

## Press Coverage of Mohd Faizal's Rape Case: A Case Study\*\*

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Defending a man accused of committing the crime of rape is an uphill task and when the case involves a 14-year-old schoolgirl and seven men, it seems to be a foregone conclusion. However, the defence counsels managed to do exactly that which eventually led to the acquittal of an alleged rapist Mohd Faizal by a Sessions Court. In this regard, I will examine the series of events that led to his acquittal as reported in the local dailies and more importantly how these events, the rapists and the victim are represented by the press, the defence counsels and the prosecution.

Since the rape victim is underaged, her identity is withheld except for her gender, age and status. This is exemplified in the following table:

**Table 1: Identifying the rape victim by her gender, age and status**

Utterances	Sources
1. ... a 15-year-old school girl ...	Star 13.4.01
2. ... the Form 3 school girl ...	Star 13.4.01
3. ... a 14-year-old girl ...	Star 11.7.01
4. ... girl, 14, the victim after a drink (headlined)	NST 13.4.01
5. ... in connection with the gang-rape of a Form Two girl ...	NST 13.4.01
6. ... approached the 14-year-old at a bus stop ...	NST 13.4.01
7. ... the rape of the 14-year-old on Monday.	NST 14.4.01
8. ... the 14-year-old girl ...	NST 12.6.01
9. ... seorang pelajar berusia 15 tahun ...	UM 13.4.01
10. ... pelajar tingkatan tiga itu.	UM 13.4.01
11. ... seorang pelajar berusia 15 tahun ...	UM 14.4.01
12. ... seorang gadis berusia 16 tahun ...	UM 27.4.01

NST – New Straits Times  
UM – Utusan Malaysia

However, the press' tendency to name and categorise her as a 'girl', 'school girl' and 'complainant' instead of a 'rape victim' and the transgressors as 'youths' instead of 'rapists' is ideologically motivated as with the use of euphemistic expressions in place of the word 'rape', 'molestation' and 'rape victim'. Such categorising and euphemistic glossing are indicative of the press' discriminatory practices in reporting that are deeply entrenched in patriarchal worldview favouring men over women in matters pertaining to sexuality and morality. Such device helps to mitigate the perception of rape and eclipse the victim's suffering, hence providing an unsympathetic reading of the rape crime.

\*\* This article is part of the research conducted by WCC Penang on the role of media in sexual crime trials. The three year research project has resulted in a publication *Seeking Justice for Victims of Sexual Crime* ( Publisher: Women's Centre for Change, Penang, 2009).

As Clark (1992) points out, the use of gender-neutral terms – in this case ‘youths’, ‘complainant’ and ‘others’ – for sexual crime points to the press’ lack of acknowledgement of violence by men on women. The contexts of these words and phrases are fleshed out as follows:

**Table 2: Categorising the rapists and the victim; the use of gender-neutral and euphemistic expressions for the rapists, the victim and the crime of rape**

Utterances	Sources
1. ... two of the <u>youths</u> befriended the Form 3 <u>schoolgirl</u> in a shopping complex ... and took her for dinner before inviting her to their rented apartment.	Star 13.4.01
2. ... remand order for the seven <u>youths</u> (instead of rapists) and two <u>women</u> (instead of accomplices) ...	Star 13.4.01
3. Two <u>women</u> (instead of accomplices) ... were also arrested as they happened to be in the premises.	Star 13.4.01
4. One of the seven <u>youths</u> ...	Star 14.4.01
5. She told her parents of the <u>incident</u> (euphemism for rape) ...	Star 14.4.01 Star 13.6.01
6. When the <u>complainant</u> entered the witness box ...	Star 13.6.01
7. They are charged with using criminal force to <u>outrage the girl’s modesty</u> (euphemism for rape and molestation) ...	Star 14.6.01
8. The <u>complainant</u> gave her evidence in camera ...	Star 11.7.01
9. USM student: I cleaned <u>girl’s</u> wound (headlined)	Star 11.7.01
10. A Universiti Sains Malaysia student (said) ... that he helped to clean the wounds of the private parts of a 14-year-old <u>girl</u> ...	Star 11.7.01
11. He said when he first asked the <u>girl</u> to remove her panties ...	Star 11.7.01
12. ... one of the three <u>others</u> charged with molesting the girl ... requested for help for the “ <u>injured girl</u> ” (euphemism for rape victim).	Star 27.7.01 Star 31.8.01
13. ... the <u>girl</u> identified five suspects.	
14. Another four USM students are alleged to have <u>outraged the modesty</u> (euphemism for rape and molestation) of the same <u>girl</u> ...	Star 11.7.01
15. (A witness said that ) ... the <u>girl</u> did <u>not</u> look like she was in <u>pain</u> but seemed <u>restless</u> .	Star 11.7.01
16. ... two of the suspects had approached the 14-year-old at a bus stop ... then invited the <u>girl</u> to join them for a drink before bringing her to their rented house ...	NST 13.4.01
17. ... police rounded up the nine USM students (instead of rapists), including two <u>girls</u> (instead of accomplices) ...	NST 13.4.01
18. In the <u>incident</u> (euphemism for rape), two <u>youths</u> (instead of rapists) had approached the <u>schoolgirl</u> (instead of victim) at a bus stop.	NST 14.4.01

19. The <u>other</u> four accused ... claimed trial of using criminal force to <u>outrage the modesty</u> (euphemism for rape and molestation) of the <u>girl</u> ...	NST 27.4.01
20. ... as it involved the same <u>complainant</u>	NST 12.6.01
21. ... she was brought to an apartment ... by two <u>youths</u> ...	NST 11.7.01
22. <u>Gadis</u> itu mendakwa ... dia telah dirogol ...	UM 13.4.01
23. ... mangsa bertemu dan berkenalan dengan dua penuntut lelaki itu di sebuah pusat membeli-belah ... sebelum dipelawa oleh mereka untuk keluar minum ... mereka kemudian telah membawa <u>gadis</u> berkenaan ... ke sebuah rumah ...	UM 13.4.01
24. ... mereka telah menghantar <u>gadis</u> (instead of victim) itu pulang ...	UM 13.4.01
25. ... seorang lagi <u>wanita</u> (instead of accomplice) yang turut ditahan ...	UM 14.4.01
26. ... dua lagi <u>pemuda</u> yang masih bebas ...	UM 14.4.01
27. ... <u>pemuda</u> (instead of rapist) yang menyerah diri itu ditahan reman ...	UM 14.4.01
28. ... lima <u>pemuda</u> disahkan sebagai penuntut ... USM ...	UM 14.4.01
29. ... <u>pemuda-pemuda</u> itu ... memberi wang RM10 kepada mangsa ...	UM 14.4.01
30. Bagaimanapun, mangsa telah memberitahu <u>kejadian</u> (euphemism for rape) itu kepada keluarganya ...	UM 14.4.01
31. ... menggunakan kekerasan jenayah dengan niat <u>mencabul kehormatan</u> (euphemism for molestation) ... seorang <u>gadis</u> ...	UM 27.4.01
	NST – New Straits Times UM – Utusan Malaysia

Within these sentences is embedded the script of an ‘available’ and ‘willing friend’ and party whose acceptance of the rapists’ invitation to a drink and subsequently to their house implies her consent to the sex act, hence shifting the blame from the rapists to the rape victim and exonerating the rapists of any crime. In this regard, she is portrayed as a non-genuine victim undeserving of public sympathy.

The press’ sympathetic portrayal of the rapist is reflected in its headlines quoting the defence counsel and witness 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). Ultimately, this contributes to drawing the readers’ sympathy towards the rapist and at the same time, obscuring the victim’s suffering.

**Table 3: Headlines quoting the defence counsel and witness**

Utterances	Sources
1. USM student: I cleaned the girl’s wounds (headlined)	Star 11.7.01
2. Counsel: Girl may have fabricated evidence (headlined)	Star 14.8.01
3. Girl (instead of victim) ‘may have lied about rape to avoid reform school’ (headlined)	NST 14.8.01

As transitivity structure in the form of material process is indicative of the role of the perpetrator (i.e. the rapist) and the victim, the deliberate omission of the perpetrator serves to obscure instead of acknowledging the agency and guilt of the rapist, hence mitigating the gravity of the crime as shown in the following table:

**Table 4: Obscuring the rapist’s agency and guilt**

Utterances	Sources
1. Rape victim given RM 10 to keep quiet (headlined)	Star 14.4.01

The explicit description of the victim’s sex organ and body parts with acute scientific detachment and objectivity works to sensationalise the rape case as “femininity and sexuality are defined through consumerism. Sex is one of the most attractive products to be sold. That is why sex-as-topic is present in almost all magazines (and newspapers too) ...” (Caldas-Coulthard 1996, 254). Such description also contributes to the dehumanisation and fragmentation of the victim, hence withholding the readers’ sympathy for the victim.

**Table 5: Describing the rape victim’s sex organ and body parts**

Utterances	Sources
1. ... the wounds on the <u>private parts</u> of a 14-year-old girl ...	Star 11.7.01
2. ... to clean up the area and the girl’s <u>vagina</u> .	Star 11.7.01
3. ... bruises on her <u>neck</u> and old and new tears in her <u>hymen</u> ...	Star 13.6.01
4. (According to a gynaecologist) ... she had bruises on both sides of her <u>neck</u> and three tears in her <u>hymen</u> .	Star 13.6.01
5. (According to a gynaecologist) ... the new tear (in her <u>hymen</u> ) was ... caused by penetration ...	Star 13.6.01
6. A gynaecologist told the Sessions Court today that the multiple tears he found in the <u>hymen</u> of a 15-year-old rape victim was caused by a blunt object.	NST 13.6.01
7. (The gynaecologist) ... said the girl also sustained multiple bruises around her <u>neck</u> ...	NST 13.6.01
8. (The gynaecologist said,) “ In my opinion, the tear (in her <u>hymen</u> ) was roughly four to five days old.”	NST 13.6.01

In a seemingly impossible task of defending the accused against the horrific crime of rape further compounded by the fact that the victim is an underaged girl and the crime is committed in an orgiastic fashion, the defence counsels work to crush the victim’s credibility by representing her as a willing, perjuring, conniving and vindictive victim, hence peddling the script of a non-genuine victim. Her credibility is questioned as it is suggested that she frequents nightclubs and discos, although she is only 14 years old. The fact that she is going to be sent to a reform school implies that she is wayward and a teenage delinquent. The contexts of the defence counsels’ arguments are as follows:

**Table 6: Representing the rape victim as a non-genuine victim who lacks credibility**

Utterances	Sources
1. (According to defence counsel) ... the girl had admitted ... that she <u>lied</u> to her elder sister that Physics student ... had raped her.	Star 14.8.01
2. (The defence counsel said,) "... the girl was willing to tell a <u>blatant lie</u> to <u>save her skin</u> to avoid being sent to a <u>reform school</u> (suggesting she is a teenage delinquent with deviant behaviour problem) by her family." (shifting the blame to the victim)	Star 14.8.01
3. (According to defence counsel) ... the girl's admission that she had a <u>grudge</u> against Mohd Faizal (the rapist) because he had asked her to leave the flat on the night of the alleged rape (peddling a conspiracy theory).	Star 14.8.01
4. (According to defence counsel) ... there was a <u>doubt</u> whether Mohd Faizal had raped the girl because Narol, who was present in the flat that day and had escaped, could have raped the girl ...	Star 14.8.01
5. (According to defence counsel) ... the girl was considered very <u>brave</u> to have <u>implicated</u> a policewoman ... of <u>altering</u> her police report.	Star 14.8.01
6. (Said the defence counsel,) "If the girl was <u>brave</u> enough to <u>implicate</u> a policewoman, the court has to consider the <u>damage</u> she could do to my client, against whom she admitted she had a <u>grudge</u> ."	Star 14.8.01
7. (According to defence counsel) ... in her police report, the girl stated that six men had raped her but during the identification parade, she alleged that four of them molested her while Mohd Faizal raped her.	Star 14.8.01
8. (According to mitigating officer) ... a 14-year-old schoolgirl alleged she was raped by six youths in her initial report ... (but) ... the girl later said only one of the six had raped her. (portraying her as a perjuring and non-genuine victim by eroding her credibility)	Star 27.7.01
9. ... the girl alleged that four of them had held her and groped at her private parts, while Faizal had actually raped her. (again, portraying her as a perjuring and non-genuine victim by showing her contradictory testimonies)	Star 27.7.01
10. (To a question by the defence counsel) ... a 23-year-old clerk ... said she went to a <u>nightclub</u> in Relau, assuming that her sister (i.e. the victim) might be there ...	NST 11.7.01
11. (According to defence counsel) ... a 15-year-old girl ... may have <u>fabricated</u> evidence to avoid being sent to a <u>reform school</u> .	NST 14.8.01
12. ... defence counsel ... said the girl had also admitted <u>lying</u>	NST 14.8.01

to her sister as she was <u>afraid</u> her family would send her for <u>rehabilitation</u> at a <u>reform</u> school (implying she is a delinquent with some deviant behaviour).	
13. (Defence counsel) added that when the girl lodged a police report, she claimed that six boys had raped her but during an identification line-up ... she only pointed out one person.	NST 14.8.01
14. (Menjawab soalan peguam bela) saksi wanita ... berkata belaiu keluar ... ke Kompleks Bukit Jambul kerana menyangka adiknya (mangsa rogol) mengunjungi tempat itu, yang kebetulan terdapat sebuah <u>kelab malam</u> .	UM 11.7.01
15. (Menjawab soalan peguam bela) ... setelah mendapati adiknya (mangsa rogol) tiada di sana, beliau kemudiannya meninjau ke kawasan jalan persisiran pantai ... yang memang menjadi tempat pasangan " <u>berdating</u> " dan kemudiannya ke ... sebuah <u>disko</u> .	UM 11.7.01
16. (Menjawab soalan peguam bela)... beliau pergi ke tempat-tempat itu kerana berpendapat mungkin adiknya (mangsa rogol) pergi ke sana.	UM 11.7.01

On the other hand, the prosecution argues for her innocence against the defence counsels' accusation of perjury and ulterior motive by promoting a script of a confused and naïve rape victim.

**Table 7: Representing the rape victim as someone who is naïve and confused**

Utterances	Sources
1. (According to prosecution) ... the girl could have used the word rape in her report <u>without knowing</u> the consequence of her action.	Star 14.8.01
2. (According to prosecution) ... despite the inconsistencies in the victim's evidence, they had not affected her <u>credibility</u> .	NST 14.8.01
3. (The prosecution) said the inconsistencies might have been caused by the numerous questions posed to her, leading the student to be <u>confused</u> .	NST 14.8.01

Despite the gravity of the crime and the monstrosity of the transgression, the judge buys the script of a willing, perjuring, conniving and vindictive victim as peddled by the defence counsels and exonerates the rapist of the heinous crime.

**Table 8: Grounds for acquitting the rapist**

Utterances	Sources
1. Judge Rosilah Yop found yesterday that the prosecution had failed to prove a prima facie case against student Mohd Faizal...	Star 31.8.01
2. In delivering her judgement, Judge Rosilah Yop said the prosecution had failed to prove a prima facie case against Mohd Faizal Shamsudin, 21.	NST 31.8.01

In conclusion, as Clark (1992) points out, “the distinction between fiends and non-fiends is ... a patriarchal myth ... (as reflected in) ... the attitudes of male undergraduates, usually seen as ‘normal’ (i.e. intelligent, mainly white, and middle-class) men” (p. 223), attitudes that are revealed in a survey conducted in America which found that of 341 male students, 87 had attempted “coital access with a rejecting female during the course of which physical coercion is utilized ...” (Kirkpatrick, as cited in Clark 1992, 223). In relation to this, it is not surprising that in the Mohd Faizal rape case, the acquittal of the rapist is largely attributed to the defence counsels’ peddling of a script of a non-fiendish rapist (university students) versus a non-genuine victim whose credibility is questionable, hence perpetuating and validating the rape myth deeply entrenched in patriarchal ideology.

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## References

Caldas-Coulthard, C. R. “ ‘Women who Pays for Sex. And Enjoy it’: Transgression versus morality in Women’s Magazines.” In Caldas-Coulthard, C. R. (1996) (ed) *Texts and Practices*. London and New York: Routledge. p. 250 - 270.

Clark, K. “The Linguistics of Blame: Representation of Women in The Sun’s Reporting of Crimes of Sexual Violence.” In Toolan, M. (1992) (ed). *Language, Text and Context: Essays in Stylistics*. London and New York: Routledge. p. 208 - 227.

Fairclough, N. (2001). 2<sup>nd</sup> Edition. *Language and Power*. Harlow: Longman.