



## PsySSA Statement on the Omotoso trial

## Position Statement

The Psychological Society of South Africa (PsySSA) expresses its concern about the manner in which Ms Cheryl Zondi is being questioned in the rape trial of Timothy Omotoso. From the parts of the trial that have been televised it is our view that the defence counsel's line of questioning has been inappropriate, demeaning and hurtful to the witness who was testifying about alleged sexual violence that she reported enduring from a much younger age.

There was a point in the testimony when the witness went about educating the defence counsel about trauma and its likely effects on exactly what content is stated, or not stated, in initial reports to the police. However, not all witnesses will be able to stand up to such aggressive and derisive questioning in the courtroom, and greater protection is warranted. Of significant concern is that this courtroom experience could have the effect of discouraging others from reporting and testifying in cases involving sexual violence against them. As a country we need to guard against this, especially considering the high number of sexual violence crimes.

As a professional organisation that is also familiar with court procedure, we understand that attorneys strive for rigorous questioning and cross-examination. However, we are very aware, as is evident in the Omotoso case, that the line is often overstepped, and that has serious impact on witnesses who are humiliated on the stand. As experts in human cognitive processes, emotions and behaviour we can confidently add that there is no evidence to support any notion that attempts to 'break down' a witness on the stand will necessarily produce a more authentic response. To the contrary, a witness who is being badgered may simply give answers to satisfy the interrogator and end the interrogation, regardless of their authenticity. This is certainly not in the interest of justice.

The Psychological Society of South Africa calls upon the relevant authorities to

- (1) Urgently embark on enhanced training of legal practitioners to ensure that they have an improved understanding of the trauma that rape survivors have experienced. Furthermore attorneys need to be taught how to question in a sensitive manner that does not seek to humiliate or demean women, children and other vulnerable witness in sexual violence cases.
- (2) Reconsider court procedure regulations to guard against inappropriate questioning of witnesses, and to severely sanction transgressors.

As the representative body of Psychology professionals in South Africa we avail ourselves to meetings and discussions with the relevant legal and judicial authorities with the aim of addressing the abovementioned concerns which have serious impact on sexual violence survivors and their quest for justice.

*"PsySSA believes that the witness in this case made a brave and courageous stand against what we view as grossly unfair, psychologically traumatizing, and humiliating questioning."*