

Guilty until proven innocent: The harrowing plight of two transgender women

By Meg Lewis

Tin Raksmei and Pin Phkay sit at behind the heavy wooden table dressed in their light blue prison pajamas. It is late afternoon and we are sitting in Siem Reap prison the day before judgment day, a day that Raksmei and Phkay have been waiting for since they arrived in prison over eight months ago.

Raksmei is thirty years old with round face, an endearing smile and a confident and hopeful personality. By contrast, Phkay is twenty six and looks gaunt, frightened and on the verge of tears. The last eight months have been a grueling experience for both of them.

Both women stand accused of giving a man a drugged fruit-shake and stealing his motorbike on the 9th May 2009. At the time of the alleged crime, Raksmei said she was staying in a different commune, 8 km away from Siem Reap, to do hair and make-up for a friend's wedding on the 9th May. She only came back to Siem Reap on the 13th May. On the night of the 8th of May, Pin Phkay was staying with Meymey, Raksmei's sister. They both have alibis and witnesses to vouch for their testimonies. There is no evidence connecting them to the scene of the crime, only accusations based upon an inconsistent witness report from the fruit-shake seller. Her accusations fluctuate, one minute accusing Phkay, and the next Raksmei. She also said that the thief had short hair; at the time of the alleged crime both Raksmei and Phkay had long hair. Both defendants and a representative from a Human Rights NGO, Lichardo described the witness report as weak



and contradictory.

Raksmei explains that on the 19th May, ten days after the alleged crime, they went to the health centre for blood tests. When they came out, the police arrested them, without a warrant and took them to the police station. *"Why did you arrest me? What did I do wrong?"* Raksmei asked. The police handcuffed them and beat them during interrogation to force them to confess to the crime of motorbike theft in Bankong District on the 9th May 2009 between one and two o'clock in the morning. During the interrogation the police had said, *"All MSM (men who have sex with men), I will catch them if they are like you, how many brothers do you have like you? I will go to your house and catch them all."*

Pin Phkay tearfully described how during the interrogation the police were sexually violent by beating their genital areas. Raksmei demonstrated how the police made her lie on the floor, kicked her in the chest and hit her face while she was handcuffed. When asked about the bruising and injuries in court later, the police said Raksmei had fallen over. They did not allow either of the victims to phone their families and explain that they had

been arrested. The police did not take their handcuffs off for three days, continued to beat them and forced them to thumb-print a pre-written confession.

In prison, police cut their long hair, when asked about this Raksmei said that this made them very sad and they cried for days, as their long hair had shown the outside world their inner identities as women. Sitting across the table from Raksmei and Phkay, with their closely shaved heads, one is hit with the enormous injustice of the situation. Phkay, who has not said much during the interview, looks up with tears in her eyes and says *"I'm scared."*

On the 21st January 2010, the judge released Pin Phkay, whilst sentencing Tin Raksmei to six year in prison and a fine equivalent to \$2000 USD. Until now, Raksmei's bravery and hopeful attitude has been commendable, it is however a frightening thought how the next six years in prison will affect her.
