

AN OVERVIEW ON RAPE CASES: JIGAWA STATE MINISTRY OF JUSTICE'S PERSPECTIVE

By

Dr. Musa Adamu Aliyu

Hon. Attorney General and Commissioner for Justice, Jigawa State

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INTRODUCTION

Rape is rampant across the world, and the menace has been on the rise recently. Having sexual intercourse with a woman without consent or where consent is obtained by the use of threat amount to rape. Consensual sex by an adult with a minor is also a rape. There are various legislations at both Federal and State levels which define and provide punishment for the offence of rape in Nigeria. From January to May 2020: 717 cases of rape were reported in Nigeria. The actual causes of rape may be linked to the security gap and poverty. Rape has psychological, emotional and physical effects on victims. Community policing and poverty alleviation are among the solution proffered in this paper to tackle the menace of rape.

Rape is 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 her 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 consent, when she is under fourteen years of age or of unsound mind, Section 282 (Penal Codes Law of Jigawa State, 2012).

Cases of Rape are rising across the world; approximately 15 million adolescent girls have been subjected to sexual intercourse against their wish at one point in

life (Jahun, 2020). From January to May 2020, the Inspector General of Police, Mohammed Adamu stated that 717 cases of rape were reported to the Police in Nigeria. “Based on that, it means that at least four females were raped on a daily basis in Nigeria within that period (Adejoro, 2020). Victims of rape in Nigeria range from infants to elderly women in Nigeria (Olafusi, 2020), (Olajide, 2020), (Anagor, 2020). Cases of rape in Jigawa State pending before Chief Magistrate Courts domiciled in Dutse on holding charges from 2nd July 2019 to 22nd July 2020 are 80 and out of this number 14 case diaries were received by the Department of Public Prosecutions and the rest of the 66 case diaries are with the Police. However, between 29th May 2018 to 29th May 2019, there were 100 rape cases, and all the case diaries had been sent to the Department of Public Prosecutions. In our Case Reporting Platform as of 22nd July 2020 (yesterday) at about 8:03 pm we have 136 rape cases across the 9 High Courts in the State. Forty out of Eighty cases of rape cases on holding charges before Chief Magistrate Courts at Dutse are in our Case Reporting Platform as of 22nd July 2020 (yesterday) at about 8:10 pm. Our Sexual Assault Referral Centre (SARC) within the Dutse General Hospital has been added to our Case Reporting Platform. As of 22nd July 2020, i.e. yesterday there are two suspected rape cases in the platform from SARC.

CAUSES OF RAPE

It is difficult to identify specific reason on why some men commit rape. Generally, the perpetrators are not offering any plausible reason on why they indulged in the dastard act (Dachen, 2016). One married man arrested for defiling a 7-year-old girl stated that he could not offer any reason why he raped the girl (Tauraruwar Arewa TV, 2019). Fate is another reason proffered by suspected rapists who were paraded before journalist by Police (Jakadiya TV, 2020). From the above, it is clear that rape suspects are not opening up as to the actual reason that led them to violate their victims sexually. Poverty is one of the real causes of rape. Perpetrators of rape most of the time, take advantage of women and girls that are poor to rape them. Lack of basic needs in life and other stressors increase individuals’ vulnerability to sexual exploitations (Dawget, and Greco, 2007). From the cases we are handling in Jigawa State some of the victims were raped as a result of poverty. The parents of the victims are not adequately monitoring their wards because they sent them to hawk on the streets, the perpetrators of the crime took

advantage of the vulnerability of the girls to rape them in uncompleted building or areas that have less human activities (WTV, 2020).

EFFECTS OF RAPE

Rape which is sexual violence have psychological, emotional and physical effects on victims (Rainn, n.d.). Immediate effect of the dastard act may need medical attention and also it is possible for the physical repercussion to manifest later in a form of sexually transmitted disease. There are sizable number of victims of rape who experience shock and emotional numbness. However, disassociation is also used as a natural mechanism which is normal. Other effects may include fear, embarrassment and shame, guilt, depression, recurrent dreams and nightmares (Idas, n.d.).

LEGISLATION AND ITS ROLE AS IT AFFECTS RAPE ISSUE

There are two broad categories legislations on rape in Nigeria. There is Federal law passed by the National Assembly, which includes the Child Right Act, Penal Codes Act, Violence Against Persons Protection Act and Criminal Code Act. At the state level, similar laws are also in existence, although not all the states. In Jigawa State, the relevant law promulgated by the State House of Assembly to tackle the case of rape is the Penal Codes Law of Jigawa State, 2012. Sections 282 and 283 of the law define the offence of rape and prescribed punishment for the offence. Cases on rape have been decided in abundance by Superior Courts in Nigeria. In those decisions, the Courts have made numerous pronouncements on the offence. See, for example, **Aliyu v State (2019) LPELR - 47421 SC and Mamuda v State (2019) LPELR – 46343 SC**. Recently Court of Appeal, Kaduna and Kano Divisions has discharged and acquitted defendants in rape cases from Jigawa State in Yunusa Da’u v State Appeal No: CA/K/548^A / 2018 judgment delivered on 18th March, 2020 and Lukman Ya’u v State.

The major challenges in the prosecution of rape cases are in investigation and proof of the case. In cases where minors are involved, corroboration is mandatory, and in some cases, it is difficult to find corroborative evidence to establish the offence beyond a reasonable doubt. It is also difficult to prove rape where the victim has hearing impairment or cerebral palsy most especially where there is no eye witness.

MEASURES/SUGGESTIONS

- Poverty alleviation
- Community Policing
- Promulgation of Laws that will assist in tackling the menace
- Proper investigation
- Seriousness on the part of prosecutors
- Using Information Technology in tracking rape cases
- Collaboration and information sharing between Ministry of Justice, Ministry of Health, SARC and Ministry of Women Affairs
- People should consider fight against rape as their own
- Massive Sensitisation.
- Breaking the culture of silence, fighting stigma and fear of stigmatization.

CONCLUSION

Conclusively, it is a notorious fact that rape cases are being committed on daily basis. The actual causes of the dastard act may be linked to security lapses and poverty. There are various legislations at both Federal and State level which define and provide punishment for the offence of rape in Nigeria. From January to May 2020 717 cases of rape were reported in Nigeria. Rape has psychological, emotional and physical effects on victims. Community policing and poverty alleviation are among the solutions suggested in this paper to tackle the menace of rape.

Adejoro, L. (2020). As Rape assumes epidemic proportions nationally, mental health experts speak on why men rape. *Pun Ch.*

Anagor, A. (2020). How rapists murdered sleep in Nigeria.

Dachen, I. (2016). 5 reasons men rape women.

Dawget, Donna Greco, S. (2007). Poverty and Sexual Violence Building prevention and Intervention Responses.

Idas. (n.d.). The Effects of Rape.

- Jahun, A. S. (2020). *Training on Effective Investigation and Prosecution of SGBV Offences For Yobe State Investigators and Prosecutors*. Dutse.
- Jakadiya TV. (2020). *Over 40 persons were arrested for allegedly raping minors in Katsina*. Nigeria: Jakadiya TV.
- Olafusi, E. (2020). Suspected serial rapist arrested for “defiling” three-month-old baby.
- Olajide, U. (2020). I raped 70-year-old woman under influence of alcohol, man confesses in Ogun State.
- Penal Codes Law of Jigawa State. , (2012).*
- Rainn. (n.d.). Effects of Sexual Violence.
- Tauraruwar Arewa TV. (2019). *Man Arrested for raping a Minor*. Nigeria: Tauraruwar Arewa TV.
- WTV. (2020). *Assistant Headmaster Arrested for Defiling his 8 year pupil in Yobe State*. Nigeria.