

15-Year-Old Girl Raped By Father Has Fornication Conviction Overturned

A 15-year-old girl who gave birth to her father's baby has had her fornication conviction and sentence of 100 lashes and house arrest overturned by the Maldives High Court.

The Maldives is an island nation in the Indian Ocean 250 miles south-west of India. As a Muslim country that is a former British protectorate, the Maldives' legal system is a combination of British common law and Shari'ah law. With its beautiful beaches and clear blue ocean water the Maldives is a popular vacation and honeymoon destination.

In June 2012 the body of a baby a 14-year-

old girl had given birth to was found buried outside her family's home on Feydhoo island. The girl was arrested, her step-father was arrested for sexually abusing a minor, possessing pornography, and murder, and her mother was arrested for concealing a crime and murder.

During police questioning the girl allegedly admitted to having a sexual relationship with a man — that was in addition to her father raping her. She was charged with fornication, since consensual premarital sex is illegal in Maldives.

On February 15, 2013 the girl was convicted of fornication. She was sentenced to 100 lashes in public when she turned 18, and eight months house arrest.

An [international outcry protesting](#) the girl's conviction and sentence was supported by Amnesty International. An Internet

petition was signed by more than two million people worldwide.

The girl appealed and the Maldivian government supported her appeal. On August 21, 2013 Maldives High Court quashed the now 15-year-old girl's conviction and sentence. The

court's ruling was based on the girl's denial she confessed

to having consensual sex outside of marriage, and that because she was suffering post-traumatic stress disorder from her father's abuse she had been "unfit for trial."

After the High Court's ruling was announced, Polly Truscott, Amnesty International's Deputy Asia-Pacific Director issued a Press Release that [stated in part](#):

"No one should ever be prosecuted for sex outside marriage in the first place. And victims of sexual abuse need counselling, not punishment. The government must make sure that she has continuing access to appropriate support services.

Flogging violates the most basic standards prohibiting torture and other cruel, inhuman and degrading treatment. The Maldives authorities must comply with their international law obligations. This means urgently establishing a moratorium on flogging, annulling all outstanding flogging sentences, and making sure that the penal code does not permit prosecution or punishment for 'fornication'."

Maldivian President Mohamed Waheed was said to be "overjoyed" by the High Court's ruling.

The girl's father and mother are awaiting trial on their charges. Her father faces up to [25 years in prison](#) if convicted of all the charges.

Source: [Maldives](#): Girl rape victim to be spared outrageous flogging sentence, Amnesty International, August 21, 2013

[Rape victim, 15](#), who faced 100 lashes in the Maldives for 'fornication' has sentence QUASHED after court caves in to global outrage, *Daily Mail* (London), August 25, 2013



Maldivian young woman in traditional dress (Alamy)

Brewer cont. from p. 8

McDonald, Sgt. Benlytle, Lt. Brett Johnson, Chief of Police Randy Schoen, Deputy Chief Tim Doney, and Chief Tim George. Brewer's lawsuit seeks compensatory damages of about \$40,000 and punitive damages of \$1 million for violations of his First, Fourth and 14th amendment rights, and another \$1 million for malicious prosecution.

Brewer's 24-page complaint [states in part](#): "Plaintiff alleges that Defendants conspired and acted intentionally and/or with reckless disregard and deliberate indifference to Plaintiff's civil rights in undertaking a course of conduct which included presenting false information in reports to the District Attorney and to the Grand Jury." (p. 2) It also alleges that the "City of Medford has a history of condoning and ratifying police misconduct regarding complaints of civil rights violations rather than correcting or showing disapproval of police misconduct." (p. 4)

Brewer's lawsuit also alleges he has had difficulty finding employment because public records (inaccurately) show he has a felony drug conviction.

After Brewer filed his lawsuit the *Medford Mail Tribune* published a story on April 26, 2013 that falsely identified him as having been arrested on April 24 on charges of possession of heroin and tampering with evidence. On April 27 [the newspaper printed](#) a retraction, also published on its website, that it had falsely identified Brewer as the person who was arrested and charged: "Joshua Ryan Brewer was not arrested and does not face any charges."

Federal civil rights lawsuits often take several years to resolve, so the outcome of Brewer's lawsuit may not be known for some time.

[Click here to read](#) the Oregon Court of Appeals ruling in *State of Oregon v. Joshua Ryan Brewer*, Case No. A146981 (OR Ct of Appeals, 3-28-2012)

[Click here to read](#) Joshua Brewer's federal lawsuit, *Joshua Ryan Brewer v. City of Medford, et al.*, Case No. 1:13-cv-00541-CL filed in the U.S. District Court for Oregon in Medford.

Joshua Brewer is being represented in his lawsuit by Bend, Oregon attorney Foster A. Glass, whose website is [www.bend-law.com](#).

Endnotes:

1 "The [ulnar] nerve is the largest unprotected nerve in the human body (meaning unprotected by muscle or bone), so injury is common. This nerve is directly connected to the little finger, and the adjacent half of the ring finger." From the entry for "Ulnar nerve" in [www.Wikipedia.org](#).

2 The number of plants a person can grow and amount of marijuana he or she can possess is set-forth in the Oregon Medical Marijuana Act ORS 475.309(1); see also ORS 475.320.

Sources: [State of Oregon v. Joshua Ryan Brewer](#), No. A146981 (OR Ct of Appeals, 3-28-2012)

[Joshua Ryan Brewer v. City of Medford, et al.](#), No. 1:13-cv-00541-CL (USDC SD OR) (Filed 3-28-2013)

[Retraction: MT story confused identities of 2 men](#), *Medford Mail Tribune*, April 27, 2013