

Irish Times

<https://www.irishexaminer.com/breakingnews/ireland/woman-who-alleged-she-was-raped-by-her-uncle-as-a-child-awarded-200000-857979.html>

Woman who alleged she was raped by her uncle as a child awarded €200,000

Thursday, July 26, 2018 - 04:19 PM

Ann O'Loughlin

A High Court judge has awarded €200,000 damages to a young woman who alleged her uncle raped and sexually assaulted her on two occasions when she was a child.

Ms Justice Bronagh O'Hanlon found, on the balance of probabilities, the uncle raped his niece when she was aged six and further sexually assaulted when she was aged 13.



The woman suffered severe personal injuries and loss and damage, the incidents were "extremely serious" and had "horrific consequences" for her, overhanging her life and posing real difficulties for her attempts to live and achieve a normal life, she found.

Now aged 30, the woman brought a civil action for damages against her uncle over the incidents in 1994 and 2002.

He denied her claims and contended they were part of a pattern of defamatory and malicious falsehoods in an

effort to do him harm and extract money from him.

Ms Justice O'Hanlon concluded the woman, represented by David McGrath SC, was entitled to €200,000 damages plus costs.

She accepted the woman's version of events and found the defendant lacked credibility.

The woman had said the first incident occurred when she was aged six and having a sleepover at her uncle's house.

She was in a sleeping bag which was not closed and woke to find it had been pulled back across her, her underwear was at her calves and her uncle was on top of her, she said. Her evidence was he raped her, she did not remember more and thinks she may have passed out. She did not talk to anyone in the aftermath of that and was "terrified".

She said the second incident occurred when she was aged 13 and lying down with a pain in her stomach in a bedroom in her uncle's house. She said he came into the room, shut the door, pinned her down on the bed and sexually assaulted her. She said she couldn't breathe, believed she passed out and when she came to, he was gone.

She described the first incident as a very terrifying one where she did not understand what was going on. She said it had happened and then she did not remember it for some time.

She had been a very happy child but after it became more anxious and nervous, she said.

The second incident, when she was 13, affected her very differently and she "never forgot it". She felt she had done something wrong, was damaged, was very anxious in relation to boys, her hair fell out and her academic performance and career prospects were affected.

She said she told her parents in 2007 about that second incident and only in early 2008 remembered the first incident. She told her mother of that and reported it to gardaí in late 2008.

The judge described as "convincing" evidence from the plaintiff's brother that he, then aged eight, had walked into a bedroom in his uncle's house, briefly saw his uncle assaulting his sister, left and shut the door. The brother also said his uncle approached him shortly afterwards, punched him in the stomach and warned him not to tell anyone what he saw.

The judge accepted in full the brother's evidence he only told his parents of the incident when he was aged 14 and having school difficulties.

There was a dispute in the case concerning recovered memory and the judge accepted the woman had recovered memory of the 1994 incident which was triggered by the 2002 incident.

The judge also accepted the 1994 incident did occur.

She also accepted evidence from a child and adolescent psychiatrist, who is also a forensic psychiatrist. He has treated the woman for nine years and said she had suffered chronic post-traumatic stress disorder as a product of incestuous child abuse in addition to an associated anxiety disorder.

The psychiatrist said this was ameliorating and the woman presently does not have chronic PTSD.

The judge preferred the evidence of that psychiatrist to evidence of a forensic psychiatrist called for the defence who, following an assessment of the woman, said he did not consider she had suffered PTSD attributable to incestuous child sex abuse.