

NATIONAL NEWS

Court Drops Sex Charges Against Foreigner

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Phnom Penh Municipal Court on Friday dropped all charges against suspected child sex offender against Ivankowitsch, 73, who was arrested last month after he was discovered naked in his hotel room with a teenage girl who told police she started having sex with the elderly Austrian man when she was 9 years old.

Concluding the trial, presiding Judge Ham Mengse said there was insufficient evidence to disprove the parents' claim that the girl was 16 years old, above the legal age of consent.

The girl "is really 16. Ivankowitsch is really not guilty. It does not mean the court encourages debauchery, but [the court] has relied on the law. The parents request to release Ivankowitsch, and the court accepts," Ham Mengse said.

Opening the hearing, Ham Mengse distributed photocopies of the human trafficking law.

According to Article 8: "Whoever commits debauchery against minors—aged less than 15—whether voluntarily or not, stands to face 10 years to 20 years in prison.

Child rights groups called the ruling a travesty.

"This verdict is a great injustice. The court took the baseless evi-

dence to claim [the victim] was 16," said Hang Vibol, director at the NGO Action Pour Les Enfants, which has alleged the girl's parents have allowed Ivankowitsch to abuse their daughter.

Police discovered Ivankowitsch on Nov 6 at his hotel room with the girl, who stated that she was 14 years old and had been having sex with Ivankowitsch over a five-year period. He was charged with debauchery, but was freed on Nov 7 when the girl's parents claimed that their daughter was 16 years old.

Ivankowitsch is a long-time friend of the girl's family and has contributed several thousand dollars to build two homes for them.

He did not attend the trial but was represented by his lawyer, Hem Hun.

"There is no doctor's certificate to verify any damage [to the girl]. So Ivankowitsch is not guilty. He really wants to marry" the girl, Hem Hun told the court.

Opening the trial, the girl's parents presented a letter rejecting the representation of their daughter by lawyer Huot Sophorn.

Huot Sophorn told the court that the girl agreed to have a lawyer when she was under the care of the Cambodian Women's Crisis Center following Ivankowitsch's arrest.

CWCC Monitor Nop Sarin

Sreyroth said the lawyer was assigned at the girl's request. Nop Sarin alleged that her parents were guilty of selling their daughter to Ivankowitsch.

"They are parents, but they want to sell their child," she told the court.

Bun Man, the girl's father, presented the court a letter dated August 5, 2002, in which Ivankowitsch said that he will marry his daughter when she is 18.

"I guarantee to bring her to my country to live with her as husband and wife, and...when I die I will give her all my property," the letter said.

The girl's mother, Meung Mach, told the court that she considered Ivankowitsch as family.

The girl told the court Friday she never had sex with Ivankowitsch, contradicting her earlier statements to a municipal court investigating judge and police.

However, her earlier statements, in which she stated she had had intercourse and oral sex with Ivankowitsch since she was 9 years old, were read in court.

Ivankowitsch admitted knowing the girl for many years and giving money to the parents, he said in a statement made to police that was also read in court. He also admitted having sex with the girl many times, and that her parents had brought her to his hotel room.