

# Cambodian Supreme Court Judgement, No. 31 (2014)

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Summarized by Dr. MEAS Bora

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# Keyword and Procedure

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- **Keywords:** rape and attempted rape, minor, statute of limitation and change of legal qualification
- Step father was charged with rape of his step daughter. During proceeding, it revealed that he had sexual acts with this girl.
- First Instance Court released him, but judgement was appealed by deputy prosecutor, and prosecutor general filed appeal to Supreme Court, requested the charge of rape against the Appellate Court judgement, sentenced accused 10 year imprisonment for attempted rape..

# Reasons and Disposition

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- *Should investigate past sexual intercourse if the statute of limitation for accusation did not expire. The past incidence might happen during minor time and that time which law is applicable? Criminal Code is not retroactive.*
- The Supreme Court accepted, decided but denied and sent back for re-trial by new chamber of Appellate Court

# Comments

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- Unclear distinction between rape and attempted rape
- Lack of criterion for determining attempted rape: approximate test
- Acts upon minor and need to be subject to investigation

# Resource

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- For whole text of judgement:  
<http://www.measboralaws.com/images/pdf/verdict/a8cbcc56865cddabc7c27f632d9efd52.pdf>
- For summary in Khmer: [6f901aa09807ce9cb8f9ce4a724fbeb4\\_2.pdf](#)