

Mr. Kevin Doyle  
Editor-in-Chief  
Cambodia Daily

November 5, 2009

Dear Mr. Doyle,

We write regarding the Daily's recent stories regarding the rape of a 19-year-old Kompong Cham woman by two police officers in Phnom Penh.

It now appears that the two officers involved will not be prosecuted ("Police Chief Says No Need to Prosecute Officers," Nov. 5, 2009). According to Phnom Penh Municipal Police Chief Touch Naruth, no rape was committed because the victim "is not a virgin," and because she allegedly accepted \$250 in "compensation" from the perpetrators.

The latest development in the case is troubling, but hardly surprising. It also highlights three of the biggest obstacles to the prosecution of sex offenders in Cambodia.

First, there is a pervasive but mistaken belief among some government and law enforcement officials that a "rape" cannot occur unless the victim is a virgin. Cambodia's criminal code makes no reference to virginity in defining rape. It is both alarming and shameful that the city's police chief could operate under such an assumption.

Second, the prosecution of rapists continues to be hindered by the brokering of illegal financial settlement deals outside of court. This practice, which has been documented by LICADHO and many other organizations, involves perpetrators paying money to rape victims and their families in return for criminal charges being dropped. In some cases, police, court officials and local authorities may even help negotiate such deals, and then coerce victims to accept them.

These settlements are particularly sinister because they remove the victim from the judicial process through intimidation. With the key witness unwilling to testify, authorities can then claim with apparent legitimacy that it is impossible to prosecute the case. This contributes to Cambodia's widespread culture of impunity, in which criminals escape lawful punishment. A private cash settlement should have no bearing on the judiciary's decision to bring criminal charges against an individual.

Finally, it is troubling to note that that the two accused in this case are police officers, who are supposed to protect the public from crimes. The failure to charge these individuals, combined with the flawed rationalizations offered by authorities, creates the impression that this investigation was over before it started. The Phnom Penh court,

including the prosecutor, should insure that all crimes are prosecuted, including ones committed by state actors, and not be influenced by the police regarding who shall enjoy impunity.

LICADHO urges the government and the Phnom Penh court to approach the investigation of these police officers with a seriousness relative to the gravity of the case.

Sincerely,  
Naly Pilorge  
Director of LICADHO  
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