



E57 The Challenges Facing International Victims of Sexual Gender-Based Violence

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The goal of this presentation is to educate the forensic DNA community on the judicial challenges faced internationally with the acceptance of DNA evidence in court.

This presentation will impact the forensic science community by detailing the powerful story of the adjudication of an international sexual assault case and advocating for judicial evolution across the world with the increase in the use of forensic evidence for such cases.

As a U.S. citizen who worked and lived in Morocco from 2008 to 2009, co-author Ms. Erin Helfert was raped by a Moroccan citizen in 2009, after which time she left Morocco. The clothing from the crime was sent to a laboratory in the U.S. for initial analysis, where semen was identified and samples of the clothing were then subsequently sent to the DNA laboratory in Morocco for testing. The equivalent of a Moroccan District Attorney asked the suspect to submit a buccal swab, which was provided. The Moroccan DNA Laboratory agreed to perform a comparative DNA test between the semen stain from the victim's clothing and the buccal sample from the suspect. Subsequently, a DNA match was found between the semen on the clothing and the suspect's DNA. The judge presiding over the case agreed to consider this as evidence, which represents the first time DNA results would be used in a sexual assault case in Morocco.

The plight faced in this case underscores a problem that may be faced by international travelers when visiting and/or working in foreign nations in which the application of forensic science is either in its infancy or not routinely applied. Due to great persistence and self advocacy, this case has established a series of legal precedents in Morocco and can be used as an example for other nations. Among these, this criminal rape case is the first in which forensic evidence has been considered by both the Moroccan equivalent of the district attorney and the judge. In light of forensic evidence, the case evolved from a hearsay situation to a legitimate criminal charge in the eyes of the Moroccan authorities.

Many times travelers and expatriates encounter judicial systems and standards of practice that are markedly different than those in their home nations. For victims of crime, these travelers often face cultural differences that impact the justice and resolution of each case as well as the ability of the judicial system to benefit from forensic analysis. This particular case represents not only an example of an individual's pursuit of justice, but also demonstrates how such cases can spur national judicial evolution and the increased application of forensic science in the courtroom. It is also an example of how an individual can make a difference on a national scale and the lessons learned by pursuing justice in this case can serve as models for other nations.

The victim will be present in Morocco during the trial and will be involved in the courtroom proceedings. The introduction of DNA test results in Morocco and the ability of both the defense and prosecution to effectively argue their sides of the case in front of the judge will be precedent setting. A guilty conviction, supported by DNA evidence, will be a gain in a country where the conviction rate of rape cases is currently only six percent. The results of this case should have a significant impact in Morocco on the prosecution of future rape cases and thus may have a major cultural impact on a nation and serve as an impetus for greater reliance on DNA testing for rape cases.

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