against Persons (Prohibition) Act, 2015

The VIOLENCE AGAINST PERSONS (PROHIBITION) ACT, 2015 (hereinafter referred to as VAPP Act) redefined the extent of the definition of rape as it expanded the circumstances under which the offence of rape can be said to have been committed. The VAPP Act makes it clear that both men and women can be raped and can also commit the crime themselves. The Act recognizes that a person may also be raped through the anus, vaginally, or through the mouth. It also takes into account the possibility that someone could be raped using an object. Section 1(1) VAPP Act provides that a person commits the offence of rape upon the following being done:

a) he or she penetrates the vagina, anus or mouth of another person with any other part of his or her body or with anything else;
b) the other person does not consent to the penetration; or
c) the consent is obtained by force or means of threat or intimidation of any kind or by fear of harm or by means of false and fraudulent representation as to the nature of the act or the use of any substance or addictive capable of taking away the will of such person or in the case of a married person by impersonating his or her spouse.

The VAPP Act also provides to the extent that gang rape is regarded as criminal offences. The VAPP Act prescribes the punishment of life imprisonment upon conviction for rape.[21]

3. Incidences of Rape

Below are some of the reported cases:[22] A middle-aged woman, Latifatu Fassasi was reported to have been raped to death in her room in Okota, Lagos.According to reports, the woman was found dead with a cloth tucked in her mouth by the killers to stop her from calling for help. The man may have overpowered her in his bid to sexually abuse her, the police said in Lagos. The culprit later abandoned the corpse of the lady.[23]

Miss Fayoke Adebayo, 22-year-old was reportedly raped to death by a policeman Corporal Samuel attached to the Rapid Responses Squad (RRS) ,Alaka Police Station, Surulere, Lagos. According to reports, Fayoke was in her mother's shop in Owolowo market beside Idimu Police station with her sister Tunrayo when the policeman came to make love advances to her, with promises of marriage. After spending some time with the girls in their mother's shop, he was able to persuade Fayoke to accompany him to his apartment in the barracks. Tunrayo after waiting a long time for her sister to return started feeling uneasy and became worried. She decided to go into the barracks to find out what was keeping her sister. On her way, she met the policeman who told her to go quickly and carry her sister whom he said is behaving in a funny way. When she got to Corporate Samuel's house Tunrayo met Fayoke lying unconscious on the floor. Some policemen who were

[20] Ashiru, M.O.A and Orifowomo O.A, "Law of Rape in Nigeria and England: Need to Re-Invent in the Twenty-First Century" Journal of Law, Policy and Globalization (2015), 38: 28-38.
[21] ibid
[22] J Chukwuma *et al*, 'No Safe Haven' *Project Alert on Violence against Women* (Enugu Publication, 2002) p.30.
[23]The Guardian January 24, 2001

present at the scene urged her to carry her away immediately threatening to shoot her if she refused. But Tunrayo managed to escape and called her mother. According to Fayoke's mother, Mrs Adebayo "though Fayoke was clothed at the time she was found, there were evidences to show that somebody had forceful carnal knowledge of her" .Thus alleging that her daughter was raped to death. The policeman, Corporal Saka Samuel allegedly accepted to have been drunk but denied being responsible for the girl's death. He however claimed she may have had an epileptic attack. This immediately was rebuffed Fayok's family who insisted that she never had a history of epilepsy and that she was hale and hearty before the incident.[24]

A teenage girl (name withheld) was reported to have been raped by a taxi driver, Mr. Akeem Raimi of No. 8 Alapata Street, Illorin, Kwara State. According to reports, the teenager boarded the taxi along Ibrahim Taiwo Road in Illorin on 15th April, 2001 and instead of being taken to her desired destinations, Mr Raimi the taxi driver allegedly drove the girl to his house and raped her. The incident was reported at the C Division Police Station from where it was subsequently charged to court.[25]

Mr. N. Nwachukwu, a serial rapist who specialized in raping married women in Ajegunle area of Lagos was arrested by the police of Ajeromi Police Station, Ajegunle, and a suburb of Lagos. Reports have it that the perpetual rapist uses a sleep inducing powdery substance which he normally blows to the face of his victims and send them to instant sleep for him to rape them savagely. Mr. Nwachukwu allegedly confessed that he would approach his victims under the pretext of looking for an address within the area. It is during the process that he will blow his sleep inducing powder on her face and subsequently descend on his victim. Luck ran out of him when husband of his last victim arrived unexpectedly to meet his wife naked in a slumber, and the way she was still sleeping all the while raised his suspicious. On closer examination he noticed that there has been a forceful carnal knowledge of her. The man forcefully woke up his wife who later identifies Mr. Nwachukwu before he was handed over to the police who confirmed that Mr. Nwachukwu also confessed to have raped 6 other women in that way.[26] A 12-year-old girl, patience Emoyon was reportedly raped on several occasions resulting in a six-month pregnancy by her guardian Mr. Rufus Okosun in Benin, Edo State, South-South Nigeria. Reports have it that patience, an orphan and a primary four pupil was withdrawn from school and handed over to Mr. Okosun as a maid. It all started one night when Mr. Okosun went to the little girl's room and after series of threats, forcefully had sex with her. That marked the beginning of patience's ordeal as Okosun regularly visited where she slept to sexually abuse her. Meanwhile, he warned her sternly never to disclose to anyone, what her experience was with him. According to the report, Mr. Okosun who is married with children often forced Patience to take a bottle of stout and some spirits before each encounter. When confronted with Patient's pregnancy Mr. Okosun did not take the matter seriously which made Patience's brother to report the matter to the police. Okosun later admitted and gave Patience's elder sister N1000 to register her in the hospital. He however later turned around to say that he dared the family to take the matter anywhere. That was when the

[24] Daily Champion February 3, 2001
[25] The punch April 19, 2001
[26] Global Excellence, April 24-30, 2001

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family petitioned the wife of Edo State Governor Mrs. Eki Igbenedion who looked into the matter and Mr. Okosun was charged to court.

Mary Rod, and under-aged hawker was allegedly abducted and raped on 15th July, 2001, at about 6.30pm in Ibadan by one Mohammed Saibu. Mohammed allegedly lures the 12-year-old hawker into the I.D.C. primary school building New Gbagi, on Ife Road, Ibadan, Oyo State, under the pretext of wanting to buy some of the wares the little girl was hawking. The girl innocently followed the suspect in anticipation of good sales. Thereafter, she got home and never said a word to anyone until some days later when she developed a high fever, severe vaginal pain, inability to walk which made her parents curious. She was taken to the hospital where it was revealed that she had been sexually abused. The parents reported the matter immediately to the Police.[27] For raping a middle aged woman, a 22-year-old man was sentenced to eleven years imprisonment by a chief magistrate court in Onde State west Nigeria. The man, Mr. Godspower Agadaragba, subdued his victims using a knife before tearing her underwear. The act took place on a cocoa farm at Ilu-Abo on the outskirt of Akure. This Day Wednesday August 2001

Female tennis players in the country have cried out that with the prevalent situation of sexual harassment Nigerian female tennis players will be ill exposed and will continue to languish because it is becoming impossible for any female tennis player to get a sponsor without going to bed with the man in question. According the player, some of them who had sponsor lost their sponsors (often men) because they (the ladies) have refused to sleep with them "you are harassed sexually to keep a career" they said.[28] Hoodlums have been raiding and raping in the special school for the blind, a co-educational located at Oji River Council in Enugu State, south east Nigeria. The female inmates are their target. The inmates spokesman, Richard Okolo confirmed this when he said that these hoodlums carry out this lawless acts in broad day light *Daily Champion October 12, 2001*

The Sun Newspaper[29] narrates a rape attack titled "Abuja NEPA Manager raped to death by own guard. An Assistant General Manager of the National Electric Power Authority, Miss Susanna Igwe was on New Year eve raped to death at her Abuja resident alleged by her security guard, Mallam Haruna. Haruna in his confessional statement to the police not only admitted to being guilty but also disclosed the crime was committed in collaboration with four other men. According to the report, the four men offered Haruna the sum of N50.000 to let them sleep with his employer after which she was strangled to death. Her body was found in her room days later when police detective forced the door open. Medical report indicated Igwe was strangled making police work on the theory that robbers killed the lady. However that was dropped when on closer scrutiny traces of sperm were found on the deceased private parts, an indication she was raped before being murdered.

The Vanguard Newspaper[30] reported another rape threat which was captioned Female Medical Workers withdraw service at Kirikiri prisons over rape threats. According to the report, female

[27] Punch July 28 2001
[28] Sunday Champion August 26, 2001
[29] J Chukwuma *et al*, 'No Safe Haven' *Project Alert on Violence against Women* (Enugu Publication, 2002) p.30.
[30] N Uwujare, 'Man Arrested for Defiling 4-yr-Old Girl' *The Daily Sun*, September 6, 2012, p.36.

medical workers at the kirikiri prisons in Lagos withdrew their services to in mates over threats of rape from latter if they were to enter their cells to attend to them. One of the female medical staff spoke to Vanguard said the inmates actually threatened not only to sexually harass any female medical staff that enter their cells but also rape her.

Another rape attack was reported in the Daily Independent[31] titled "Police escort, two suspects killed in bus robbery", a police escort attached to a commercial luxury bus, Evergreen Transport Company Aba, marked Lagos XJ 882 APP was killed and female passengers in the bus raped by armed robbery suspects who disguised as commuters. The commuter bus departed Aba on route Lagos when the hoodlum killed the hoodlum struck. Case13:[106]A gang of armed robbers attacked the girl's hostel of Governments Secondary School, Gwagwalada in Abuja and raped some of the school girls. The pupil were woken up by the robbers who took over their hostel known as 'Yellow House' and threatened to kill them if they do not co-operate with them or tried to scream. The robbers also made away with a lot of their belongings.[32]

A junior secondary School girl was raped by two Senior Secondary School boys in an uncompleted building opposite the school premises. This act was carried out during school hours after she was lured to the hideout in Okitipupa.[33]

One Miss Ekpepero Otega, a staff of the Federal Road Safety Corps (FRSC) managed to escape from three armed men with knives who attempted raping her. She was held hostage behind her Enugu-Agidi road office in Awka South-East Nigeria. These unidentified men assaulted her and undressed her as she was coming back to the office from an official duty. The men slapped her and threaten her with dangerous weapons, tore her uniform and ordered her to lie down on the ground. She was very lucky because these rapists left her when they discovered that someone was coming through the pathway where they were torturing her.[34]

An unidentified woman returning home at about 10.40pm was raped by miscreants (Area boys) to death along Apapa/Oshodi Expressway, Lagos. The group of over 30 miscreants kidnapped the unidentified woman took her under the bridge and took turns to rape her. The armed police team on patrol saw this misconduct and managed to save the woman's life. She was rushed to the hospital but was pronounced dead the following morning. Three of the area boys caught by the policemen are facing trial at a Chief Magistrate Court in Yaba Lagos.[35]

The Chief Judge of Bauchi State, was reportedly involved in a sex-scandal with a 28-year –old woman, Rukayatu Aliyu Musa. According to the report, the incident occurred on May 10, 1999, within the court premises. Rukayatu, was a creditor in a case against her former husband. She went to the court to collect the money, which was to be paid by instalment to the court, through the

[31] E Adeyemi, 'Callous! Cannibal Sleeps with Student after killing her, Takes Victim on Okada to the Bush' *The Daily Sun*, August 16, 2012, p.36.
[32] Daily Champion, October 18, 2001
[33] Punch October 25, 2001
[34] This Day, Sunday October 28, 2001
[35] November 10, 2001

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judge. Rukayatu, after many visits without being paid, decided to seek assistance through the Trial Judge, who was on official's assignment in another state. In the processes she was introduced to the Bauchi Chief Judge who promised to offer her assistance. On the fateful day, Rukayatu had gone to the court to meet the Chief Judge when he lured her into his chamber he allegedly assaulted her sexually.[36]

A 15-year-old boy at Artisan quarters in Asata area of Enugu State south east Nigeria, appeared before an Enugu Chief Magistrate Court charged with gang rape. The News Agency of Nigeria reported that the accused boy was on the five boys who allegedly raped a teenager. The four other boys are still at large. The case when called, the presiding chief magistrate directed the cases to the Director of Public Prosecution for proof of evidence to be prepared.[37]

A mother of six was allegedly raped by a fulani cattle rarer in Isiagu, Akwa-South Local Government Area of Anambra State, south east Nigeria. According to the report in Saturday Champion of June 8, 2002 the raped woman a native of Ebonyi State resident in Akwa, works as a labourer on farmlands as her source of livelihood for her family. On the faithful day the woman was hired by one Mrs. Monica Onwuka to help her plough her farmland for cultivation. Just as the woman was busy on the farm, a Fulani cattle rarer appeared with his cows to ask for drinking water. She told the cattle man that her water was about finishing. The man knowing that she was alone left, only to return later without his cows to announce his arrival. He demanded for sex from her. According to the woman, looking at the man, she was raped with fear especially as he started coming towards her. According to the woman "I begged him to leave me alone, but he jumped on me".[38] They battle for over half an hour and help did not come despite her shouts. He finally drew out his dagger to stab her in the head. In defense she used her hands and the dagger cut her three fingers one of which fell off instantly thereby incapacitating her and he raped her and ran away. The woman was later taken to the hospital where the Hausa community leader paid the medical bill. The incident was reported to the police but the rapist allegedly at large is yet to be apprehended.[39]

Some female students of the Edo State School of Nursing, Benin were reportedly kidnapped by some armed men who invaded the female hostel of the school along Sapele road, Benin City. Report had it that the armed men forcefully gained entrance into the female hostel located beside the State House of Assembly Complex, Benin and allegedly raped some of the nurses instantly and kidnapped about three of the girls. The police were immediately alerted and investigation on the matter is still on.[40]

A 76-year-old woman in Batunya village of Kirikasamma Local Government Area in Hadejia, Jigawa State was allegedly raped to death by a 25-year-old Haruna Danbaba. The old woman's granddaughter who was terrified at the sight of what she saw raised an alarm, which attracted

[36] City people magazine November 21, 2001
[37] The Punch, November 22, 2001
[38] *Saturday Champion*, June 8, 2002.
[39] Saturday Champion of June 8, 2002
[40] Champion May 18, 2002

neighbours to the scene of the incident where the victim was rescued from the rapist. According to report, Danbaba never denied having sex with the woman but maintained in his statement that the old woman invited him to her house for fun-making. The man was later handed over to the police.[41]

A 25-year-old pregnant woman, Aisha Haruna of Rafin Chiyawa village in Ningo Local Government Area of Jigawa State was allegedly raped by her husband's friend Yunusa Rafin Chiyawa. According to report Yunusa relocated Aisha from her village to Alkaleri in Alkaleri Local Government Area where he raped her repeatedly. Aisha swore with the Holy Quaran that she was hypnotized by Yunusa throughout her stay with him in Alkaleri and that she did not know what was going on around her. When she eventually regained her senses and reported the case, Yunusa was charged to a Sharia court and accused of illegal trespass into his friend's house.[42] Miss Ifeoma Ani, a student of Ugwuoba Girls Secondary School Orji-River in Enugu State, was allegedly raped repeatedly by a policeman in Enugu. According to **The Temo** magazine, Ifeoma left school in the company of a male student friend to commune with God at a Christian Revival Known as "Adoration" at Abakaliki road in Enugu. At about 9 p.m. Ifeoma and her friend left the Adoration ground to buy snacks across the road. On their way back they were accosted by two police officers Ahmed Omonanor and another simply called Augustine. The two policemen started beating Ifeoma's friend to scare him away in order to carry out their plan of raping young girls and actually when the beating became too much the boy escaped and ran away. Ifeoma was also beaten with a horsewhip and forcefully taken on motorcycle to a dingy room adjacent the Abakaliki road Police station. Inside the room Ahmed stripped her naked and subsequently raped her. When she made efforts to shout, Ahmed threatened killing her with his silent gun so she had to keep quiet.

According to Ifeoma, the two policemen Ahmed and Augustine had in her presence, while abducting her on motorcycle, agreed to forcefully have sexual intercourse with her in turns, but along the line Ahmed played Augustine out and had Ifeoma all to himself alone. He repeatedly raped her till the early hour of the following day. After raping the girl to his satisfaction, the randy policeman violently pushed Ifeoma out of the room and warned her never to tell anybody. The lawyer she reported the matter took up the case and he is currently working on how Ifeoma will be compensated for the abuse meted on the girl and he finally asked the court to compel the Commissioner of Police, Enugu State police Command to tender a public apology published in any of the national daily newspapers to Ifeoma for the infringement of her constitutional and fundamental rights.

A 17-year-old Senior Secondary school student Miss Chinenye Okoye of Mathamavis secondary school Umoji in Anambra State was recently abducted by the Anambra Vigilante Service (AVS) known as Bakassi Boys and they raped her in turns. According to reports, Chinenye was arrested in place of her boyfriend Emeka Okonkwo whom the Bakassi boys alleged was a thief. The girl was kept with other detainees in the Bakassi boys cell after a thorough beating for two months without allowing her to bath. While in the cell, the leaders of the group kept raping the girl every

[41] *Vanguard June 24, 2002*
[42] Vanguard June 24, 2002

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night and impregnated her in the process. Chinenye, now an orphan, her father died earlier was supposed to be mourning her mother whose corps was still lying in the mortuary when the Bakassi Boys abducted her while her other siblings were out in Lagos State ignorant of her situation. The case was reported to the police and the Inspector General of police sent a rescue team to save Chinenye and other detainees from the cell with a promise of their rehabilitations.[43] Miss Rukaiyat Abdulmumini was raped by three men in Adamawa State. According to reports, the suspect allegedly offered Rukaiyat a lift on her way back from the video club and took her to the outskirt of the town, where she was stripped naked and given serious beating to a state of coma before they raped her. The videocassettes she had on her got damaged and she lost a tooth in the process. The suspects who were earlier arraigned for trial but set free were re-arrested because the first judge concluded that the court had no jurisdiction to entertain any case having to do with rape.

A 4-year-old girl was allegedly raped by a 24-year-old man identified a as Alex Eriara in Ajegunle area of Lagos. The Punch newspaper of Tuesday 6th October 2002 reported that Alex lured the young girl, the daughter of his neighbour into his room with some snacks before he forcefully had a carnal knowledge of her. Neighbours who caught Alex in the act alerted the police. The police arrested the suspect and he will be charge to court for rape.

Female Students of the Federal College of Education, Zaira, Kaduna State were brutally abused recently when some groups suspected to be street urchins invaded the school. According to reports, some religious fanatics who used the Student Union Government (SUG) election to achieve their aim of causing riot, allegedly triggered this incident that raised its ugly head on Thursday26th day of September , 2002. On that fateful day, some students had already left for class while others were still in their hostels getting ready for classes when the rioters mobilized went to a village very close to the school to mobilize street urchins who invaded the school in three loaded buses, killing, raping and maiming female students who were in their rooms that morning. But for the intervention of Ahmadu Bello University (ABU) students from Kongo Campus who protected the girl's hostels hundreds of live would have been lost. Even with the ABU students stationed at the main gate to ward off the killers, the hoodlums broke in through the fence facing the Gallyesu village and unleashed terror on the girls. In the pandemonium that ensued several girls were butchered and raped by the hoodlums. 24-year-old Vivian Ugbouke, NCEI Christian Religious Studies (CRS) students of the school was raped by ten hefty men in the bathroom of her hostel and had her private part torn with a matchet by the men. She is receiving treatment at Ahmadu Bello University Teaching Hospital, (ABUTH) Zaria.

Another victim, Ajuma Apochi, 22-year-old English/Geography NCE I student was also raped after which several matchet cuts were inflicted on her breasts, head, ribs and her private part. Yet another victim Audu Fatima sustained several matchet cuts on her abdomen, private part and her two legs. According to medical sources, she has vulva leakage and she is still lying unconscious at ABUTH Zaria. Mercy Daniel, an NCE II Economics student had her private part mutilated after being raped by five hefty men. She was also admitted in the hospital for treatment. This crisis, which lasted over four hours, started at 11 a.m. till about 5 pm when armed soldier were deployed

[43]P.M. News, October 4, 2002

from the Nigerian Army Depot Zaria to quell the mayhem. The arrival of the armed soldiers sent the hoodlums and street urchins back into their nest. They carted away properties from the hostel and left some victims in their pool of blood. No fewer than 27 students from the college were confirmed dead following this riot while some decomposing bodies were being recovered from farms and wells around the college.[44]

4. Rape As Sexual Disorder.3

According to Brownmiller as posited by Arinze-Umobi[45] had chronicled that krafft Ebing who pioneered the study of sexual disorders, had little to say about rape. He informed his readers that most rapist were degenerates, imbecilic men. Arinze-Umobi posits Sigmund Fraud, whose major work followed Krafft-Ebing as Sussan reported by twenty to forty years, was also struck dumb by the subject of rape. The father of psycho analysis, who invented the concept of primacy of penis, was never motivated, as far as we know to explore the real-life deployment of the penis as a weapon. What the master ignored, the disciples tended to ignore as well. Alfred Adler does not mention rape, despite his full awareness of historic power struggle between men and women. Jung refers to rape only in the most obscure manner, a glaring reference in some of his mythological interpretations. Helen Deutsch and Karen Horney, each from a different perspective, gasped at the female fear of rape, and at the feminine fantasy but as women who did not Dave to presume, they turned a blind eye to be male and female reality.

And the great sociologist theoreticians Marx Engel's and their many conferences and disciples who developed the theory of class oppression and put words like "exploitation into every vocabulary, they too were strangely silent about rape, unable to fit into the economic constructs. It was the half-crazed genius wihelms Reich, consumed with rape in equal parts towards Hitler, Marx and Freud, who briefly entertained the vision of a "Masculine ideology of rape. The phrase hangs there in the opening chapters of the "Sexual Revolution" begging for further interpretation. But it is not forth coming.[46]

Susan[18] observed that no zoologists have ever observed that animals do rape in their natural habit. Sex in the animal world including those species that are closest relations, the primate is more properly called 'mating' and its cyclical activity set off by biological signals the female puts out. Mating is initiated and controlled it would seem, by the female oestrous cycle (a state of intense sexual activity and receptivity in female mammals, other than human being and higher apes). When the female species periodically go into heat, giving off obvious physical signs, she is ready and eager for copulation, and the male becomes interested. At other times there is simply no interest, no mating. A study of the wild chimpanzees at the Gombe stream reserve by Jane Goodal as Susan reports, noted that the chimp male and female were:

> Very promiscuous, but this does not mean that every female will accept every male that courts her" she recorded her observation of one female chimp in heat which showed the tell-tale pink swelling of her genital area, who nevertheless displayed an

[44] *City People October 23, 2002*

[45] S B Miller 'Against Our Will, Men, Women and Rape', in R Berger (ed), *Violence against Women Classic Papers* (Boston: Pearson Education Inc. 2005) p. 309

[46] *Ibid.*

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> aversion to one particular male who pursued her though; he once shook her out of the tree in which she had sought refuge, we never saw him actually 'rape' her. Nevertheless quite often he managed to get his way through dogged persistence. The male monkey cannot in fact mate with the female without her invitation and willingness to co-operate… in monkey society, there is no such thing as rape, prostitution or even persuasive consent.[47]

Arinze-Umobi continues to espouse that Biology has shown as reported by Susan, that copulation in our species can occur 365 days of the years, and it is not controlled by the female estrous cycle. "We females of human species do not go pink".[48] In their place, as a mark of civilization, we have evolved a complex structure of pleasure. Our call to sex occurs in the head, and the act is not Mother Nature's pattern of procreation. Without a biologically determined mating season, a human male can evince sexual interest in a human female at anything he pleases, and his psychological urge is not dependent in the slightest, on her biologic readiness or receptivity. What it boils down to is that the human male can rape.

Susan continues to posit that man's structural capacity to rape and the woman corresponding structural vulnerability are as basic to the physiology of both our sexes as the primary act of sex itself. Had it not been for this accident of biology an accommodation requiring the locking together of two separates parts penis and vagina, there would be neither copulation nor rape as we know it. Anatomically, one might want to improve on the design of nature, but such speculations appear unrealistic. The human sex act accomplishes its historic purpose of generations of the species and it also affords some intimacy and pleasure. There is no quarrel with this, but we cannot work around the fact that in terms of human anatomy the possibility of forcible intercourse incontrovertibly exists. This single factor may have been sufficient to have caused the creation of a male ideology of rape. When men discovered that they could rape, they proceeded to do it.[49]

In the violent landscape inhabited by primitive women and men, some women somewhere had a prescient vision of her right to her own physical integrity, and she fought like hell to preserve after a thunderbolt of recognition that this particular incarnation of hairy, two legged hominid was not the Homo Sapiens with whom she would like to freely joins parts, it might have been she, and not some men, who picked up the first stone and hurled it. How surprised he must have been, and what an unexpected battle must have taken place. Fleet of foot and spirited, she would have kicked, bitten, pushed and run, but she could not retaliate in kind. The dim perception that had entered prehistoric woman's consciousness must have had an equal, but opposite reaction in the mind of her male assailant. For if the first rape was an unexpected battle founded on the first woman's refusal, the second rape was indubitably planned. Indeed one of the earliest forms of male bonding must have been the gang rape of one woman by a band of marauding men. This accomplished, rape became not only a male prerogative, but man's basic weapon of force against a woman, the principal agent of his will and her fear. His forcible entry into her body, despite her physical

[47] C Arinze-Umobi, *Domestic Violence against Women in Nigeria: A Legal Anatomy* (Folmech Printing & Pub. Co. Ltd, 2008) p. 109.
[48] *Ibid*, 112.
[49] *Ibid.*

protestations and struggles, became the vehicle of his victorious conquest over her being, the ultimate test of his spurious strength, the triumph of his manhood as Susan continues to posit.

According to the eminent Jurist Arize – Umobi,[50] man's discovery that his genitalia could serve as a weapon to generate fear, was one of the most important discoveries of prehistoric times, along with the use of fire and first crude stone axe. From prehistoric times to the present, rape has played a critical function. It is nothing more or less than a conscious process of intimidation by which "all men keep all women in a state of fear". Reflecting on this work, one central idea rushes to mind. The work has exposed to us how the penis has been used as a weapon, and even more significantly, how rape epitomizes the nature of gender relations, as rape, and threat to rape are effective ways men use to intimidate women, and keep them down very easily, and without fear of equivocation, our eminent Jurist Arize – Umobi, categorizes the penis top on the list of dangerous weapons, whose unauthorized use should be vehemently prohibited. Beneke[51] had maintained that rape drastically affects women in that:

(a) It alters the meaning and feel of the night;
(b) It alters the meaning and feel of nature;
(c) Makes women more dependent on men;
(d) Makes solitude less possible for women;
(e) Inhibits women expressiveness;
(f) Inhibits the freedom of the eye;

The writer thinks that rape is the greatest abuse of the female folk and the greatest form of domination. However, it is good to state that, in recent times, it is not only the question of rape that elicits normative concerns with respect to human sexual behaviour. Some feminists, described as holding very extreme views, are of the view that sexual intercourse within the home setting is itself a fundamental breach of the woman's freedom to herself and her body. At least, Andre-Dworkin's provocative article comes to mind. According to Andre-Dworkin, intercourse is an invasion of privacy of the body of the woman, "It is a use and abuse parlayed into the illuminated heights of religious duty and the dark recesses of morbid and dirty brutality".[52] The intercourse case, according to Andre Dwokin, raises fundamental questions of interests to feminist historical quest, the quest for freedom. In her words;

> The political meaning of intercourse for women is the fundamental question of feminism and freedom: can an occupied people – physically occupied inside, internally invaded – be free, can those with a metaphysically compromised privacy have self-determination; can those without a biologically based physical integrity have self-respect?.....Intercourse as an act often express the power men have over women. Without being what the society recognizes as rape, it is what the society-when pushed to admit it – recognizes as dominance.[53]

[50] *Ibid.*
[51] T. Beneke, *Men on Rape* (St. Martins Press, 1982) p. 98.
[52] A Dworking, 'Occupational/Collaboration' in D Boner (ed) in *Today's Moral Issues Classics and Contemporary Perspectives* (Mayfield Publishing Company, 1996) p. 259.
[53] S Firrestone, *The Dialetic of sex* (Jonathan Cape, 1996) p. 243.

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Idowu Williams continues to posit that, of course, it is not this extreme view that is projected in feminist perception about rape even though Andrea Dworkin seems to have included, in her opinion that intercourse is a violation of a woman's body, it is an act of rape. As a matter of fact, a careful reading of her essay suggests that intercourse is rape for a woman. This view is not representative of feminism in general. Not all feminists reject the institution of marriage of the idea of sexual intercourse altogether. Dworkins view have seem to be towing the line of radical feminism whose views about society is even more fundamentally challenging and though provoking then what is represented here.[54] The issue of rape is somehow related but not the same. Radical feminism contends that for women to achieve the goal of freedom, three things need to be done to society; one, de-sexualize society for freedom consists in freedom from sexual classification altogether, two, eradication and abolition of the institutions of marriage and the family; and thirdly, overcoming biological differences through technology, for example, artificial reproduction.

Perceptively, rape for feminists, is a product of male dominance in human society. The present state in the growth and history of human civilization, it is claimed, attest to the historical fact that human civilization is the systematic and strategic accumulation of the means, modes and method of domination of women by men. Incidentally, it is claimed that central human institutions such as politics, law, the family, the home, marriage institution and even religion all endorse and here perpetuated the fact of male dominance. This is both at the normative and practical levels. It is a norm for a woman to submit and subject herself to a man particularly in the institution of marriage.[55] Morality teaches this as much as religion. Even in law, a woman has no legal identify except that conferred and enforced either by father whose loins she came from or the husband whose loins she is tied to. In the words of Williams, she is civilly dead.[56] At the practical level, almost every aspect of society's cultural, social and economic life-seems to enforce the habit of subjection concerning the woman. These are instances feminist have resorted to in validating the claim that the present structuring of human society seems to endorse the domination of women.

Thus, for feminists, rape is a product of the institution of domination over women by men. This is not unconnected to what notable feminists have severally called phallocratic domination.[57] Phallocentrism of social institution[58] is male domination induced by the process of women's mothering. History generally can then be described, going by feminist standpoint, as the history of an imbalanced cultural equation with masculinity as the centre piece. This historical process is embedded in what Sara Ruddick defines as the "invariant and nearly unchangeable" features of human life and those which despite being "nearly universal are "certainly unchangeable".[59]

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[54] I William in 'Equality, Sexuality and Gender Storeo Types: Ambiguities and contradictions. The Nigerian Law of Rape' in G U Ukagba et al (eds), *The kpim of feminism* (Trafford Publishing, 2010) p.528.

[55] *Ibid.*

[56] V Punzo, 'Morality and Human Sexuality' in D Bonevac (ed) in *Todays Moral Issues Classics and Contemporary Perspectives* (Mayfield Publishing Company, 1996) p.243.

[57] N Hartsock, 'The Feminist Standpoint: Developing the Ground for a Specifically Feminist Historical Materialism' in D Mayers (ed), *Feminist Social Thought: A Reader* (Rutledge, 1997) p.462.

[58] C Littleton, 'Reconstructing Sexual Equality' in D Mayers (ed) *Feminist Social thought: A Reader* (Rout ledge, 1997) p. 720.

[59] N Chodorow, 'Gender Relation and Difference in Psychoanalytic Perspective' in D Mayers (ed), *Feminist Social Thought: A Reader* (Rutledge, 1997) p.10.

5. Effect of Rape And Imperative of Crying For Justice

According to Howse,[60] he narrates the feelings of a girl who had a rape attack as follows:

> I was raped on the way home from work one night. I wasn't pregnant but a worse problem still haunts me. Ever since, I have felt guilty, dirty and immoral. I hated it and cried and pleaded him to go away. Now, even when I see a couple kiss I feel sick. I was a virgin, but now I don't know what I will tell my future husband. At times, I'm just so filled with anger I could scream.[61]

She was consoled thus:

> We appreciate that you have shared this painful experience with us. You are experiencing feelings which nearly all girls have after such a trauma-feeling shattered by your own vulnerability and helplessness, afraid, angry at having something taken from you by force, and dirty because of the tasteless and violent crime. But you are not damaged property. Your rape was not a crime of sex or a matter of choice, but a crime of violence committed against you- an unwilling victim. You were a virgin before the rape. You are a virgin still. Virginity is a moral issue. Being or not being a virgin is determined by your choice and since you had no choice you still retain your virginity. You are not guilty or immoral because your will was opposed to the act. Most women in your situation initially go through a denial stage. They find it impossible to tell anyone and so they try to 'cope' alone. As they begin to admit their feelings of rage, they can, however, begin to feel guilty and depressed. It is not uncommon for them continually to rehearse the experience and blame themselves for exposing themselves to the situation, even though it may have been unavoidable. The end results are the confused feeling you are apparently experiencing.[62]

A few steps which may help in recovery is the imperative of crying for justice. Firstly, talk to family, friends, and /or helping people about your feelings. Painful feeling won't go away by ignoring them. However, by talking to caring people you will begin to accept and work through the anger and hurt, and return to a normal routine. Reach out for help because you deserve it.

Secondly, emotional flashbacks and panic feelings such as you feel when seeing a couple kiss, are common. You are not stupid or unusual. At such times find someone who can give you reassurance or think of times when physical closeness to a boyfriend brought pleasant and good feelings.

Thirdly, rape often gives a girl a profound feeling of powerlessness and a sense of loss of control over her life. Allow yourself to move out and make choice as soon as possible so as to restore the sense of control in your life again.

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[60] K Howse *et al*, *Family Matters: A Guide to Family Matters* (The Stanborough Press Limited, 1988) p.74.
[61] *Ibid.*
[62] *Ibid.*

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Finally, your concern about your future marriage is understandable. While the act of violence may leave some scares your essential moral self is still the same. You are not damaged property but rather you have been the unwilling victim of a crime of violence. Any sensitive and caring husband will understand this.[63]

6. Breaking The Culture Of Silence On Rape And A Cry For Justice

Breaking the culture of silence on rape and other sexual related offences was the theme of the National Women's Court organized by WACOL on 12th November 2002. Indeed silence was broken as some 24 women of all ages, including teenage and septuagenarian victims, of sexual violence (rape) committed by soldiers of the Nigerian army mounted the podium as witnesses. This research details the blood curdling stories of rape and gang rape as told by brave survivors and witnesses, the audience were shocked with tears rolling down their faces as they listen to how little children watched as their mothers, grandmothers and sisters were gang-raped (to death in some cases) and in some other cases shot to death.[64]

This National Women's Court provided opportunities for female victims of sexual violence to relate their experiences. It was reliving old wound as News Magazine later reported about the event. It shows summaries of conflicts and systematic use of rape as a tool of war in Nigeria. It exposes the physical and psychological trauma rape victims suffer and calls for strengthening of laws relating to rape. The judges of the mock court in its non-binding ruling condemned the perpetrators of the heinous crime of rape, and emphasized the fact that rape is treated internationally as crime against humanity, and governments should ensure that the victims gets justice by identifying and punishing the perpetrators and paying compensation to the victims.[65]

7. Conclusion And Recommendation.

From the foregoing, there are chunks of incidences of rape in our society which most of them are unreported. Also, the evidence to be used to seek for justice seeking may be destroyed or compromised by even the victims. These are all to succeed in staying silence and concealing the perpetrators of rape. As such, a clarion call for speaking out is inevitable to preserve the right of the vulnerable and save most especially women from the prevalence of domestic and sexual violence.

Therefore, it is further recommended that feminist jurisprudence, human right scholars, the government and every stakeholder should encourage rape victims to speak out their experience to help curb the societal cankerworm. Also, the pragmatic effort to bring their ordeal to bare would as well better inform policy makers on the better instructions for legislative drafting for enactment of relevant law. Finally, this article has significant to all stakeholders in human rights, feminism, civil society organizations, legislature and other policy makers.

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[63] *Ibid.*

[64] J. Ezeilo, 'The Reality of Rape and Sexual Violence against Women in Nigeria' in A Cry for Justice, (Women's Aid Collective, 2003) p.1.

[65] P Abah, 'Reliving Old Wounds' In *A cry for Justice* (Women's Aid Collective, 2003) p.24.