

SEXUAL OFFENCES  
AND  
CORROBORATION

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## CHAPTER ONE

### INTRODUCTION

Sexual offences are offences acted against the human body of the victim, in the act of sexual lust. It is generally assumed that many of the sexual offences such as rape can only be committed as perpetrators by males but even in the other offences the offenders are predominantly male.<sup>1</sup>

Corroboration is a form of evidence which would confirm or strengthen the evidence or testimony given by a witness. In sexual cases where the victim is also the witness, the law of corroboration plays an important role in supporting or confirming the testimony of the witness against the accused.

In trying the person, accused to have committed the sexual offence, the relationship between sexual cases and the law of corroboration is inevitable. This relationship seems to lead to the argument, for and against the need for the corroboration of the evidence of the complainant or victim in sexual offence cases.

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<sup>1</sup> Criminology - Stephen Huswitz

It was also argued that the victim of sexual offence cases had suffered enough humiliation of the ordeal, in order for the victim not to fabricate or to lie in giving evidence or testimony in court. Therefore the victim or complainant should not be put in a situation where there is a need of some other evidence to confirm that the victim are telling the truth. Nevertheless the argument that corroborative evidence should not play any role in corroborating the testimony of the complainant does not carry any weight in trying persons of sexual offence, though conviction is possible without corroboration, subject to certain rules which will be discussed further in this topic.

Sir James Stephen in giving his view of the need for corroboration in sexual offences in "General view of the Criminal Law", 1st edition, states that the facts deposed to by the complainant in sexual offences trial leave no trace or proof behind, except in the memory of an eye or ear witness, therefore corroboration of the evidence of the complainant would prevent unlimited power of lying and delusion if there is any. This is because in sexual offences such as rape, the witness is always seems to be the alleged victim herself who is the complainant against the accused.

In discussing corroboration and sexual offences, there is also a need to look at other witnesses other than the complainant in a sexual offence cases. Evidence given by a child witness, who may herself be the victim of sexual offence need to be taken