

Press Coverage of Razali Pilen's Rape Case: A Case Study

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Introduction

'Rape' is a crime of sexual violence which results in the violation of women's body and modesty. The monstrosity of the act and the public outrage will be further compounded if the survivors are young and reliable and if they are without a sexual history. In the case of adults, they must be respectable members of society, they must be "sexually unavailable" and, the act must be "non-consensual. (Clark 1992). A paradigm shift occurs when the rape victims are found to be sexually available that is if they are sex workers and if they are "beautiful" and "seductive". Such mental frames and scripts are constituted by patriarchy and conveyed to society via the dominant discourses of rape, sexuality and morality.

The press helps to peddle these discourses through its representation of rapists and rape survivors as will be clearly exemplified in the case involving Razali Pilen, a police constable who has been accused of rape, and the rape survivors, a Filipino and an Indonesian. Such gendered reporting in turn helps to perpetuate and validate the myths surrounding rape as it is seen through the lenses of patriarchy with its inherent bias towards women in matters pertaining to sexuality and morality. These discourses, as this case study will reveal, are also very much entrenched in the belief and value system of the judge and the defence counsels.

Methodology

As regards the methodology, I will analyse how formal linguistic features are deployed by the press to encode a gendered and patriarchal worldview. In this connection, attempts will be made to demonstrate how the press works to alter our perception of the rapist and the rape survivors and to shift the blame from the former to the latter. This is based on the framework provided by Clark (1992) which highlights some of the strategies used by the press to mitigate or downplay the crime of rape. The strategies outlined by Clark (1992) are follows:

- (1) Naming
- (2) 'Genuine' versus non-genuine victims
- (3) Fiendish versus non-fiendish attacker
- (4) Perception of rapist as self suffering
- (5) Causes of and excuses for rape
- (6) Euphemisms for rape and rapist

Throughout the reports of the rape case, the press has consistently named the accused as Razali Pilen, 25, a good looking police constable who has been with the force for two years stationed at the Ampang police lock-up and who hails from Sabah. Such a naming strategy is used to individualise and humanise him. The following table provides examples of such strategy:

Table 1: Identifying the rapist by his name and job

Utterances	Sources
1. ... a 25-year-old constable...	MM 1.3.02
2. The good-looking police constable who was said to have been with the force for two years ...	MM 12.3.02
3. ... rape trial of Police Constable Razali Pilen ...	MM 21.9.02
4. ... Police Constable Razali Pilen to enter his defence ...	MM 17.4.03
5. Razali Pilen, 25, dari Balai Polis Ampang ...	UM 27.3.02
6. ... tertuduh yang berasal dari Sabah ...	UM 27.3.02
7. ... anggota polis itu iaitu Konstabel Razali Pilen ...	UM 18.7.02
8. Seorang anggota polis, Konstabel Razali Pilen ...	UM 24.9.02
9. ... Razali Pilen, 25, dari Balai Polis Ampang ...	UM 14.3.02
10. ... seorang konstabel polis, Razali Pilen ...	UM 14.6.03
11. Razali yang bertugas di Balai Polis Ampang ...	UM 10.4.02
12. Razali, 25, dari Balai Polis Ampang ...	UM 6.4.02
13. ... seorang konstabel polis, Razali Pilen, 25 ...	UM 5.4.02
14. ... seorang anggota polis berpangkat konstabel ...	UM 1.3.02
15. ... a 25-year-old police constable	Star 28.3.02
16. Razali, from the Ampang police station ...	Sun 14.3.02
	MM- Mingguan Malaysia UM – Utusan Malaysia

The image of a non-fiendish, good looking attacker with a respectable job is thus constructed by the press, a far cry from the stereotype of a hideous looking and intimidating monster. This image is further reinforced by Razali’s photographs taken from different angles and in various ‘poses’ that accompany the reports. Such strategy will no doubt contribute to eclipsing the monstrosity of the rape crime and mitigating the public’s perception of Razali as a potential rapist.

In contrast, the two rape victims are identified by their gender, age, nationality and undignified status:

Table 2: Identifying the rape victims by their gender, age, nationality and undignified status

Utterances	Sources
1. The two women detainees were allegedly raped by a male constable.	MM 1.3.02
2. ... the safety of female detainees ...	MM 1.3.02
3. ... the female detainees, a Filipino and an Indonesian ...	MM 1.3.02
4. They were earlier arrested for not having paper documents and were still being detained.	MM 1.3.02
5. ... the alleged rape of two female detainees.	MM 12.3.02
6. (According to the police) ... one of the detainees (a Filipina is involved in) ... vice activities...	MM 12.3.02

7. The Filipina and an Indonesian woman had lodged a police report ...	MM 12.3.02
8. ... the Filipina was arrested about a week earlier for not having valid identification documents.	MM 12.3.02
9. ... the Filipina ... was picked up along with an Indonesian woman ... during a vice raid ...	MM 12.3.02
10. ... the alleged rapes of female detainees ...	MM 27.3.02
11. ... a 23-year-old Filipino and a 24-year-old Indonesian ...	MM 27.3.02
12. ... two foreign female detainees allegedly raped by a policeman.	MM 6.4.02
13. The 24-year-old woman from Batam ...	MM 6.4.02
14. The Indonesian woman...	MM 6.4.02
15. ... a 23-year-old Filipino woman...	MM 6.4.02
16. The 23-year-old Filipino illegal immigrant ...	MM 24.4.02
17. Both women were a mirror image of each other with their red hair tied into pony tails, similarly attired in blue denim jeans and also slim physically.	MM 24.5.02
18. Bangladeshi Md. Shaidol Islam was arrested on February 21 together with the Filipina for allegedly not having valid travel papers.	MM 13.8.02
19. She (the Filipino) was ... released ... (and) re-arrested for the same offence.	MM 13.8.02
20. The two detainees were illegal immigrants ...	MM 26.9.02
21. ... seorang Filipina berusia 25 tahun dan seorang lagi rakyat Indonesia berusia 24 tahun ...	UM 20.3.03
22. ... dua tahanan wanita warga asing ...	UM 27.3.02
23. ... seorang wanita warga Filipina berusia 23 tahun ... (dan) seorang warga Indonesia berusia 24 tahun ...	UM 27.3.02
24. ... seorang tahanan wanita warga Indonesia ...	UM 18.7.02
25. ... dua tahanan wanita rakyat asing ...	UM 24.9.02
26. ... seorang wanita warga Filipina berusia 23 tahun ... (dan) seorang wanita warga Indonesia berusia 24 tahun ...	UM 14.3.02
27. ... Razali berkata ... terdapat dua tahanan wanita, masing-masing dari Filipina dan Indonesia yang bekerja sebagai pelacur telah ditangkap di sebuah rumah pelacuran.	UM 25.6.03
28. ... dua tahanan wanita rakyat asing ...	UM 6.8.02
29. ... wanita Filipina, 23, dan seorang lagi wanita rakyat Indonesia, 24 ...	UM 6.8.02
30. ... dua tahanan wanita warga asing ...	UM 27.7.02
31. ... wanita Filipina dan seorang lagi wanita rakyat Indonesia ...	UM 24.5.02
32. ... dua tahanan wanita ...	UM 25.4.02
33. ... wanita (Filipina) itu dan seorang lagi wanita rakyat Indonesia ...	UM 25.4.02
34. ... kedua-dua mangsa tersebut dikenakan penjara tiga bulan ... ditangkap ... setelah mengaku bersalah memasuki negara	UM 25.4.02

ini tanpa memiliki permit yang sah.	
35. ... seorang saksi (bukan lagi dilihat sebagai mangsa) rakyat Filipina ...	UM 24.4.02
36. ... wanita (Filipina) menuding jarinya ke arah tertuduh ...	UM 24.4.02
37. ... seorang wanita rakyat Indonesia ...	UM 10.4.02
38. ... wanita (Indonesia) bersetuju bahawa ...	UM 10.4.02
39. Wanita itu memberitahu bahawa ...	UM 10.4.02
40. ... seorang wanita Filipina berusia 23 tahun ... (dan) seorang warga Indonesia berusia 24 tahun ...	UM 6.4.02
41. ... dua wanita iaitu rakyat Indonesia dan Fipinina ...	UM 1.3.02
42. ... dua wanita tersabit ditahan di lokap selepas mereka ditangkap kerana tidak mempunyai dokumen perjalanan yang sah.	UM 1.3.02
43. ... several women detainees ...	Star 28.3.02
44. ... rape of a Filipina and Indonesian women ...	Star 28.3.02
45. ... on a 23-year-old Filipina and a 24-year-old Indonesian woman.	Star 24.5.02
46. ... a 23-year-old Filipina ...	Sun 14.3.02
47. ... another detainee - a 24-year-old Indonesian.	Sun 14.3.02

The two women rape victims are without an identity as they are nameless and faceless. They are categorized as “Filipino”, “Indonesian” and “women” instead of “rape victims”, hence diverting the readers attention from the gravity of the crime of rape which results in the public withdrawing sympathy for these women. Worse still, they are constructed as criminals, people on the wrong side of the law, as they have been consistently labelled as “detainees” and “illegal immigrants” who are also involved in acts of vice and prostitution. The emphasis on their status and occupation helps to dehumanize and demonise the women which in turn will cast doubt on their respectability and credibility. Clearly, such strategies speak volumes about the discriminatory practices in reporting which are geared towards distancing the public from these women and for eclipsing the latter’s suffering.

It is pertinent to note that Razali Pilen’s culpability in the crime is mitigated as his name is not mentioned at all in the above utterances. He is only referred to as a “male constable” (MM. 1.3.02) or a “policeman” (MM 6.4.02). In these two utterances the alleged rapist is not accorded agency as the press uses passivised structures to depict him. Interestingly, the press also utilizes nominalised structures which further help to conceal agency as in the noun phrase “alleged rape” (MM. 12.3.02) and “alleged rapes” (MM 27.3.02).

The press further works to undermine the credibility of the rape victims with the following headline and expressions:

Table 3: Headlines and expressions that undermine the victims' credibility

Utterances	Sources
1. <u>Jittery witness</u> (headlined)	MM 6.4.02
2. She is fast becoming a <u>less-than-reliable witness</u> ...	MM 6.4.02
3. ... she was also feeling <u>jittery</u> ...	MM 6.4.02
4. ... the witness (the Indonesian) handed the defence team some possible " <i>ammunition</i> " against the other victim ...	MM 6.4.02

First of all, the use of evaluative adjectives and modifiers such as 'jittery', 'less-than-reliable' and 'feeling jittery' embeds the script of a perjuring witness, hence representing her as a non-genuine victim. Secondly, the use of the word 'witness' instead of 'victim' accords the woman a position of power and downplays her status as a powerless victim of crime.

In addition, the press had also dehumanized the women by fragmenting them into body parts. The report also serves to establish their sexual promiscuity based on the evidence given by the gynaecologist. This helps the readers to perceive these women not as victims of rape but as sexually transgressive women. Consequently, the readers begin to view these women by utilizing the script of the sexually available woman who lacks respectability. The contexts of the descriptions are as follows:

Table 4: Describing rape victims' sex organs

Utterances	Sources
1. ... <u>hymen tear</u> in the 23-year-old Filipino ...	MM 24.5.02
2. ... "multiple old <u>tear wounds</u> " in the <u>hymen</u> of the 24-year-old Indonesian ...	MM 24.5.02
3. ... with talk of <u>vaginal tears</u> and sexual intercourse ...	MM 25.6.02
4. (Pakar klinika berkata,) "Terdapat beberapa kesan luka lama pada <u>selaput dara</u> kedua-dua mangsa yang berlaku lebih daripada 72 jam."	UM 24.5.02
5. (The gynaecologist) found old tears on the <u>hymen</u> of both women.	Star 24.5.02

Their transgressive nature is further accentuated when they are cast as seductive women who had provoked Razali into having consensual sex with them and demanded money from him. In these utterances, they are positioned as the Agents (doers) and Razali is cast as the poor "victim" or the affected. For example:

Table 5: Portraying rape victims as Agents and alleged rapist as "victim"

Utterances	Sources
1. "(The Filipino) ... started to take off her clothes slowly," (said Razali.)	MM 25.6.03
2. (Said Razali,) "She looked at me, smiled and nodded (that she	MM 25.6.03

wanted to have sex).”	
3. ... she (the Filipino) ended up nude and sitting on his thigh with her hands on his shoulders.	MM 25.6.03
4. Tahanan minta bayaran hubungan seks – Razali (headlined)	UM 26.6.03
5. Konstabel Razali Pilen ... mendakwa bahawa seorang tahanan Indonesia telah meminta bayaran selepas dia melakukan hubungan seks dengannya.	UM 26.6.03
6. Kata Razali, tahanan itu datang kepadanya dan bertanya: “Bang mana wangnya?”	UM 26.6.03
7. ... kata Razali, tahanan Filipina itu mencium pipi kanannya sambil berkata: “ <i>If you want one more time, I will call my friend ...</i> ”	UM 26.6.03
8. ... he realised the “second round” with the Indonesian detainee was no freebie when she asked him “Bang, wangnya mana?”	MM. 26.6.03
9. Menurutnya (Razali), wanita (Filipina) itu kemudian datang kepadanya dan duduk di atas pahanya sambil tangan kanannya memicit-micit belakang bahunya serta mereka berbalas-balas ciuman.	UM 25.6.03
10. Filipina undressed and kissed me: Cop (headlined)	Sun 25.6.03
11. Constable Razali Pilen told a sessions court yesterday a Filipina detainee in a police station undressed, sat on his lap, massaged his shoulders and kissed him.	Sun 25.6.03

Razali’s victimized state is further heightened when he is constructed as a non-consensual” partner and one who had fallen prey, not just to the women’s provocations, but to his superior’s coaxings as well. Razali claims that he is innocent and sexually inexperienced and that he had sex with the women after being tempted by them. Many myths surrounding rape are also perpetuated, in particular the idea that sexy outfits can provoke rape, that men are easily tempted and have uncontrollable sexual urges, that women are dangerous seducers and that for rape to occur physical evidence must be provided. These are revealed in the utterances below:

Table 6: Razali as innocent victim and myths that are perpetuated

Utterances	Sources
1 her (the Filipino) bra was visible through the blouse she was wearing ... her belly button would be exposed if she raised her hands ...	MM 25.4.02
2. I was set up’.	MM 25.6.03
3. (Razali said,) “My heart was beating hard. I’ve never been in a situation where I was with (a woman) alone in a room together ...”	MM 25.6.03
4. Razali recounted Zainol asking if he wanted to have sex with the two <u>prostitutes</u> in the lock up ...	MM 25.6.03

5. "I don't want to (have sex). I am afraid," (said Razali.)	MM 25.6.03
6. ... he came face to face with the Filipino who was "smiling at me" ...	MM 25.6.03
7. (Razali said that) the Filipino detainee made the offer after he had sex with her. The offer was for him to have sex with an Indonesian detainee.	MM 26.6.03
8. (According to Razali) ... he was <u>coaxed</u> to have sex with the 23-year-old Filipino detainee (by Corporal Zainol).	MM 26.6.03
9. Razali told the court he learned about "finger insertion" through watching videos, reiterating his claim that the sex with the Filipino was his first.	MM 26.6.03
10. Tertuduh dakwa belajar hubungan seks melalui video lucu (headlined)	UM 8.7.03
11. Konstabel Razali Pilen ... mendakwa dia mempelajari cara-cara melakukan hubungan seks melalui video lucu ...	UM 8.7.03
12. ... (Razali) mendakwa dia belum pernah melakukan hubungan seks dengan mana-mana wanita sebelum menghadapi tuduhan rogol itu.	UM 8.7.03
13. "... saya juga terasa telah dipermain-mainkan oleh rakan sekerja yang lebih kanan dan termakan pujukan kerana masih lagi baru dalam pasukan polis dan tidak berpengalaman," (kata Razali).	UM 8.7.03
14. Kes rogol: Tertuduh dakwa tidak pernah buat hubungan seks (headlined)	UM 27.6.03
15. Razali ... mendakwa hubungan seksnya dengan tahanan wanita rakyat Filipina itu adalah yang pertama dalam hidupnya.	UM 27.6.03
16. Razali menjawab: " ... saya memang tidak berpengalaman."	UM 27.6.03
17. Tertuduh: Saya dipujuk buat hubungan seks (headlined)	UM 25.6.03
18. Seorang anggota polis yang dituduh merogol dua tahanan rakyat asing mendakwa ... bahawa dia telah dipujuk beberapa kali oleh penyeliannya supaya melakukan hubungan seks dengan seorang tahanan wanita Filipina ...	UM 25.6.03
19. Kata Razali, (penyeliannya) Zainol telah bertanya kepadanya sama ada hendak 'main' dengan wanita tersebut.	UM 25.6.03
20. "Saya jawab, tak hendak saya takut ditangkap," (kata Razali).	UM 25.6.03
21. Sambil tersenyum, kata Razali, wanita (Filipina) itu yang memakai baju pendek berwarna hitam yang menampakkan pusatnya telah mengangguk-angguk kepalanya tanda bersetuju (mengadakan hubungan seks).	UM 25.4.02
22. ... menggoda lelaki yang melihatnya (wanita Filipina) dengan colinya yang jelas kelihatan melalui blaus jarang	UM 25.4.02

yang dipakainya.	
23. “Blaus yang saya pakai juga agak singkat yang akan menampakkan perut dan pinggang apabila diangkat tangan, selain itu saya juga memakai seluar yang ketat,” (kata mangsa Filipina).	Star 24.5.02
24. No traces to show women were raped, court told (headlined)	Star 24.5.02
25. A gynaecologist ... concluded that there were no traces to show they (the women) were forced to commit sexual intercourse.	Star24.5.02
26. (The gynaecologist) said a rape incident did not occur.	Star 24.5.02
27. (Said the gynaecologist,) “For the Filipino woman, there was no injury or struggle signs on her body while for the Indonesian woman, there was no injury on her body due to struggle or bruise marks.”	Star 24.5.02
28. Cop: I learnt how to have sex from videotape (headlined)	Star 8.7.03
29. “I am only a constable and do not have vast experience in the police force. Therefore, as a new member I have fallen prey to L/Kpl Zainol,” (said Razali).	Star 8.7.03
30. ... Razali said his heart was pounding and he had swallowed his saliva (seeing the Filipina undressing).	Sun 25.6.03

By constructing Razali as a victim of circumstances instead of the perpetrator of the crime, blame is shifted from the accused to the rape victims. It is apparent that many excuses have been provided by Razali to justify the alleged rape resulting in the rape being seen as a “problem” of sexuality which is beyond the individual’s control. In addition, the reports are punctuated with ambiguous and euphemistic expressions such as “sexual intercourse”, “forced penetration”. “affair”, “incident”, “offence”, “culprit”, “crime”, “sexual encounter” and “emotional lust” to gloss over the ugly truth of the word ‘rape’ and ‘rapist’. Such device is effectively deployed not only to mask the gravity of the crime of rape but, more importantly, to obscure rather than acknowledge the culpability of the rapist as it hints at the consensual nature of the sexual act. Ultimately, such expressions are indicative of the discriminatory practices of the press that encode the hidden discourse of patriarchy favouring men over women in matters concerning sexuality and morality. The contexts of these euphemistic expressions are provided below:

Table 7: Euphemistic expressions for ‘rape’ and ‘rapist’

Utterances	Sources
1. ... <u>forced</u> to have <u>sexual intercourse</u> ...	MM 24.5.02
2. ... <u>forced penetration</u> ...	MM 24.5.02
3. ... yesterday’s proceedings ... was a tame <u>affair</u> ... (an ambiguous expression that also alludes to the sex act.)	MM 25.6.02
4. ... the person identified as the <u>culprit</u> ...	MM 25.6.02

5. Court goes to place of alleged <u>incident</u> .	MM 27.7.02
6. ... paid a visit to the scene of the alleged <u>offence</u> .	MM 27.7.02
7. ... the tour was basically to see the place of the alleged <u>incident</u> .	MM 27.7.02
8. ... scene of the <u>crime</u> .	MM 21.9.02
9. ... where his previous <u>sexual encounter</u> took place.	MM 26.6.03
10. ... his version of the <u>sexual encounter</u> with two foreign detainees ...	MM 27.7.03
11. ... was <u>emotional lust</u> ...	MM 27.7.03
12. ... dia melakukan <u>perbuatan</u> tersebut ...	UM 14.3.02
13. ... mengadakan <u>hubungan seks</u> dengan dua tahanan berkenaan ...	UM 27.6.03
14. ... memohon untuk melihat <u>tempat kejadian</u> .	UM 19.7.02
15. ... memberi gambaran lebih jelas ... mengenai <u>tempat kejadian</u> tersebut.	UM 19.7.02
16. ... dan jika disabitkan <u>kesalahan</u> ia membawa hukuman penjara ...	UM 6.4.02

The tendency of the press to provide the rapist a voice by quoting him in the headlines as shown in the following table is ideologically motivated as “the use of the quote ... is a strategy of authorial detachment and approximation of reader and character (in this case the rapist) ...” (Caldas-Coulthard 1996, 258). This produces the effect of drawing the readers’ sympathy towards the rapist and at the same time eclipsing the victims’ suffering. The publication of the good looking rapist’s photographs may help to deconstruct the image of a typical fiendish looking rapist capable of such monstrous act of rape, hence reinforcing the hidden discourse of consensual sex and the shifting of blame to the victims.

Table 8: Headlines quoting the rapist and witness

Utterances	Sources
1. ‘I saw woman detainee naked on table’ (headlined)	MM 18.7.02
2. ‘I was set up’ (headlined)	MM 25.6.03
3. ‘Victims not forced into sex’ (headlined)	MM 24.5.02
4. Tahanan minta bayaran hubungan seks – Razali (headlined)	UM 26.6.03
5. Saya nampak tahanan bogel di atas meja – Saksi (headlined)	UM 18.7.02
6. Tertuduh: Saya dipujuk buat hubungan seks (headlined)	UM 25.6.03
7. Cop: I learnt how to have sex from videotape (headlined)	Star 8.7.03
8. Filipina undressed and kissed me: Cop (headlined)	Sun 25.6.03
9. Cop: I learned about sex from watching porn (headlined)	Sun 8.7.03
10. Maid (she is no longer portrayed as a rape victim) was lying naked on table, supervisor tells court (headlined)	NST 18.7.02

Representation of the Rapist and the Rape Victims by the Ampang Sessions Court Judge

Despite occupying the esteemed position as the dispenser of justice without fear or favour, Sessions Court judge Mohamed Saman Mohd Ramli's statements and judgement unfortunately seem to encode a gendered worldview steeped in patriarchal ideology that favours men over women in matters pertaining to morality and sexuality, hence eroding public confidence in the neutrality of the judiciary system. The judge's gendered worldview is first hinted at in the following statement:

Table 9: A hint of the judge's gendered worldview

Utterances	Sources
1. Asked how he pleaded ... Razali remained silent ... Sessions Court judge ... remarked that Razali's silence ... should be read as one claiming trial (i.e. not guilty). "A plea of guilt must be made on the accused's own accord. This was certainly not the case in this instance," he said.	MM 14.3.02
2. Selepas pertuduhan pertama dibacakan, Razali ... hanya mendiamkan diri ... melihat kejadian tersebut ... Hakim ... mengambil kira perlakuan Razali itu sebagai mengaku tidak bersalah dan meminta perbicaraan ...	UM 14.3.02
3. The judge ... entered a plea of not guilty since Razali was silent when the first charge was read to him.	Sun 14.3.02

On the contrary, the reverse is true. His convoluted and perverted logic seem to go against the generally accepted notion of 'silence means consent'. By arguing that Razali's silence is tantamount to a plea of not guilty, he reveals himself to be sympathetic to the rapist's predicament, a sympathy that he further demonstrates when he reduces the bail for Razali:

Table 10: Sympathising with the rapist

Utterances	Sources
1. ... Sessions Court judge ... reduced the bail for ... Razali Pilen, 25, by more than half to RM8,000 ...	MM 27.3.02
2. (Hakim) Mohamed Saman juga membenarkan wang jaminan Razali dikurangkan kepada RM16,000...	UM 27.3.02

The judge's statement "They're (the Filipino and the Indonesian women) like twin sisters" (MM 24.5.02) marks his reluctance to individualise the victims and his tendency to categorise the victims as illegal foreign immigrants involved in prostitution as shown earlier, hence promoting the script of non-genuine victims who lack respectability and credibility, a script that is subsequently verbalised in his judgement and arguments in favour of the rapist as follows:

Table 11: Portraying the rape victims as lacking in respectability and credibility

Utterances	Sources
1. Sessions Court judge ... ruled that Razali did not have to enter his defence as the prosecution <u>failed</u> to prove a prima facie case against him.	MM 24.9.02
2. With <u>little</u> ... <u>evidence</u> ... the court depended only on the credibility of the victims ...	MM 24.9.02
3. Saman made a finding that they were <u>not credible</u> ...	MM 24.9.02
4. (The judge said,) “Imagine, there was even <u>foreplay</u> before the alleged rape. It’s as if they were having <u>consensual sexual intercourse</u> .”	MM 24.9.02
5. Saman said the Filipina had also <u>deceived</u> the public during an earlier <u>arrest</u> ... when she had allegedly tendered <u>false</u> travel papers ...	MM 24.9.02
6. (The judge said,) “Due to the second <u>arrest</u> , she (the Filipina) may have had <u>revenge</u> as a possible <u>motive</u> .” (This is to portray the Filipina as a perpetrator instead of a rape victim.)	MM 24.9.02
7. ... the court was also <u>doubtful</u> of the <u>credibility</u> of the testimony of the main witnesses. (Here, they are no longer portrayed as rape victims.)	MM 25.9.02
8. (According to the judge,) the Filipina also <u>deceived</u> the police during an earlier arrest ... when she allegedly tendered <u>false</u> documents.	MM 25.9.02
9. The judge had highlighted that both women <u>did not push</u> Razali away or <u>scream</u> , and that there was <u>no</u> medical <u>evidence</u> of bruising.	MM 25.9.02
10. (According to the judge,) <u>sexual intercourse</u> here seems <u>voluntarily</u> ...	MM 25.9.02
11. (The judge) also adjudged that the two victims as <u>not having the credibility</u> for the case ...	MM 26.9.02
12. (The judge) ... was satisfied that there was <u>sexual intercourse</u> ... and <u>disagreeing</u> that there was <u>no consent</u> from the detainees.	MM 26.9.02
13. Sessions Court judge ... found the two main ... witnesses to be <u>lacking in their credibility</u> .	MM 7.3.03
14. (According to the judge,) ... the prosecution had <u>failed to prove</u> ... that there <u>had not been consent</u> in the acts ...	MM 7.3.03
15. (The judge said,) “I actually find the two women <u>not credible</u> in the issue of their consent.”	MM 16.4.03
16. ... the judge had decided that there was <u>consent</u> by the two victims.	MM 16.4.03
17. (The judge said that) ... the two victims’ testimonies were <u>not credible</u> ...	MM 17.4.03
18. Penghakiman lisan hakim (Mahkamah Seksyen Ampang) itu antaranya menyebut pendakwaan telah <u>gagal membuktikan</u>	UM 8.5.03

wujudnya <u>unsur paksaan</u> dalam kejadian rogol ...	
19. (Menurut hakim) ... pendakwaan telah <u>gagal membuktikan</u> wujudnya <u>unsur paksaan</u> dalam kejadian rogol yang didakwa berlaku.	UM 20.3.03
20. ... Mohamed Saman berkata, terdapat beberapa <u>keraguan</u> munasabah dan ruang bagi <u>persoalan</u> di dalam kes pendakwaan terhadap Razali.	UM 24.9.02
21. (Menurut hakim, pendakwa) ... <u>gagal membuktikan</u> wujudnya <u>unsur paksaan</u> dalam kejadian rogol ...	UM 24.9.02
22. ... menurut Mohamed Saman, mahkamah <u>mempertikaikan</u> <u>kredibiliti</u> mangsa Filipina ...	UM 24.9.02
23. (Hakim) berkata, saksi (Filipina) tersebut mungkin mempunyai <u>muslihat</u> atau <u>motif balas dendam</u> terhadap polis kerana dia telah ditangkap semula ... dalam satu operasi pendatang asing.	UM 24.9.02
24. (Kata hakim) ... tomahan bahawa dia (wanita Filipina) telah dirogol ... adalah bertujuan untuk <u>menjejaskan imej</u> pasukan polis.	UM 24.9.02
25. Berhubung isu <u>kerelaan</u> dan tidak <u>wujudnya unsur paksaan</u> ... Mohamed Saman berkata: “ ... mereka <u>tidak menjerit, menolak, meronta-ronta dan lari</u> ... mereka ... <u>membuka sendiri pakaian</u> mereka ... dan <u>bukan direntap</u> oleh Razali.”	UM 24.9.02
26. Beliau (hakim) juga berkata, suasana persekitaran juga mewujudkan <u>tidak berlakunya unsur paksaan</u> apabila lampu bilik ... dipasang dengan terang, pintu ditutup tetapi tidak dikunci dan terdapat kamera litar tertutup ...	UM 24.9.02
27. ... menurut beliau (hakim), saksi pakar sakit puan ... mendapati <u>tiada kesan rogol</u> berlaku terhadap kedua-dua mangsa tersebut.	UM 24.9.02
28. (The judge said that) the footage from the closed circuit television ... looked like the <u>sexual act</u> was something between a <u>married couple</u> .	Star 25.6.02
29. (The judge said,) “ ... it looked like it was done more on <u>consent</u> .”	Star 25.6.02
30. On the <u>credibility</u> of the victim, he (the judge) said he had <u>doubts</u> on them ...	Star 25.6.02
31. He (the judge) also touched on the two women’s conduct of <u>not shouting</u> for help or <u>struggling</u> ...	Star 25.6.02
32. Cop freed of rape. Women (instead of portraying them as rape victims) <u>consented</u> to sex in station lock-up, rules judge. (headlined)	Sun 24.9.02
33. “The <u>sexual intercourse</u> here seems to be <u>voluntary</u> , just like between <u>husband and wife</u> ,” (said the judge).	Sun 24.9.02
34. (The judge) highlighted that evidence <u>did not</u> show that the women <u>pushed</u> Razali away or <u>screamed</u> ; no medical evidence to prove that the women had <u>bruises</u> ...; both women admitted	Sun 24.9.02

they <u>took off their clothes</u> on their own; they told a policewoman only ... three days after the incident (euphemism for rape) ...; the incident took place in a <u>bright place</u> ... and the door was <u>unlocked</u> ; there were <u>TV monitors</u> in the control room ...	
35. Saman also said the women’s “ <u>credibility was zero</u> ” because one had <u>delayed</u> in making a report and had <u>cheated</u> the police with a <u>forged travel document</u> .	Sun 24.9.02
36. He (the judge) also found that the other woman had <u>violated</u> the law by entering the country <u>illegally</u> ...	Sun 24.9.02

The above utterances show that the judge’s arguments for the acquittal of the rapist hinge on the lack of credibility of the rape victims as they are portrayed as convicted prostitutes who had ensnared Razali into having consensual sex with them, hence shifting the blame from the rapist to the victims. Instead of basing his arguments on the facts of the case, the judge had apparently allowed his judgement to be clouded by his moral judgement of the victims’ character and facts that are not relevant to the case in his effort to dismantle the victims’ credibility. This speaks volumes about his gendered worldview on rapes and his failure to understand the dynamics of rape and rape victims, a sentiment that is clearly and vocally expressed by women non-governmental organisations (NGOs) who were outraged by the judgement:

Table 12: Objecting to the judge’s ruling

Utterances	Sources
1. The ruling received strong <u>objections</u> from non-governmental organisations (such as) ... All Women’s Action Society, Sisters In Islam, Women’s Aid Organisation and Women’s Candidacy Initiative ...	MM 25.9.02
2. (According to the NGOs,)... a victim may <u>comply</u> with the rapist’s demand out of <u>fear</u> . And the fact that the perpetrator was a <u>uniformed personnel</u> , increased the possibility of <u>compliance</u> by victim.	MM 25.9.02
3. (The NGOs said,) “It does not require a bruise or the victim to scream for help to make it a crime ...”	MM 25.9.02
4. (The NGOs said,) “The fact the victims were illegal immigrants has nothing to do with the rape and their status should not affect the credibility in the rape trial,”	MM 25.9.02
5. (According to the NGOs,) ... the judge had failed to understand the <u>element of fear and intimidation</u> .	MM 25.9.02
6. Several organisations, including the All Women’s Action Society, Sisters In Islam, Women’s Aid Organisation and the Women’s Candidacy Initiative, have expressed <u>outrage</u> and <u>disbelief</u> at Razali’s acquittal.	Star 26.9.02
7. “We are <u>disheartened</u> that the rape myth is still well and	Star 26.9.02

alive,” they (the women NGOs) said in the statement.	
8. Women Lawyers’ Association president ... said the decision failed to take into account that Razali had wielded absolute <u>power</u> over both the women ... the women were in no position to put up a fight as they were <u>detainees</u> in a police lock-up.	Star 26.9.02
9. NUTP president ... said it did not matter whether the women were illegals under custody or Malaysian citizens.	Star 26.9.02
10. Four women’s organisations have expressed “ <u>outrage</u> and <u>disbelief</u> ” over statements made by Sessions Court judge when acquitting a policeman ...	NST 25.9.02
11. They (the NGOs) said it was “ <u>highly disturbing</u> ” that a learned person like the judge did not understand the dynamics of rape or rape victims, and with this <u>bias</u> , had decided on the fate of a woman.	NST 25.9.02
12. (The NGOs said,) “ We are <u>disheartened</u> that the rape myth is still well and alive and being perpetuated by the very authorities involved in the carrying out of justice.”	NST 25.9.02
13. ... Parti Reformasi Insan Malaysia (said), “ They (the women) were in a <u>disadvantaged</u> position and very <u>vulnerable</u> ... the alleged offender ... was a person in <u>authority</u> and seems to have <u>abused</u> his powers and <u>taken advantage</u> of the two victims ...”	NST 25.9.02
14. <u>Outrage</u> over grounds of rape case acquittal (headlined)	NST 25.9.02

This subsequently led to the Attorney-General’s appeal and the Shah Alam High Court’s order to the Ampang Sessions Court to re-open the case:

Table 13: Grounds for re-opening the case

Utterances	Sources
1. Shah Alam High Court judge ... <u>ordering</u> the Ampang Sessions Court to call ... Police Constable Razali Pilen to enter his <u>defence</u> over charges of raping two foreign detainees.	MM 17.4.03
2. (The Shah Alam High Court judge said,) “... that it was a place of <u>detention</u> , that the detainees were under the <u>control</u> of the police, that they would thus have <u>fear</u> and a degree of <u>respect</u> for the police – all these were not taken into consideration.”	MM 17.4.03
3. “As it is, there is evidence of <u>non consent</u> from both the victims ...,” (said the High Court judge).	MM 17.4.03
4. Mahkamah Tinggi ... memutuskan supaya Mahkamah Seksyen Ampang <u>memerintah</u> Konstabel Razali Pilen <u>membela diri</u> atas tuduhan merogol dua tahanan wanita	UM 17.4.03

<p>rakyat asing ...</p> <p>5. (Hakim Mahkamah Tinggi) ... <u>tidak berpuas hati</u> dengan keputusan mahkamah (Seksyen Ampang) berkenaan membebaskan Razali.</p>	UM 17.4.03
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The High Court judge’s argument above contains none of the gendered worldview that misinforms the Sessions Court judge. Instead, the High Court judge’s argument demonstrates a high degree of enlightenment, neutrality and objectivity, an argument that is bent on dismantling the myths surrounding rape.

Justice finally prevails when the same Ampang Sessions Court judge – under tremendous amount of pressure – sentences the rapist to 15 years’ jail and to 17 strokes of the *rotan*, a sentence that is well received by the public and the NGOs. However, a script of a repentant rapist deserving sympathy emerges in his judgement:

Table 14: Sympathising with the rapist

Utterances	Sources
1. (The judge said) ... that in a way he <u>sympathised</u> with the <u>young policemen</u> (here, it shows that the judge does not view him as a rapist) who had shown <u>repentance</u> over the offence (and) ... ordered the two sentences to run concurrently.	MM 14.8.03
2. Mohamed Saman told Razali in passing sentence that he <u>sympathised</u> with him ...	NST 8.8.03

Representation of the Rapist and the Rape Victims by the Defence Counsels

The patriarchal discourse of female seduction and the script of non-genuine rape victims who lack respectability and credibility are unmistakably present in the statements and line of questioning by the defence counsels:

Table 15: Portraying the rape victims as lacking in respectability and credibility

Utterances	Sources
1. ... (the defence counsel) put it to her that she (the Filipino) was <u>arrested</u> in a <u>brothel</u> ...	MM 25.4.02
2. ... <u>insinuation</u> by the defence counsel ... that she (the Filipino) was <u>attracted</u> to the police constable allegedly to have raped her.	MM 25.4.02
3. (The defence counsel asked,) “During the time you saw Razali, <u>young</u> and <u>handsome</u> , you were <u>attracted</u> to him? ... You were <u>prepared</u> and <u>willing</u> to do anything asked of you?”	MM 25.4.02
4. (Asked the defence counsel,) “... you were trying to <u>entice</u> and <u>seduce</u> Razali?” (This is to accord agency to the women,	MM 25.4.02

hence portraying the women as aggressors and Razali as the victim instead.)	
5. (Asked the defence counsel,) “Razali asked you to call (the other victim). That made you <u>upset</u> ? <u>Jealous</u> ?”	MM 25.4.02
6. ... (the defence counsel’s) contention that her (the Filipino) looks could <u>arouse</u> men ...	MM 25.4.02
7. Menurut Imran (peguam pembela), mahkamah perlu menilai... <u>kredibiliti</u> mangsa khususnya rakyat Filipina itu.	UM 16.4.03
8. Kata Imran (peguam pembela), wanita (Filipina) itu sebelum ini pernah <u>ditangkap</u> atas <u>kesalahan</u> tidak memiliki dokumen perjalanan yang sah tetapi dilepaskan.	UM 16.4.03
9. ... jelas Imran, wanita (Filipina) itu kemudiannya <u>ditangkap</u> semula selepas polis menyedari mereka telah <u>diperdayakan</u> .	UM 16.4.03
10. (Peguam pembela) ... <u>mempertikaikan kredibiliti</u> mangsa pertama iaitu rakyat Filipina yang pernah <u>memperdayakan</u> polis sehingga dilepaskan semasa ditahan bagi kali pertama ...	UM 22.7.03
11. (Kata peguam pembela,) “... jika mangsa (Filipina) itu pernah <u>memperdayakan</u> polis, apa jaminan yang ada bagi memastikan dia tidak mengulangi lagi semasa perbicaraan di mahkamah.”	UM 22.7.03

By evaluating and portraying the rape victims as disreputable and conspiring temptresses, the defence counsels have cunningly switched the roles between Razali and the women i.e. from rape victims to aggressors and provocateurs for the women and from rapist to prey and victim for Razali, hence both shifting the blame from the rapist to the rape victims and withholding public sympathy for the rape victims. Such an evaluation of the rape victims by the defence counsels underscores the defence counsels’ gendered worldview misinformed by rape myths as “evaluation is a crucial entrance point to the hidden discourse” (Caldas-Coulthard 1996, 268).

The defence counsel’s insensitivity to the plight of the rape victims is further demonstrated when he poses the following ambiguous question:

Table 16: Unwarranted sexist humour

Utterances	Sources
1. (The defence counsel) had the court in muffled laughter and smiles ... (when) he asked the witness (the Filipino): “How big was it?”	MM 25.4.02

By injecting unwarranted and unsavoury sexist humour into the trial of the serious offence of rape at the expense of the rape victim, the defence counsel had trivialised the suffering of the rape victim and at the same time, mitigated the rapist’s guilt.

To further discredit the victims’ character and respectability, the defence counsels peddle the discourse of consensual sex and conspiracy theory in their examination of the rape victims:

Table 17: Portraying the sex act as consensual

Utterances	Sources
1. (According to witness and defence counsel,) ... Razali <u>did not force</u> the women to follow him into the back room and that they did so <u>willingly</u> .	MM 18.7.02
2. (According to defence counsel,) ... the alleged <u>intercourse</u> (euphemism for rape) could not have happened without <u>co-operation</u> .	MM 18.7.02
3. (Said the defence counsel,) "It is an important element in the prosecution's case for the accused to be proven capable of <u>sexual intercourse</u> (euphemism). This shouldn't be left for the court to guess and assume." (The ludicrousness of such convoluted argument serves to reinforce the rape myth i.e. the preoccupation with physical scar instead of emotional scar.)	MM 18.7.02
4. "Rape is an offence easily <u>alleged</u> , yet difficult to refute. It is not fair for a woman who <u>consented</u> to sex with the fullest <u>intimacy</u> to claim afterwards there was <u>none</u> ," (said the defence counsel).	MM 22.7.02
5. "The <u>foreplay</u> between Razali and both victims was consistent with <u>consensual sex</u> ," (said the defence counsel).	MM 22.7.02
6. "... what happened between them was <u>emotional lust</u> in both <u>wanting sex</u> and <u>consenting</u> to the <u>intercourse</u> ," (said the defence counsel).	MM 22.7.02
7. "He (Razali) admitted to wanting to do it, but it never materialised as he ejaculated prematurely ... the Indonesian ... laughed at him. How can a rape victim do this? ... there was <u>no rape</u> ," (said the defence counsel).	MM 22.7.02
8. (Menurut peguam pembela,) ... kedua-dua mangsa memang <u>merelakan perhubungan seks</u> dengan Razali kerana mereka <u>tidak melawan, menjerit mahupun meminta pertolongan</u> .	UM 16.4.03
9. Menurut beliau (peguam pembela), mereka juga <u>tidak cuba melarikan diri</u> walaupun ... pintu bilik ... tidak pernah berkunci ...	UM 16.4.03
10. Soal <u>takut</u> , kata Imran (peguam pembela), <u>tidak timbul</u> sama sekali ...	UM 16.4.03
11. ... dalam hujah pembelaan, kedua-dua mangsa melakukan <u>hubungan seks</u> dengan tertuduh secara penuh <u>kerelaan tanpa sebarang paksaan</u> .	UM 22.7.03
12. Razali juga mendakwa ... apabila selesai membuat <u>hubungan seks</u> dengan tahanan rakyat Filipina, wanita itu <u>tidak merungut dan marah</u> serta <u>tidak menunjukkan keadaan muka yang cemas dan ketakutan</u> .	UM 26.6.03
13. Razali mendakwa kedua-dua mangsa yang juga bekerja sebagai <u>pelacur</u> semasa melakukan <u>hubungan seks</u> tidak pernah <u>memprotes</u> perbuatannya sama ada dengan cara	UM 8.7.03

menjerit atau memukul atau menolaknya. 14. (Razali berkata,) "... semasa saya melakukan mukadimah <u>hubungan seks</u> dengan tahanan rakyat Filipina itu, reaksi yang ditunjukkan ialah dia <u>suka</u> dan <u>gembira</u> dengan perbuatan saya. Pada ketika itu, kepalanya mendongak ke rah siling dengan nafasnya seperti <u>tercungap-cungap</u> ."	UM 8.7.03
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Ultimately, a multiplicity of scripts emerge in the defence counsels' arguments, the chief of which is that of disgruntled prostitutes who consented to having sex with Razali but only to cry rape later for non-payment, hence shifting the blame to the rape victims and exonerating the rapist of any wrong doing.

Representation of the Rapist and the Rape Victims by the Prosecution

Bent on proving the guilt of the accused, the prosecution attempts to dismantle and expose the ludicrousness of the various patriarchal discourses of female seduction, consensual sex and conspiracy theory peddled by the defence counsels in their arguments, hence shattering the myths surrounding rape. The prosecution's line of argument is based on an objective assessment of the facts and an understanding of the dynamics of rape and rape victims i.e. rape victims can be coerced into having sex with somebody who occupies a position of power and authority without necessarily showing any physical scar of a rape:

Table 18: Dismantling the rape myths

Utterances	Sources
1. (According to prosecution) ... consent having been made under <u>duress</u> by the fact that the alleged perpetrator was someone in <u>uniform</u> .	MM 21.9.02
2. (Said the prosecution,) "The fact that they had not cried out , fought ... nor tried to escape have to be viewed within the <u>circumstances</u> of this case."	MM 21.9.02
3. (Said the prosecution,) " <u>Submitted</u> but (they) did <u>not consent</u> ."	MM 21.9.02
4. (Said the prosecution,) "Their (passivity) was therefore <u>warranted</u> ."	MM 21.9.02
5. (According to the prosecution,) ... the <u>stigma</u> of <u>shame</u> attached to the rape which could well be a reason for the victims not reporting the incident until three days later.	MM 21.9.02
6. (According to the prosecution,) ... a presumption under Indian law ... of rapes being <u>non consensual</u> when under <u>detention</u> .	MM 21.9.02
7. (According to the prosecution,) ... the two detainees <u>submitted</u> ... to Razali as he was in a <u>dominant position</u> .	MM 22.7.03
8. (The prosecution said,) "Imaging sitting in a chair, <u>uniform</u> on and <u>calling</u> the naked woman using his <u>index finger</u> – it's only	MM 22.7.03

done by those in <u>authority</u> ... There is a mindset in the accused of the women being prostitutes and thus <u>easy meal</u> .”	
9. (Pendakwa)... berhujah bahawa mangsa tidak melaporkan kejadian rogol itu kepada mana-mana pengawal lokap atau anggota polis sejeurus selepas kejadian kerana <u>takut</u> dan <u>tidak tahu</u> kepada siapa untuk mengadu.	UM 16.4.03
10. (Pendakwa berkata,) “... saya berpendapat bahawa alasan hakim tersebut yang menyatakan tiadanya laporan dibuat oleh mangsa menunjukkan bahawa mereka rela oleh Razali adalah <u>tidak tepat</u> .”	UM 16.4.03
11. (Menurut pendakwa) ... dua tahanan wanita rakyat asing <u>tidak pernah merelakan diri</u> mereka dirogol oleh Konstabel Razali Pilen.	UM 22.7.03
12. (Menurut pendakwa) kedua-dua mangsa <u>terpaksa</u> melakukan hubungan itu kerana <u>takut</u> dengan tertuduh yang mempunyai <u>kuasa dominan</u> sebagai anggota <u>polis</u> terhadap mereka yang sedang <u>ditahan</u> dalam lokap.	UM 22.7.03
13. (Pendakwa berkata,) “... apa yang diarahkan akan <u>dipatuhi</u> kerana dia (Razali) adalah pegawai <u>penguatkuasaan undang-undang</u> .”	UM 22.7.03
14. (Menurut pendakwa) ... <u>uniform polis</u> yang dipakainya (Razali) semasa kejadian akan turut membawa <u>kuasa</u> bersamanya sebagai <i>person in authority</i> .	UM 22.7.03
15. (Menurut pendakwa) ... berdasarkan alasan inilah yang menyebabkan tertuduh tidak pernah membuka pakaian seragamnya semasa melakukan hubungan seks dengan dua tahanan berkenaan.	UM 22.7.03
16. (Menurut pendakwa) ...Razali juga menanamkan dalam pemikirannya bahawa kedua-dua tahanan adalah <u>pelacur</u> yang bermakna mereka adalah sebagai ‘ <u>lauk terhidang</u> ’.	UM 22.7.03
17. ... (the prosecution) said, “ He (Razali) took advantage of his power by oppressing the weaker group ... they were illegals.”	Sun 8.8.03

Conclusion

The study reveals that despite the press working in tandem with the judge and the defence counsels to mitigate the perception of rape and to eclipse the suffering of the rape victims via their blinkered worldview, one which is misinformed by patriarchy and the dominant discourses of rape, sexuality and morality, the horrific truth of rape and the fallacy of rape myths still remain. It is only through the lenses of progressive and enlightened discourses of sexuality and morality can such ‘transgression’, ‘deviance’ and ‘incident’ be stripped off their euphemistic pretences and be rightfully acknowledged as rape with its inherent horrors and violence, hence revealing the power of language in representation – and more often than not misrepresentation - of people and events.

Ultimately, such a patriarchal worldview of the press draws on the ideology of consumerism which panders to the prevalent social text as all things sexual are traded, transacted and exchanged in the form of information with the conviction that “sexuality is merely an object of consumption” (Caldas-Coulthard 1996, 255), hence resulting in an unsympathetic reading of the rape crime and the downplay of the culpability of the rapist. As “femininity and sexuality are defined through consumerism (and) sex is one of the most attractive products to be sold,” (Caldas-Coulthard 1996, 254), it is incumbent on us as readers and text consumers to see through such discriminatory practices of the press by excavating various hidden discourses peddled in the reports.

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