

# A STUDY OF ALLEGED RAPE CASES

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## INTRODUCTION

MEDICO-LEGAL examination of alleged rape cases is often faced with trepidation by casualty doctors and gynaecologists. However, it is a duty essential to the carriage of justice for a serious offence.

A study was made of 45 alleged rape cases referred by the police to the University Hospital, Kuala Lumpur from January 1973 to June 1978, with emphasis on the medico-legal aspects of the problem.

## MATERIALS AND METHOD:

All the records of alleged rape cases seen in the Accident and Emergency were reviewed. In the University Hospital all the victims were examined by the gynaecologist specialists who then have to fill the medical reports for the police. A thorough history and physical examination, including full pelvic examination, were undertaken. Vaginal swabs were taken in all cases for both microscopy and bacteriological culture. In all, 45 cases were seen during the period.

## RESULTS:

*Ethnic group of victim* : There were 11 Chinese, 15 Malays, 18 Indians and one Eurasian. The number of Indians involved is proportionately higher than the ethnic composition of population around Kuala Lumpur. This was also found in a larger study of rape cases in Singapore (Sng and Ng, 1978) where the incidence rate per 100,000 female population was 35.8 for Indians, 24.5 for Malays and only 13.8 for Chinese.

## AGE GROUP:

The victims were young, none of them was over 30 years old. Nineteen of them (42%) fall within the age group of statutory rape (14 years). In fact, 9 of them were less than 10 years old (Table I).

TABLE I

Age of victims of alleged rape

Age	No. of patients
less than 10 years	9
11 — 14 years	10
15 — 20 years	16
21 — 25 years	7
26 — 30 years	3
Total	45

## MARITAL STATUS:

Only 7 were married and of this number only 3 were ever parous. Evidence of recent intercourse in virgins is more easily detected than in parous women.

## OCCUPATION:

As 19 of the victims were children and below 15 years, only the occupation of other 26 were considered. Five were factory workers while another 5 were servants. Six others were still students while the rest were unemployed. In the Singapore study, the largest number were unemployed or were students.

## PLACE OF THE INCIDENT: (Table II)

Twelve of the incidents reported occurred at home while 7 incidents occurred in the neighbouring house. Four occurred in a party. Seven incidents happened outdoors.

## RELATIONSHIP OF ACCUSED: (Table III)

The majority were known to the victim: 5 were related, 8 were neighbours and another 8 were friends. Another 5 of the accused were "boy-friends". Ten were strangers while the accused was not mentioned in another 5 cases. Four of the accused had been alleged to rape 2 victims each. In some cases with boyfriends, consent was probably given but the girls were brought by their parents for examination.

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**TABLE II**  
**Place of incident of alleged rape**

Place	No. of patients
At home	12
Neighbour's house	7
In a party	4
Outdoor	7
Others	5
Not mentioned	10
<b>Total</b>	<b>45</b>

**TABLE III**  
**Relationship of accused to victim**

Relationship	No. of patients
Relative	5
Friend	8
Neighbour	8
Boyfriend	5
Stranger	10
Not mentioned	5
<b>Total</b>	<b>41*</b>

\*4 of the accused had been alleged to rape 2 victims each

**TABLE IV**  
**Time when alleged rape was reported to police**

Time	No. of patients
same day	17
1 — 3 days	7
4 — 7 days	3
more than 1 week	10
more than 1 month	8
<b>Total</b>	<b>45</b>

**TABLE V**  
**Physical injuries in alleged rape victims**

Physical Injury	No. of patients
Body only	6
Vaginal only	11
Body & vaginal	3
No injury	25
<b>Total</b>	<b>45</b>

**TABLE VI**  
**Vaginal Injuries**

Labial bruise/congestion	7
Hymen tears — recent	6
old	4
Tear in fourchette	1
(pregnant)	5
(intact hymen)	17
<b>Total</b>	<b>40</b>

**TIME-LAPSE IN REPORTING:**

The majority of the victims delayed in reporting the incident to the police. Twenty-eight of the victims reported after one day. In fact 10 delayed for more than 1 week and 8 only reported after more than a month's delay. (Table IV).

**PHYSICAL INJURIES:**

Of the 45 victims examined less than half (20) had evidence of physical injury (Table V). Fourteen sustained some trauma in the vaginal region, 11 of whom had no other injury while the other 3 had bodily injury as well. Six others had only bodily injury which were minor, consisting mainly of bruises and abrasions.

Out of the vaginal injuries, the most common were introital bruises or congestion which was found in 7 of the victims (Table VI). Fresh, hymen tears were seen in 6 victims and fairly recent tears occurred in another 4. One patient had a small tear in the fourchette as well. Five of the patients had evidence of pregnancy at the time of examination.

It must be pointed out that 17 (44.6%) out of the 38 unmarried victims had *intact* hymen at the time of examination for the alleged rape. In

the study in Singapore 36% of the alleged victims were found to be virgo intacta.

#### LABORATORY INVESTIGATIONS:

Although vaginal swab for microscopic examination is routinely done, only 5 specimens showed presence of spermatozoa.

None of the cultures revealed any growth of gonococci. In one study (Breen and Greenwald, 1976) 76 cases of gonorrhoea were found out of 2190 cases of alleged rape.

#### DISCUSSION:

The higher number of Indians affected may be due to the fact that they are more likely to report to the police compared to the Chinese. It is noted that the ethnic group of the accused was the same as that of the victims. The rarity of interracial rape is also noted in USA where they found that only 3% of rape cases was committed by black males on white females and 4% committed by white males on black females (Kellar, 1976).

Although it has been reported that rape can occur in any age, there seems to be greater likelihood in the young, including children. None of the victims in this study was over 30 years, only 22% of our cases were more than 20 years old while in the Singapore study (Sng and Ng, 1978) only 10% were older than 20 years. However it is not uncommon for older women to be raped (Kellar, 1976). The relatively high incidence of statutory rape (i.e. victims below 14 years old) was also noted in New York (Goldner, 1972).

As many of the victims were children, no record of the social class could be complete. However from those who are working, the victims fall mainly in the lower socio-economic class. This preponderance had also been noted in the USA (Amir, 1971). Many of the incidents occurred in familiar places such as the home or at a neighbouring house and committed by men familiar to the victims. A similar pattern is found in USA (Amir, 1971) and in Singapore (Ng, 1974). It is unfortunate that many of the cases are reported late by which time hardly any evidence could be detected. A higher number of the victims had some evidence of injury compared to the series reported by Ng (1974) in Singapore. None of them fortunately sustained any serious physical injury. It has often been claimed that it is impossible to

rape a grown woman without causing extensive injuries. However it has been pointed out (Rentoul and Smith, 1973) that the threat of death or bodily harm is enough to frighten women in submission. In Amir's study, 55% of the victims submitted. Surprisingly the more the non-physical force (e.g. intimidation, coercion) the more the submission. Children often submit unknowingly (Schiff 1969).

Since the slightest degree of penetration without emission constitutes the crime, no injury may be noted in many cases. Thus the medical examiner is not justified in affirming, because no physical evidence is elicited, that rape was not committed (Graiser, 1973). In this study no multiple rape i.e. rape by 2 or more offenders was found although rape on multiple victims was reported.

#### SUMMARY

A study of 45 alleged rape cases showed that many of the victims were young and from the lower socio-economic class. Many incidents occurred in familiar places and committed by men familiar to the victims. Seventeen (37%) of the victims reported on the same day. Less than half (44%) showed some physical injury, most of them minor. Seventeen had genital injuries but only six had recent hymenal tears. Only 5 vaginal swabs showed presence of spermatozoa.

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