

JUSTICE DELAYED IS JUSTICE DENIED, 1 AUG 2008

The Women's Centre for Change, Penang (WCC) would like to highlight an example of justice delayed in a rape case as reported in NST 29/7/08 Rape accused gets third delay of appeal. The report states that a 78 year old man was found guilty of raping a teenager and sentenced to a 12 year jail term in 1998. The offence was committed in 1992. The teenager was made pregnant by the rape and subsequently bore a child. The accused however appealed against his conviction and is still currently out on bail.

Accessing justice for rape victims is not an easy task. Many victims do not lodge reports about the rape. When reports are lodged, the DPP will decide after an investigation, whether to prosecute or not. One estimation is that only 1 in 10 rape reports lodged result in a trial (AWAM, The Rape Report 2002). Even when cases go to trial, the conviction rates are very low. WCC's recent analysis of sexual crimes cases tried in the subordinate courts of Penang between 2000 and 2004 showed that where rape cases went to full trial, the conviction rate was a shocking 5.9% for S375 cases and 4.8% for S375 (statutory rape) cases respectively. It seems extremely difficult to convict a person of rape.

A trial can be very traumatic for a rape victim. Sexual crime victims have been known to lament. "There is no difference between being raped and giving evidence as a key witness at the trial of your alleged rapist, except that this time it happens in front of a crowd." Rape victims have to face the humiliation and embarrassment of recalling the rape incident in detail. She has to withstand the persistent questioning from the defence lawyers. In addition to this, the rape victim is often in the same courtroom as the accused.

As reported, this particular case took 6 years from the time the offence was committed to the accused being convicted. The accused's appeal to the High Court took another 2 years and his subsequent appeal to the Court of Appeal has still not been heard after 8 years. The whole process has already taken 15 years and is still on going.

How long does a rape victim have to wait for justice?

WCC strongly urges the government and the judiciary to take the necessary steps to ensure fair and expeditious trials, as well as, appeal hearings.

Justice delayed is justice denied.

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