

# Police Abuse

## A Rape Victim's Second Torture

For Jane (pseudonym), a survivor of rape in Kanagawa Prefecture near a military base in Yokosuka, the wrongdoer was not only the U.S. soldier that perpetrated the act. It was also the Japanese police's humiliating investigation of the rape coupled with their disingenuous handling of the case which created significant trauma to Jane.

During the past five years after the incident, and while Jane is still in Japanese national court proceedings to prove that police bear significant liabilities in her case, she is working hard to support other rape victims to survive.

### Jane's Story

The incident happened in the middle of the night in April of 2002, just outside of Yokosuka Air Base. The U.S. Military Police were directly contacted, but the investigation was carried out entirely by Japanese police. In a state of shock and hysteria, I worried that the offender had used a rape drug on me. I wanted to go to the hospital immediately and be tested for the presence of any drug, and for forensic testing but the police instead demanded that I also participate in the search for the criminal. In the time following this demand, the police continued to deny me of my wishes to go to a hospital. Instead of treating me as the victim, they treated me as if I were the actual offender.

The perpetrator was soon arrested, but still the police would not take me to the hospital. They instead took me back to the scene of the rape, ordering me to point out with my finger to the place where I had just been raped. I told them I didn't want to, but they took pictures of me with tears rolling down my face, my fingers pointing to the empty car space where I had been raped and the investigation dragged out to a considerable length in time.

When the investigation of the crime scene had finished, they next took me down to the police station for interrogation. I constantly begged them to let me go to the hospital, but they said, "There aren't any hospitals open at this hour. You aren't injured at all, either." If they would have taken me to

any hospital in Tokyo, I would have been seen without having to wait very long at all.

I understood that my urine would become potential evidence for the rape, so I tried to avoid using the restroom at all costs. Hours had known passed by since I had begged them to go to a hospital and had been raped. I knew that they wouldn't take me to the hospital, so I asked them to please let me use a restroom. Thinking I would collect the urine myself, I searched for some kind of container but couldn't find anything at all in the police station toilet and eventually found myself in the restroom capable of nothing but crying. I felt completely as though I had been taken hostage by the police and while I was in the investigating room full of policemen, I thought only about how I could escape. It was to the point that I considered calling 911 to ask for help from different police. I asked to use the telephone to do so, but one of the police officers ripped the telephone out of my hand when he realized where I was calling.

When it became morning, they finally told me that the hospital was open. Flanked by 3 police officers as if I were the criminal, I was escorted to the hospital of their choice. The result of the examination was that I had bruises and black-and-blue spots all over my body with cuts and slight bleeding and the doctors wrote medical reports and concluded by ordering me to rest for 2 weeks. At that point, even with the medical report in my hand, the police would

still not allow me to return home. Instead, they now wanted to know how the rape occurred. Returning to my car which was the scene of the crime, they told me they wanted to see me pose so as to reenact the crime. After telling them I could not take any more photographs such as they were requesting, and a female police officer posed for me.

When they finally told me I could go home, 10 hours had passed since the rape had been committed and I had not had any underwear on since I had been raped, nor had the police men offered any replacements to wear. Apart from that, I had not eaten anything since the evening before and while under the investigation of the police, I had not been offered any breakfast nor lunch or any refreshments. In this condition, I got in my car (which was the scene of the crime) and drove myself home. During that time, I recall the radio playing nothing but static. I was too exhausted to even change the channel on the radio, let alone drive home.

### **My Resorting to Civil Trial**

Once I returned home, I first thought I'd call a rape crisis center in Tokyo. In Australia, such centers are open 24 hours a day and from middle school, female students learn the importance of calling such a center should a rape ever occur. After navigating through a lot of phone numbers I found the Tokyo Rape Crisis Center and called it, but I got their answering machine, telling me that consultation was open only two days each week. Instead of trying to find a different place, I ended up calling my father in Australia and then the Australian Embassy in Japan. The biggest help I received from anyone in Japan, was from the Australian Embassy.

The Japanese police eventually dropped the indictment of the U.S. soldier named Deans (I'm not sure if this is his real name or not). The United States military court marshal also decided to not handle the case, saying that the incident was an individual issue between myself and Deans. At that point I enlisted the services of the attorneys, Mami Nakano and Masako Shinno, who began a civil indictment against Deans.

Recalling what I learned in Australia about rape, it's important to be able to furnish

as much detail as possible about the actual moment of the crime. Since the police didn't do this sufficiently, I myself had to gather the proper evidence and pass it on to them. Although I was the victim in this case I was treated by police as the perpetrator, and I questioned the meaning behind the jobs of both those police and the doctor that "treated" me. I do feel that many Japanese women aren't aware of their own rights and the police subsequently don't do the job they are supposed to do. Japanese police do not properly conduct investigations either, and the insulting manner in which I was treated has been documented and recorded by the Australian Embassy as they were present when I was laughed and mocked at future police interviews.

During the civil trial, Deans' Japanese attorney told my legal team and the presiding judge that Deans was still in Japan. One year had passed, and on the day before the defendant's court questioning it came to light that Deans had actually been dismissed from the military one year earlier and had returned home to the U.S. This meant the lawyer had been lying to us. We then tried to sue him for contempt of court, but it became apparent that he had died before we were able to do so.

Although the defendant and the lawyer were not present, the trial continued to be heard; I wanted it to go to the very end. After the three years of trial, a Tokyo District Court judge ruled that Deans was guilty of raping me and ordered him to pay me compensation of 3 million yen. My tears overflowed when I heard that decision. However, because Deans had returned to America and his whereabouts were unknown, I didn't receive the compensation. I'm still searching for Deans' whereabouts today with no help from any government or authorities.

### **Regaining My Voice**

After the incident, I suffered from intense Post-Traumatic Stress Disorder. I can't put into words how horrific an experience it was. The attitude of the police towards me truly made it even worse. I just hope this kind of thing will never happen to anyone. What was worse for me was that in Japan, there is

no 24-hour crisis center for the victims of rape and sexual abuse.

Rape is a heinous crime which not only threatens the victim's physical life but also makes her unable to even see any meaning in living. That happened to me. I was treated without dignity by the police investigation and they didn't even believe me. Not having a voice, I was victimized and made to feel like a worthless human being. That feeling has not changed. Just as before, I have no voice, no one listens to me, and judgment is casted upon me. Even people working for women's rights haven't mobilized to help me.

I've been fighting by myself for five years, and I've finally come to consider my situation like this: I am not a victim but a survivor who is a human being with value. I have a voice and I want people to listen to it. There are many groups and specialists working for women's rights in Japan, but it seems like they are all acting separately. I've only been fighting by myself up until now, and it has created an enormous burden on my family and my life. In order for Japanese society to create a road to recovery for victims, everyone must make an effort together.

I am currently making a claim for official compensation by Kanagawa Prefecture for the pain I've suffered from the police investigation. In terms of helping other

rape victims, it will take much time and money to create the first 24-hour rape crisis center in Japan, therefore I am working now together with dedicated doctors and advocates to first try and form a 24-hour model hospital, where doctors and nurses who have undergone professional training can support and offer consultation to rape victims. Someday I'd like to also create a network of university and private hospitals. I would ask the police, hospitals, and courts for cooperation as well so that no one forgets that the victim is the most important.

I have also used my artwork to express the feelings of women who have been victimized by sexual violence. I've started activities for empowerment and received the support of a foreign organization called Lavender Power. In Japan, I would also like to create a music DVD that collects the voices of victims of sexual violence and have an exhibition. In addition, to make a documentary film about sexual violence committed by U.S. armed forces. I want to do these things to raise awareness about sexual violence. If I can path a better road for the victims that will unfortunately come after me, then I know I have succeeded in taking this terrible rape against me - for the better of society. Like Margaret Mead once said, "A small group of thoughtful people can change the world."

### From "Jane's" Courtroom Representative, the Attorney Nakano Mami

There is a rule which must be obeyed that allows victims to take legal action against their offenders without being harmed again. However, the victim is mocked during flawed investigations. For Jane, the official police questioning was prioritized over the needs of the victim, as the police asked questions like, "Isn't there anywhere that hurts?" or "What do you want us to do?" This kind of investigation is not grounded on a legal basis, and I want to clearly show that at the trial. As a follow-up to the 1985 Treaty to Abolish Discrimination against Women, in 1997 a Principle Countermeasure for Victims of Crime was drawn up. However, it failed because it has no legal basis and it violates penal codes. As such, the number of victims of sexual violence who are harmed during investigations is still high. For example, the investigation requires that the police take photos of the victim. There is absolutely no legal basis for that and it also harms the victim's dignity. Investigations can take place "behind closed doors," where the victim's rights can be completely violated without candor. Recovery from the entire experience is slow because of the trauma from such investigations. An independent, secondary investigation that frees the victim from such rights violations and pain cannot be done. The real situation cannot be investigated from the outside, and thus the present situation, where it is difficult to prosecute violence against women, can never be conquered. There is still no woman's point of view in the police and courts. The support of public opinion is needed for change to happen.