



# Phoenix mum: Why would I lie about the rape?

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Wide-eyed and nervous, Razia, the 31-year-old mother of the seven-year-old Phoenix "gang rape" victim, proclaimed her innocence in the face of damning evidence that the story had been fabricated.

Razia (her surname has been withheld for her protection) told the Tribune she had accepted that her child had not been gang raped.

But, she said, the story is far from over.

Why, the Phoenix mother asks, would she concoct a bizarre story that would have such a traumatic effect on her family and her innocent daughter?

"To put a child through this (sort of) hell, I'd have to be a sick person."

The jury is still out on that one - prosecutors said this week there was no medical evidence to support claims that the girl had been gang-raped.

Police told the Tribune the child was seen by the school principal at the time of the alleged incident; the scene was visible to the public; and that the incident could not have happened in 10 minutes.

KwaZulu-Natal's director of public prosecutions, Mokotedi Mpshe, said that in light of this he could not pursue charges against medically boarded police Captain Prithilall Maharaj; his brother Krishanlal; and Savaar Balgobind. The three have been neighbours of Razia and her family for the past two months.

Razia claims that on the day of the incident her daughter left school and was abducted by the men and three others from outside the school and taken down the road.

There, she said the child was made to perform oral sex on all six.

This, Razia said, happened in 25 minutes and may have included failed sexual intercourse because her child's thighs were bruised and "she was screaming and complaining she was sore". "It was difficult for all six men to discharge their semen into her mouth. They could have been disturbed by the school bell," Razia said.

The mother agreed this conflicted with her child's initial statement which said all the men ejaculated.

Razia and her husband, Colin, have moved to Chatsworth to escape the wrath of the Phoenix community and because of anonymous death threats from sympathisers of the three men who were accused.

Their eldest daughter has been sent to Johannesburg.

The seven-year-old "victim" is still in hospital receiving "intensive therapy", Razia said, because she screams out the names of her "attackers" in her sleep.

"She's very depressed. Her eating is poor, now she's emotional. Before this she was a very happy child," Razia said.

The child was "interfered" with, but, she said, was misled into believing it was rape after an examination on March 1 (the day of the incident) by a doctor at Addington hospital. That and an identity parade, in which the child pointed out the suspects, led to their arrest by the Child Protection Unit.

But, State prosecutor Amy Kistnasamy said: "In hindsight, this examination was ill-prepared and conducted by an inexperienced doctor".

Bruised

The doctor's report said the child's thighs were bruised and that her hymen was not intact. "There was no bleeding or discharge during the examination," a statement from Mpshe's office said.

Blood was taken from the suspects for comparison.

A week later the child was seen by two private gynaecologists.

With the child under anaesthetic the two conducted their examination. They found "no evidence of sexual abuse that could have occurred recently or in the past".

"In fact, the findings were entirely normal for a seven-year-old child," Mpshe said.

Kistnasamy said the child's vagina was red because of a possible case of thrush, which was, he said, consistent with statements by her mother that the child had complained of itchiness in the past.

Regarding the bruises, Kistnasamy said the gynaecologists said this was "discolouration" on her body and not from injury.

Now Kistnasamy says the State will formally withdraw charges against the three men.

Damages claims for wrongful arrest are expected to be claimed. Rajesh Harilall, the men's lawyer, said that his clients may sue.

Kistnasamy said that Razia's claims may be a case of "misdirected" justice.

On February 28, the day before the the alleged gang-rape occurred, the girl was taken to welfare authorities to discuss claims that she had been raped over a two-year period by a 32-year-old cousin, who was subsequently charged.

Four days before, Razia said she took her daughter for a medical examination which confirmed abuse and that she had been forced to perform oral sex on her cousin.

The lawyer representing the cousin said, however, there was no medical evidence to support the claims and that the child was unreliable.

According to Kistnasamy, the State has decided to withdraw charges of rape against him.

Police are believed to be considering laying a charge of obstructing the course of justice and laying false charges that cost thousands of rands to investigate against Razia.

They are also aware of reports that Razia was infatuated with Krishanlal Maharaj, although she denied the reports, saying: "My husband and I have a healthy relationship."

Kistnasamy said: "We don't know who is lying in this case. Perhaps this child has a psychological problem and has been misdirecting abuse she may have suffered."

Child and educational psychologist Malthi Maharaj said if there was an element of untruth in the child's story it could add to her distress.

"If the child is taught to say certain things, it could lead to confusion and immediate distrust of her family."

But Razia was adamant her daughter was subjected to sexual abuse for two years, and again on March 1, and said that she was prepared to take a lie-detector test to back up her statements.

Her advisor, Durban Unicity councillor Rashid Suluman, a member of the fringe National Union of People's Organisation, said: "This story is far from over. There will be new findings."

Fresh charges, Kistnasamy said, would only be pursued once the child had been subjected to a psychological examination.

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