

Glossary of common Rape terms

J88: the standard medical examination form that is completed by a healthcare provider for medico-legal cases. The form is used during trials to provide evidence of findings during a medical examination after a general assault or rape.

Nolle prosequi: A prosecutor's decision to decline to prosecute.

National Prosecuting Authority: the Constitution and the National Prosecuting Authority Act provide the Prosecuting Authority with the power to institute criminal proceedings on behalf of the State and to perform the necessary tasks in support of this function. This includes supporting the investigation of a case, or discontinuing criminal proceedings where necessary.

Open case: a case where the investigation is ongoing.

Perpetrator: the person(s) accused of performing the sexual acts as set out in the Sexual Offences Amendment Act 32 of 2007. In this report the perpetrator is also interchangeably referred to as the offender.

Plea and sentence agreements: these are popularly termed 'plea bargains'. These agreements may be entered between the state and the accused. The accused pleads guilty to charges in exchange for a lesser sentence.

Plea: this refers to whether the accused pleads 'guilty' or 'not guilty' to the charge of rape. The criminal trial officially begins once the accused makes his/her plea.

Postponements: court cases do not always happen on the dates set aside. They may be postponed by the magistrate. Postponements may be requested when witnesses are sick, or do not arrive at court, or because the accused is unrepresented and needs to find a lawyer.

Prima facie: refers to evidence of the allegations that, on face value, appears to be enough to convict.

The prosecutor: refers to a person duly appointed as a prosecutor, and who is tasked by the state to present evidence in court as to the facts of a criminal case.

Rape: an incident reported to the police that is defined by the police in terms of the Sexual Offences Act as a rape (including attempted rape). This includes sections 15 and 16 of the Sexual Offences Act i.e. 'consensual' sexual penetration of a minor or person unable to give consent.

Rape case: an incident reported to the police that is defined by the police in terms of the Sexual Offences Act as a rape matter. This includes sections 15/16 of the Sexual Offences Act, i.e. 'consensual' sexual penetration of a minor or person unable to give consent.

Serial rape: two or more rapes perpetrated by one person on at least two separate occasions.

Sexual act: as set out in the Sexual Offences Amendment Act this refers to an act of sexual penetration or an act of sexual violation.

Sexual assault: as set out in the Sexual Offences Amendment Act this refers (1) A person ('A') who unlawfully and intentionally sexually violates a complainant ('B'), without the consent of B, is guilty of the offence of sexual assault. (2) A person ('A') who unlawfully and intentionally inspires the belief in a complainant ('B') that B will be sexually violated, is guilty of the offence of sexual assault.

Sexual coercion: the act of using pressure, force or other tactics or manipulation to have sexual contact with someone against his or her will. This includes persistent attempts to have sexual contact with someone who has already refused.

Sexual offence: as set out in the Sexual Offences Amendment Act this refers to any offence in terms of Chapters 2, 3 and 4 and sections 55 and 71 (1), (2) and (6) of the Act.

Sexual offences courts: these are specialist and dedicated courts that only deal with sexual offences.

Sexual penetration: as set out in the Sexual Offences Amendment Act, this means any act which causes penetration to any extent whatsoever by (a) the

genital organs of one person into or beyond the genital organs, anus, or mouth of another person; (b) any other part of the body of one person or, any object, including any part of the body of an animal, into or beyond the genital organs or anus of another person; or (c) the genital organs of an animal, into or beyond the mouth of another person, and 'sexually penetrates' has a corresponding meaning.