

"He took out a knife from his pocket and said if I don't take off my panties he will stab me. I refused. He cut me on my thigh and pulled up my skirt. He pulled down my panties and threw them far away.

"He opened my thighs roughly and he raped me. I screamed.

"Then he heard people talking and said I should keep quiet. I did not. I cried. Then Bra Mzi saw him and asked him what he was doing. He ran away. Bra Mzi found me on the ground," Nomsa says.

Bra Mzi - Mzimkulu Mdingi - agrees with what Nomsa says: "I heard a scream," he says.

If a woman or girl is forced to have sex, it is a crime

"I met two other young men and asked them could we run down and see what was taking place. I looked around. A young man ran away and left behind this child. We tried to chase him but he ran faster than us.

"I asked what was taking place and Nomsa said she had been raped."

Madoda Dyonana, the boy accused of raping Nomsa, says she was his girlfriend. He claims she loves him and agreed to have sex.

He says he proposed love to her at a children's party a few weeks earlier and she accepted. He says they held hands.

Nomsa replies: "There was nothing between us. We never held each other's hands."

Dyonana's friend, Simphiwe,

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RAPE IN MARRIAGE: *still no improvement in the law*

Last year, for the first time in South Africa, a Ciskei court found a man guilty of raping his wife. Now the Ciskei Appeal Court has decided he is not guilty of rape after all

The law in South Africa says a man cannot be found guilty of raping his wife because marriage gives the man the right to have sex with his wife, even if she doesn't want to.

Last year a Ciskei judge found businessman Raymond Ncanywa guilty of raping his wife (see SPEAK June 1992). He said in any "civilised" country, the husband and wife are equal partners with control over their own bodies. This was a breakthrough for women's rights.

But Ncanywa did not accept the court's decision and took his case to a higher court, the Appeal Court. There the judge decided that there is no law in Ciskei which makes it a crime for a man to force his wife to have sex with him.

Reacting to the Appeal Court decision, Deborah

Komose of the ANC Women's League in the Border region says: "It is high time women stand up for their rights. Women and their children are victims of rape in many homes. They have a democratic right to refuse to have sex and not be forced into it."

Nomonde Tokwana of the PAC's Azanian Women's Organisation (AWO) says: "The whole judgement is most humiliating. We in AWO call for its immediate review."

Professor Louise Tager of the Law Review Project in Johannesburg says: "The original conviction was unusual and a good sign. Now the whole thing has suffered a set-back."

She said the law about rape in marriage has not been changed yet because South African women's organisations have not fought hard enough against it. ☉