

Rape crisis group angry over judge's trial comments

by Claire O'Sullivan

THE Rape Crisis Network has expressed horror that a judge has cited an alleged sexual assault victim's profession as grounds to direct that the perpetrator be found not guilty.

Earlier this week Judge Sean Ó Donnabháin said the delay by the woman in making her complaint was inexplicable, given that she was trained and worked in a profession which encouraged victims to make complaints, and which emphasised that complaints would be treated seriously when they were made.

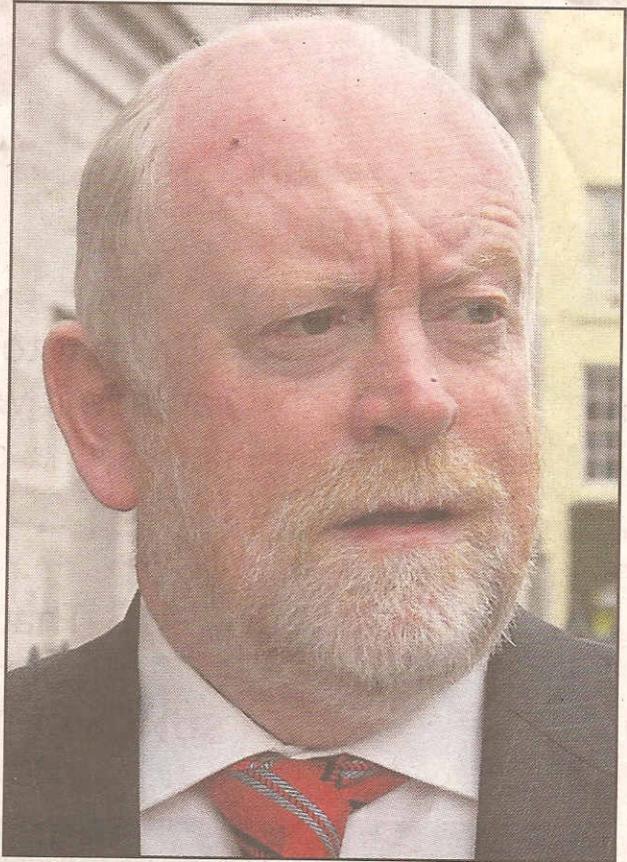
The woman had accused a 73-year-old retired priest from the diocese of Cloyne of indecently assaulting her 30 years ago when she was a teenager. He was found not guilty by direction of the trial judge.

RCNI legal director Caroline Counihan said they were gravely concerned at the implication of Judge Ó Donnabháin's remarks that a victim's profession "may be seen as grounds for questioning her actions in relation to reporting sexual assault".

"Every survivor of sexual violence has a unique set of circumstances and choices when considering reporting the crimes. The Supreme Court in 2006 recognised that it was 'no longer necessary to establish reasons for the delay'. In fact they went so far as to say that delay in reporting was such a classic feature of sexual violence, particularly child abuse cases, 'that the court would probably be entitled to take judicial notice of the fact that this is an inherent element in the nature of such offences'," said Ms Counihan.

"The question we are left with after Judge Ó Donnabháin's remarks is, would some of the approximately 170 staff and volunteers who work in the rape crisis sector in Ireland (as but one example) feel less able to pursue a case in our courts or report in the first place should they be subjected to sexual violence or report past abuse?"

The woman had told the court that Fr Dan Duane of Cecilstown, Mallow, indecently assaulted her when she went to his house to talk to him about a family



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problem. She made a statement to gardaí in August of last year.

The trial judge, Sean Ó Donnabháin, also said that Fr Duane had established to his satisfaction that he shared the house where the assault was alleged to have occurred with a housekeeper and a curate.

He said if the complaint

had been made earlier these people could have been asked to make statements.

It was also alleged by the victim that the assault took place between September 1, 1980, and April 1982.

Judge Ó Donnabháin said he could not understand why that period of time could not have been narrowed down.

IRISH EXAMINER MAY 19TH 2011