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Supreme Court uphold dad's rape conviction based on dream

Ruling based on victim's repressed memories, a first in Israel.

By Revital Hovel | Sep. 11, 2014 | 12:08 AM | 1

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The Supreme Court on Wednesday convicted a father of raping his daughter 27 years ago, rejecting the father's appeal in a case that had gone on for more than a decade.

The case involved a complex legal question stemming from the daughter's memory of the rapes, which began when she was three years old and continued until she was 11. The woman, now 38, repressed her memories of the acts until she was 22, when she awoke from a dream that her father had raped her, and began for the first time acknowledging what he'd done to her. Three years later, in 2002, she filed a police complaint.

This is the first rape conviction in Israel based on repressed memories.

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Wednesday's conviction came after the father had been convicted twice in Tel Aviv District Court. He was first convicted in 2007, but his attorneys asked the Supreme Court to return the case to the district court to further examine the issue of repressed memories, which were not dealt with in the original case. The district court heard evidence from experts in repressed memories, then again convicted the father, who appealed once again to the Supreme Court.

The bench, headed by Justice Edna Arbel, sentenced the father, who is now 75 years old, to the original sentence set by the district court – 12 years in prison. Over the years the beginning of the sentence was delayed, and the man is now set to begin his term on October 20.

The complainant, now 38, testified that her father raped and sodomized her from the age of 3. Because of the statute of limitations, he was convicted of rapes that took place when she was 10 and 11 years old.

The father said his daughter had made the whole thing up because of psychological problems. He and his wife divorced when the rapes came to light.

The daughter testified that from the age of 11 she suffered from anxiety attacks and dropped out of school in the ninth grade. When she was 22, after six years of therapy, she moved to New York.

There, in October 1999, she testified that she had been studying about the unconscious mind and subsequently remembered the rapes for the first time when she awakened from a dream.

She said she realized that she had been dreaming the same dream as long as she could remember, especially as a teenager.

"I felt like I wanted to take a knife and slit my wrists," she said.

The father came to court on Wednesday for the reading of his sentence accompanied only by his attorney, Gil Shapira, of the Public Defender's Office. Justice Salim Joubran informed the defendant in one sentence that his appeal had been denied.

The father, his voice shaking, told reporters, "The injustice done to me today is terrible. A dream my daughter had 15 years ago has destroyed my life. Other than the dream there is no proof. I waited two and a half years for the Supreme Court to correct this injustice and they have sentenced me to end my days in jail based only on a dream."

The daughter's attorney, Uri Kedar, said: "We are very glad this story is over ... You really never recover from incest ... The court showed the victim that there is justice in the world and told other victims that they can go to the police."

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