**TRANSCRIPTION:**

**BIOGRAPHIC DATA: PARTICIPANT N1 (Centre B)**

**PROFESSION :Professional nurse**

**MAIN QUESTION: What is your experience while providing expert testimony during sexual violence trials?**

**YEARS OF EXPERIENCE: 11 Years**

**AGE: 39 Years**

**GENDER: Female**

**DATE: 9/11/22**

**TIME: 44:26 Seconds**

Researcher: Good afternoon mam

Participant: Good afternoon

Researcher: I am a Masters student from University of Pretoria under supervision of Prof Mogale and Dr Rasweswe. I am doing research on Experiences of Healthcare Professionals while proving expert testimony in sexual violence trials in Gauteng Province, South Africa. The reason I am here today is for data collection whereby I am going to do interview with you. As I’ve provided you with consent form. You are more than welcome to stop me if you feel uncomfortable with the question we will be discussing or asking. If you feel like you do not want to go further you more than welcome to stop. You won’t be blamed for doing that. As you have signed the consent I am asking you again to give me the verbal consent. So mam can I continue?

Participant: Yes

Researcher: OK, and again for the sake of privacy and confidentiality I am not going address you with your real name I will call N1 and you will address me as researcher. Is fine with you?

Participant: Yes

Researcher: Ok, the reason I am here I want to know as you Clinicians, Eh whereby you are assessing patients at the end of the day you go to court to provide your experience. I want to you to take me through on that journey whist you are there giving that testimony. What is happening there can we go through it?

Participant**:** OK, when I go to court

Researcher: Yes

Participant**:** They will send you a subpoena, that I am needed to court to testify about the patient (participant sighs, putting both hands on her face showing sign of unhappiness when served with the subpoena)

Researcher: Ok

Researcher: They will be asking to go through my J88

Researcher: Ok

Participant: When I am seeing the sexual offence patient what you do you South African Police to bring the me the crime kit box

Researcher**:** Ok

Participant: So, the crime kit box I will collect evidence and inside the crime kit box there EH EH is J88 inside that I have to fill

Researcher: Ok

Participant: It will show my name, Surname, qualification and cell phone number and stuff. When I go to court, I will be going through my J88. To explain to them because they don’t understand other things. I read, EH then I tell them that the patient is not any treatment and the patient was clean or she was dirty on examination

Researcher: Hhm

Participant: Ja, maybe the patient went home and bath, sometimes she came with torn trouser, torn jacket and everything. I have to go through that. And they will ask me if there were any physical injuries and I write no physical injuries noted

Researcher:Ok

Participant**:** Yes, after that I will go through that to the next page that this patient when she started menstruating. How many kids does she have?

Researcher: HM

Participant**:** Ja, it helps them to see whether injuries are consistent for the sexual penetrating. And when they ask you EH, EH is there any injury there is a tick nil nil. And then if maybe there are injuries, we call it as clockwise.

Researcher: Ok

Participant**:** Ja, whereby if maybe there is penetration

Researcher: Hm

Participant**:** So, then injuries will be at 9h00, 15h00, 17h00, 18h00, 19h00, 20h00, and 21h 00 in the watch down

Researcher: Hm:

Participant: Then ke di penetration injuries (It is penetration injuries)

Researcher**:** Oh ok

Participant: Then I will write, my conclusion will be that injuries are consistent with the sexual penetration

Researcher: Hm

Participant**:** that’s what they want

Researcher**:** OHK

Participant**:** And then if maybe are old injuries the patient HM HM HM didn’t report in less than 72 hours maybe o reportile after three months (maybe she reported after three months)

Researcher**:** Hm

Participant**:** And the child doesn’t have boyfriend or anything

Researcher**:** Hm:

Participant**:** I will be explaining because of the right cleft if the vaginal hymen cleft at 9h00, 15h00, and 17h 00 are consistent with old penetration

Researcher: OK, hm

Participant: And I will be explaining those so when I said hymen intact how can you say hymen intact because there are no old injuries

Researcher: Ok

Participant**:** But this child said she was penetrated

Researcher: Hm

Participant**:** Maybe this adult sometimes doesn’t penetrate inside on the young one’s just play on the thighs, because they know we will see injuries or sometimes they are grooming them first.

Researcher: Ok

Participant**:** So, I will be explaining those things to say EH EH sexual assault or anything that goes inside labia majora

Researcher**:** Ehm

Participant: Is the penetration whether is a finger whether some object, but anything that goes inside is the penetration

Researcher**:** Eh Eh penetration

Participant**:** Ja

Researcher**:** Who are you relating those things to in court?

Participant: I am talking to the prosecutor, lawyer, and magistrate

Researcher: Eh

Participant: And then the perpetrator will be sitting there

Researcher: So, with all people this people you have mentioned what are their roles?

Participant: Prosecutor is the state lawyer, getting paid by the government

Researcher: Hm

Participant**:** Yes, he is there with interest of the victim and then there is a lawyer. The role of the lawyer is hired by the perpetrator

Researcher**:** He is standing in for the perpetrator?

Participant: Yes, he will be questioning me with all those things, if he sees the loophole that means you can lose the case because he will be nailing on top of it

Researcher: Ok, when you talk about EH questioning what are they questioning about actually, can we through that

Participant: Like maybe Eh the last time one sister that I was working with, the court called her to come explain because she wrote intact.

Researcher**:** Ok

Participant: Ko hymen (at the hymen) she said intact but she wrote that there was no penetration. They wanted me as the lawyer was nailing her “gore” (for) how can you say intact while there is a penetration? So, the question will be like that because they want loophole. And you will be saying no I tackled it right the hymen is still there but there was a penetration because we didn’t want to lose the case

Researcher**:** Hm, with the loophole can we go deeper like deeper, what are they trying to find

Participant**:** They want to win the case

Researcher**:** They want to set the perpetrator free

Researcher**:** Like on what grounds?

Participant**:** When is there, he is fighting for the perpetrator to be out to say he is not guilty

Researcher: OH, oh ok I hear you well. If I understood well, they don’t want to find anything wrong?

Participant: Yes, so that the perpetrator can walk free

Researcher**:** And again, you said about nailing. Who is being nailed and why are they nailing?

Participant: They nail me as an expert witness

Researcher: For what reasons?

Participant**:** Because they want to win the case and me, I am standing for my victim

Researcher: Ehm

Participant**:** Ja, I am standing there for my patient

Researche**r**: Ok

Participant**:** I am testifying for my patient, so I have to be there and write what I saw

Researcher: Ok

Participant: they nail you for a small thing and if maybe you are not competent and maybe you said something and they will say you see nurse is not competent doesn’t know what she is doing

Researcher**:** Mhm Ok, with competency what are you relating to?

Participant**:** You must know yourself; you must not be scared because lawyers can nail you blah blah blah. Just stand there in your record put up my J88 and he has been asking me here you didn’t write everything.

Researcher**:** Ehm

Participant: I am the one who was with the patient. I am the one who was with the patient and who wrote it. And sometimes the perpetrator sodomised the boy or girl at the back

Researcher: Mhm

Participant**:** and the lawyer said how do I know if there was penetration, what is it “ konje ba re ke dilo mang (what do they call this things)? Dinto tsa di constipation” (things of constipation)

Researcher: Eh di haemorrhoids (yes, the haemorrhoids)

Participant: Ja, what if it was constipation, and then I will say I know haemorrhoids

Researcher: Mhm Mhm

Participant**:** I will see if it is haemorrhoids but I am dealing with sexual assault

Researcher: Assault Ja

Participant: I know when there are injuries like that was caused by penetration

Researcher: the penetration

Participant**:** So, did wena (you) see them raping? And I said no I didn’t see I was not there I cannot say it was rape. It was penetration. What kind of thing that went in because I was not there

Researcher: Hey, my word

Participant**:** But I can say I’ve seen the sign of penetration

Researcher: Yoh Yoh

Participant: they look at you as you are the perpetrator

Researcher**:** N1, you have been saying you need to know yourself; you need to stand firm. How so and what are you relating to?

Participant: you don’t get angry just answer the question and don’t allow them to make you angry because they know you will make mistakes because you scared

Researcher: In other way they are threatening you?

Participant**:** Ja

Researcher**:** What give you courage to stand firm?

Participant**:** The more you do this job the more you become more confident and the more you know I must talk like this. You know I must talk like this and any question that is not there in J88 I will read what I wrote I am not going to answer something I didn’t write

Researcher: you only answer what is written only

**Participant**: Ehheee

Researcher**:** Ok, while providing testimony, how do you see yourself, your role?

Participant: I see myself fighting for justice for my patient

Researcher: Fighting for justice, how so?

Participant**:** Rape is a serious offence in South Africa, so somebody who rapes price has to pay the price

Researcher: Ok

Participant: He has to be arrested, if case is not opened, they are setting the perpetrator free, he will rape again

Researcher: According to my understanding you fight for rape to stop and advocating for patients. And lessening the numbers of rape cases

Participant: EH (yes)

Researcher: And gives you courage to that fighting?

Participant: The more you do this job you understand

Researcher: Mhm, leading you to improve

Participant**:** Before I testify, I sit down with the prosecutor and go through J88 and ask for loophole and she will say “hayi” (no) just explain injuries

Researcher: Ok

Participant**:** Ja

Researcher: If I get you well before you go court you prepare first

Participant: Ja

Researcher: Ok, what are your challenges?

Participant**:** The only challenge is when you are scared the lawyer can nail you

Researcher: what was scaring you before?

Participant: you scared of the questions that will be asked; maybe you will not understand the question

Researcher: how do you do you deal with the question that you didn’t understand?

Participant: you know how to answer the way they will understand

Researcher: do you go along with medical and legal terms?

Participant: I go there and do my medical part

Researcher**:** ok, what would you like to see changing or done differently?

Participant**:** Unfortunately, there is nothing that has to change because the perpetrator has rights

Researcher: Ok, and what is your ability in giving expert testimony?

Participant**:** bogoni baka (my abilities)?

Researcher: Yes

Participant**:** ge ketswa ko court ke gore ke tsebe gore I did my best (when I return from court) I am happy because I have done my justice

Researcher**:** Ok, what does it make you feel?

Participant: I feel happy

Researcher**:** What makes you conclude that you have done you part?

Participant: The magistrate will ask the lawyer if they still any question and he will say no question

Researcher any form of feedback after giving testimony?

Participant: I will ask the prosecutor that how did it go and he will say perfect

Researcher: Ok

Participant: JA when you there you are scared “gore” (like) osenya case (you are spoiling the case) ge ofihla kontlong nkare obolile motho (you feel like you have a person) you feel like you have killed somebody YESES awoyipyine (you enjoy or love yourself) feel like okanwa winenyana (you feel like you can sip wine)

Researcher: If you feel like you have spoiled the case, how do you deal with it?

Participant: motlhomongwe ge dilawyer ge babotsisa wa pota wena nkare a wotsebe taba tsa hao, you understand (sometimes when the lawyer asks you question and you do not answer in a proper way)

Researcher: Hm

Participant: opote fela mara tsewe maybe bago confuse (if don’t answer correct to confuse you) but mostly that happens if you are testifying for the first time

Researcher: Hm, you say they confuse.ke bomang ba go confuse (Who confuses you?)

Participant: Lawyer

Researcher: The one who stands in for the perpetrator? How do they confuse you?

Participant: Eh, cleft, hymnal clefts egobontsa gore this person has been penetrated (hymnal cleft show you that this person has been penetrated) he will ask how do you that scars has been caused by his client

Researcher: HM

Participant: Or maybe agobotsise same question ka tsela engwe gape (or maybe he asks same question in a different way)

Researcher: So, they can ask you one question many times differently?

Participant: Yes

Researcher: how do you deal with confusing questions?

Participant: difficult and hard and stressful and feel like you spoiled the case

Researcher: Can you go back an undo the mistake?

Participant: No, you can’t

Researcher: It can make inquisitive

Participant: you will feel like you spoiled it mean while you did well

Researcher: what is the end product of rights on both victim and the perpetrator?

Participant: they all have rights though sometimes adolescent’s lies

Researcher: you are not judgemental

Participants: Ja

Researcher; The case has to be checked on different angles

Participant: these victims tell lies because they are afraid of their parents and the parents also hide information if the case is family related

Researcher: Yoh, stressing

Participant: and dragging, taking time and some victims are trapped/bribed in order not to open the case

Researcher: I thank you for allowing me to conduct interview

**THE END!!!**

**BIOGRAPHIC DATA: PARTICIPANT M1 (Centre B)**IMG_256

**PROFESSION: Medical doctor**

**MAIN QUESTION: What is your experience while providing expert testimony during sexual violence trials?**

**YEARS OF EXPERIENCE: 09 Years**

AGE: 43 Years

GENDER: Female

DATE: 9/11/22

TIME: 30:41 Seconds

Researcher: Morning mam

Participant: Morning madam

Researcher: How are you?

Participant: I am fine, how are you?

Researcher: I am fine thanks; Eh I am a master’s student from University of Pretoria under supervision of Prof Mogale and Dr Rasweswe. I am here to collect data on my studies and I am having the title of my proposal that reads as the Experiences of healthcare professional while providing expert testimony in sexual violence courts in Gauteng Province South Africa

Participant: Hm

Researcher: As you have given me the permission to sign the consent, I am asking you if you are giving me the verbal consent to continue verbal one to continue with my interview

Participant: Yes, I am

Researcher: Oh right, today I want to know what is unfolding during court trials. I just you to take me through the journey. What is happening there when you give expert testimony in trials court?

Participant: Ok

Researcher: Can we go through that?

Participant: Ok I’m gonna start from the beginning

Researcher: Ok

Participant: what usual happens you gonna get a subpoena for a specific date, on that day you will be advised to present yourself in the morning (participant smiling with both hands on the table put together)

Researcher: Ideally is best to see the prosecutor Eh before 08h00 so that you can rehearse, ask questions and find out why you have been called

Researcher: Ok

Participant: It is important to meet with the prosecutor and another reason for that sometimes you are called when you get there the case is not ready for trial or so and so is not coming or so and so is not available

Researcher: Ok

Participant: and then in that case the prosecutor will then tell you to go back home so you don’t waste time

Researcher: Ok

Participant: but if the case will continue you get there and he will tell you when to start

Researcher: Ok

Participant: they will call to come testify

Researcher: Ok whilst testifying what is happening there?

Participant: You will start by identifying yourself, your qualifications, and years of experience

Researcher: Ok

Participant: They will ask you general questions; try to break the ice so that you relax as you know court scary can be. I mean like it is not nice for some of us who are not ok with public speaking

Researcher: OK

Participant: The prosecutor will tell me to feel comfortable

Researcher: Ok

Participant: Once you are relaxed trouble starts (clapping hands) Hh Hh (clearing throat) from there they ask you to go through your J88

Researcher: Ok

Participant: Like for the records it is important for them to have that on record

Researcher: Hm

Participant: From there they check signature, and they are very supportive

Researcher: Hm

Participant: Because we are not the perpetrators we are there as expert witnesses

Researcher; Hm

Participant: For the state, we are there for the victims

Researcher: Hm

Participant: They try to give the whole lot of support, so you will read your J88 and they will ask you if you have seen the patient on this particular day

Researcher: Hm

Participant: and you will say yes and they will ask you if you have signed the particular the particular page and if there is a problem. They will try and highlight issues you know, mistakes we are human beings

Researcher: Hm

Participant: Once that is done HmHmHm (clearing throat) the prosecutor will hand over the proceedings to the magistrate if there is a problem. If the magistrate is ok, he will hand it over back and to start if there is no problem

Researcher: Ok, I want to clarify something. You are going to address me as researcher and I will address you as M1 for the sake of privacy and confidentiality

Participant; Ok

Researcher: Yes, when you started you said something about scary, the scariness of that place. Can we go through tell me what is happening?

Participant; You know what court is such court is court, we associate court like being arrested by the police

Researcher: Hm

Participant: And committed a crime, jail, you know perpetrators, guns and stuff

Researcher: Hm ok

Participant: Even as kids you know, I am from the village in Limpopo we used to run away when we see police vans (laughing) on the road we trying to hide ourselves

Researcher: (laughing together) Hm

Participant: so nje (like) that has been stuck on the back of our minds that court equals to crime, guns, and police

Researcher: Hm

Participant: So, we literally shake when you go in there

Researcher: HM

Participant: And another thing (laughing) it is not nice to go in there we literally panic when you get subpoena

Researcher: Hm

Participant: and sometimes you will be in court with family of perpetrators

Researcher: Hm

Participant: it is scary because you will never know what might happen as you leave because you are not escorted by anybody

Researcher: Hm

Participant: You get a subpoena you walk in thereby yourself, sit there wait

Researcher: Hm

Participant: when you get in the box you realize that you were sitting next to the perpetrator’s brother

Researcher: Hm ok ja I get that scary part. According to my understanding you say it makes you uncomfortable, it is terrifying

Participant: Terrifying

Researcher: That terrifying moment how do you deal with it?

Participant: You know I personally try to stay away from the court gallery. Mostly if you are number two on the list, they will ask you to stay /wait outside because they do not want you to hear what others will say

Researcher: Yes

Participant: when that happens, I try to go sit where else. you will never know that you sitting with perpetrator’s mother. I try not to be seen before that time comes. It a really uncomfortable position to be in

Researcher: Hm

Participant: Because you do not know who is who I think the government takes that into consideration. We don’t feel protected by the state

Researcher: Ok I get you

Participant: we drive our own cars driving away from court with our own cars and ja we just go on our own

Researcher: Ja

Participant: We just cross our fingers that nothing happens

Researcher: Hm

Participant: If they wanna shoot you they can literally, does it because there are no security guards anybody escort us to our cars

Researcher: They can do it, Hm

Participant: we not safe we do say a prayer before we go in

Researcher: you mentioned “that’s where trouble starts” what kind of trouble is starting there?

Participant: When they start cross questioning you

Researcher: When they start cross questioning?

Participant: we have a very small scope

Researcher: Ok

Participant: Like I personally do not find the clinical work not challenging

Researcher: Hm

Participant: sometimes there are very nasty defence lawyers who used focus on other things other than what is happening especially when they realize that they do not have outlet. When they realize that the prosecutor has a strong case against the perpetrator

Researcher: Ok

Participant: when that happens, they sometimes choose to be nasty

Researcher: Hm

Participant: That’s where they ask stupid questions, remember we also human beings

Researcher: It is true Hm

Participant: sometimes we lose our marbles and get emotional and just say all the wrong things. But does not happen very often

Researcher: (laughing) it happens Hm

Participant: Ja, whereby I decided to be also nasty and the magistrate will say oh can we please stop

Researcher: Hm, you felt like he was disrespectful to you (defence lawyer)

Participant: He was disrespectful and defensive; I ‘said what else do you wanna know’?

Researcher: With that moment what did you think of?

Participant: I thought he was attacking me, my character and won’t allow it

Researcher: Ok

Participant: I started saying all sorts of nasty things and magistrate was not impressed. and I remember I got mad I felt he was attacking my character and said I’m not gonna allow it

Researcher: What happened after that?

Participant: The magistrate reprimanded him (the defence lawyer)

Researcher: Ok

Participant: After that he ‘said we are so sorry doctor”

Researcher: ok

Participant: Fortunately, I was about to finish. I finished and banged the door hhe (laughing)

Researcher: The banging of the door what were you telling them?

Participant: I am generally a straight person; I was not don’t like what was happening

Researcher: And feel like?

Participant: I felt like I said what I wanted to say

Researcher: how do you perceive yourself whilst giving expert testimony

Participant: Try to be professional as possible

Researcher: Hm

Participant: We do not get nasty defence always we work hand in hand with them. Remember our role is to educate. Remember these guys are not clinicians

Researcher: Hm hm

Participants in most cases they will ask you for clarification, if they want to challenge they will

Researcher: Hmm

Participant: But in most case, we treat each other very well

Researcher: Ok, you said you are educating them what are you educating on specifically?

Participant: Anatomy and the findings

Researcher: Hm

Participant: Most of time they will call you come and explain for them what you were saying whatever it is

Researcher: Hm

Participant: Remember they listen to the story and the whole is for them to match whatever the patient is saying and what you have written

Researcher OK, so whilst you are educating them on medical side on legal side what are they giving back to you?

Participant: Remember our role is to present our medical findings for the court; we don’t deal with legal much, we there to validate the findings on examination

Researcher: Ehm

Participant: Are the findings making sense, are injuries found on examination consistent with what the patient has said to the police and court

Researcher; Ok, I get M1 and then earlier you said you feel scared cause you can find yourself sitting with relatives of the perpetrators in the gallery of the court, if you said you are escorted what is happening

Participant: I believe we will benefit when we have a separate entrance, I think we will be taken care of better as witnesses witness protection that is going on the news, whistle blowers. Government is not taking care of witnesses. We try to hide...we can benefit if we have our own waiting area

Researcher: Ehm

Participants: People get killed

Researcher: Ja it is scary and uncomfortable situation, and with all of this what keeps standing?

Participants: I chose to be here nobody asked me, God knows what I can say

Researcher: Ehm (laughing)

Participant: He will protect us (God)

Researcher: Hm

Participant; I feel like I need some sort of protection when I go to court, other that nothing

Researcher: According to you, where should this protection start?

Participant: When we at court because I mean that’s the only place I am not happy and uncomfortable

Researcher: So, you saying that the problem is when you attending court other that you don’t have any problem of being escorted?

Participant: Yes, because we sit with them before court starts

Researcher: Training sessions what are they offering?

Participant: There are some courses that runs on annual basis provided by the government in addition there also training and couple offered by the district also in addition to the ones offered by the government. Sometimes the NPA comes and give us information on legal side.

Researcher: Hm

Participant: Remember it is important for us to know about the children’s Act, we need to know about legal Acts and other legal side of issues that falls under gender-based violence

Researcher: Hm, you also mentioned something like support. Whom were you referring to?

Participant: Eh when it comes to work and to go court NPA guys have transport travelling from home to court in the morning

Researcher: Hm

Participant: Magistrates re good to us and offering support

Researcher: Defence highlighting mistakes what mistakes are they highlighting?

Participant: Remember their objectives is to drop the case, they want to win the case on behalf of their client. Their aim is to see that all make sense for example if you have made a mistake, they will take their time and make everybody in the court understand why you have written name wrong

Researcher: Can that be an influence to lose the case?

Participant: Everything counts; they use all sorts to discredit you as a witness

Researcher: You deal with a lot of cases that is tiring per day; if you make a mistake, will you be able to undo the mistake?

Participant: We try not to work when we are tired, and I communicate with the police officer informing him with what is done and not yet done

Researcher: Ok

Participant: But if you have done a mistake you are allowed to tell the court

Researcher: Ok, you can amend?

Participant: We are allowed to amend

Researcher: With that moment of exhaustion who relieves you?

Participant: You are allowed to take a break or call it a day

Researcher: Ok

Participant: People cannot lose case because of our mistakes

Researcher: Hm

Participant: If you are tired leave, it for the other person

Researcher: You a tired and here is the patient need to be attended what do you do?

Participant: We try to hand over as there is always someone around

Researcher: OK, I wanted to hear that part that you have enough staff

Participant: There is never one person on duty in particular day

Researcher: Ok, with the challenges that you are having, you wish that you can have an escort to court, don’t want to be seen, to have separate entrance, separate waiting area with the defence lawyers who are nicer. Do you think defence lawyers can stop to be nasty?

Participant: No that’s their job their whole point is to win for their clients

Researcher: Hm

Participant: The more they perform the better as long as they are making miserable

Researcher: They don’t understand, Miserable

Participant: Hahaha (laughing)

Researcher: How do you cope with misery?

Participant: It is part of the job, Akere (so) I have applied for the job

Researcher: What makes you to wake up the following day and come to the same job with misery?

Participant: I have chosen this job and unfortunately going to court is part of purpose

Researcher: You saying that you are able to deal with every challenge regardless draining

Participant: I have chosen to come and work here

Researcher: Hm

Participant: We do get debriefing sessions district tries to make us happy and we also make ourselves happy here, we go out as staff to do farewell functions

Researcher: Situations are not easy but you try to be at ease, with debriefing being provided here at work.M1 I would like to thank you for the time you have given me

Participant: You are welcome, any time

Researcher: I appreciate

**THE END!!!**

**BIOGRAPHIC DATA: PARTICIPANT M2 (Centre A)**

**PROFESSION: Clinical forensic medical practitioner (MBChB, Diploma in forensic)**

**MAIN QUESTION: What is your experience while providing expert testimony during sexual violence trials?**

**YEARS OF EXPERIENCE: 07 Years**

AGE: 32 Years

GENDER: Female

DATE: 27/10/22

TIME: 29:30 Seconds

Researcher: Good morning mam

Participant: Morning

Researcher: How are you?

Participant: I am fine and how are you

Researcher: I am fine thanks. I am a master’s student from University of South Africa under supervision of Prof Mogale and Dr Rasweswe. As you have given consent of conducting this interview. Do you allow me to go through this interview with you?

Participant: Yes, I do

Researcher: And again, for the sake of privacy and confidentiality Aim going to address you as M2 and you will address me as researcher. You are more than welcome to stop me if maybe I ask you something that you uncomfortable with or again not to answer the question that suites you or to stop me if you feel like you don’t want to continue

Participant: Ok

Researcher: I would you to take me through your journey to court whilst giving testimony in sexual violence court

Participant: What happens it starts with when they subpoena us (talks with confidence looking straight to the researchers’ face with a smile)

Researcher: Anything with me is fine because I am not familiar with what happens there

Participant: OK, so what happens is that I would have examined the patient

Researcher: Yes

Participant: And then an investigation officer will come here with the subpoena which has a date and the court which I am supposed to go to when the suspect and the suspect’s name. victim’s name will be added so that I will be able to make notes (participant smiling whilst shaking one leg that is on top of another and looking on the roof)

Researcher: Ok

Participant: I will sign the subpoena and be called to confirm my availability. (One hand supporting the neck and playing with his ear) On the day of court I will appear on court. The I will go see the state prosecutor to have consultation period before court in order to explain to me why they are calling me or maybe clarify any misunderstanding

Researcher: Ok

Participant: When I got to court, I will wait to be called to go to the stand

Researcher: HM

Participant: Everything will be led by the prosecutor

Researcher: Hm

Participant: you introduce yourself and your qualification, like the questions are there

Researcher” Hm

Participant: I haven’t had any bad experience in court

Researcher: The challenges I faced most of the time is that sometimes they will call in court only to find out that the suspect is sick or defence lawyer is sick not coming

Researcher: Hm

Participant: Or maybe the are other things happening that Eh are going to be stopped, sorry to disturb the court proceedings and you would have waited in court for some time, only to be told that no the court(stuttering) would not proceed. You have to go back home

Researcher: Hm, ok I hear you M2. You told me about Eh availability and consultation can you talk more about it. what does it mean?

Participant: Ok sometimes you find that they are subpoenaing you on the date that you on leave

Researcher: Ok

Participant: And you won’t be in the province then they do allow that to postpone for another time that you are available

Researcher: Ok

Participant: And also, the issue of availability what is happening if a case is held in Tembisa regional court, most of the time like we discuss with our prosecutors you find that you meet me in court and I am the only clinician.

Researcher: Hm

Participant: So cannot spend the whole day in court waiting for them you know to confirm for certain things

Researcher: Ok

Participant: And only to be told that the court would not proceed where as I can be stationed here, they put me on standby

Researcher: I get you

Participant: If they don’t really need me or they not sure that I will testify on that day they will say please be on standby

Researcher: OK

Participant: We will call you if you are really needed on the day

Researcher: Hm Ok

Participant: If I am really needed, they will call that within15- 20 minutes to get to court from here

Researcher: Ok

Participant: Then I will go

Researcher: Ok on that note again of availability Eh if I get you well you telling me that you do not have enough staff

Participant: Yes, we don’t have (laughing) I am not going to say there is not enough staff remember when department of Health hired us, they hire us to be stationed here if that clashes remember staff get sick

Researcher: Here (repeating same word)

Participant: And have family responsibility

Researcher: Hm

Participant: You will find that I am alone here in the centre

Researcher: Ok

Participant: And even the staffing right now is not enough because if one of the clinicians is on leave and we have only one clinician on side so if they need me on that specific time, you will find that the centre will be left unattended

Researcher: Unattended (repeating the same word said)

Participant: Or they will have to wait for me to come back hence we discussed with the state prosecutor if they are not sure that I will testify rather be on stand by

Researcher: Hm

Participant: When it’s our time you testify for 1 hour and come back

Researcher: And come back (repeating same word)

Participant: It does not affect our services

Researcher: Ok, can us through consultation. Who is consulting?

Participant: Ok, we are being consulted by the state prosecutors

Researcher: Ok

Participant: They call us just to brief us because” we don’t understand what you meant by cleft”

Researcher: Ok oh right

Participant: Ja, something like that, what are clefts. Just to clarify

Researcher: Ok

Participant: Remember before they subpoena you, they have their own discussions

Researcher: Hm

Participant: Yes, if there is an issue that need to be addressed the prosecutor will address the issue before we go in to court

Researcher: Hm ok, with medical and legal terms how do you go about it

Participant: Yes, we do get well because during our training we are trained that there is a ok before I did my diploma I went through Eh EH sexual offences practitioner training the one that they provide for each and every clinician that works in clinical forensic

Researcher: Ok Hm

Participant: Ah the training is done by multidisciplinary teams like we do have advocates, and nurses, doctors everyone and social workers. So, we advised not to use medical terms but sometimes you don’t find lay man’s words when you are busy by the patient

Researcher: Word yes (repeating same word said by the participant) Hm

Participant: Maybe that’s the reason why you are called to come and explain, you find that on the J88 remember you see the patient during a.m.’s (early in the morning) and you are tired and you have said on the right side but on the sketch, you do something on the left. So, such things just to understand

Researcher: Ok Hm, if I get you well eh you are being consulted before you go to give your expert witness, so that’s preparedness always prepared before

Participant: but they are not telling us what to say they want it is like they want clarity on certain things

Researcher: Eh ok and again you also mentioned that according to you don’t have bad or worst experience like what were you telling me

Participant: For me I don’t know it’s different because when people go to court, they get scared

Researcher: (laughing) exact my point

Participant: But for me my passion for clinical forensic I love reading, I go through articles, g

Researcher: Hm

Participant: Everything that talks of clinical forensics for me going to court is more like you know (expressing her feeling of going to expert testimony) I am going to give my advice, like I don’t know how to put it I have learned to reassure myself that I am not a suspect I am going there to assist the court to reach a certain conclusion they need in this matter

Researcher: Hm

Participant: So, for me court is interesting

Researcher: (laughing) Ok then can we talk more about your emotions, feelings when you are there

Participant: Ok so as a human being you that moment of fearfulness you know when you are on the stand sometimes and you talking people are just looking at you no one is saying yes or no you know. We always want validation sometimes we want to see people are listening or what. So sometimes you have moment of being scared but not that scared

Researcher: Hm

Participant: And also, the other part is that you, I think is anxiety of the defence lawyer what are they going to ask

Researcher: Ok I get you M2, validation and anxiety from defence what are they actually doing to you?

Researcher: Eh they are doing the cross examination; you know what they say cross examination they are asking you about the things that you said. the way you are asking that you said 1, 2, 3 what do you mean

Researcher: 1, 2, 3 (repeating what was said) hm

Participant: And you find that sometimes some of them are going too you know they are being too technically is going far like I am going to give you an example: I was asked, do you think penetration was force full in this particular case?

Researcher: Ok

Participant: And then I said yes because of the injuries that I had checked

Researcher: Ok

Participant: The defence lawyer asked me what is force? You know the definition of force in physics is the ability to do work, yes.

Researcher: Hm

Participant: Then I said that and then he said “is it possible for sexual intercourse to have it without force”?

Researcher: YOO

Participant: So, remember for something to be happening

Researcher: Hm

Researcher: They were being too technically so sometimes you are being caught off guard with certain questions so that is why end up having anxiety like today what is that they are going to ask. And you get the ones that are being rude because people are not the same

Researcher: Hm

Participant: You get the ones that are rude they don’t even wait for you to finish your sentence, they try to shake you up you know, ja but overall, I have learned to control my emotions because I am an independent expert and that you just give my expertise

Researcher: Hm

Participant: And not taking sides, so I have learned to just to control my emotions, eh to listen very well because that is very important

Researcher: Hm

Participant: Listen to the questions very well and listen to what I am saying very well

Researcher: Hm OK, being caught guard and their rudeness what are they doing to you?

Participant: You just breathe in (laughing) you have to take your time

Researcher: Hm

Participant: Breath in bring yourself back to the moment and then see how you can answer the question and then sometimes the magistrate or the state prosecutor if they hear that whatever question that was asked is not fair, they can say that’s not fair

Researcher: Hm, ok on that time you are experiencing that rudeness and the prosecutor is like coming in in between, how do you deal with it?

Participant: to You keep quiet and wait for them to tell you proceed

Researcher: How is the feeling? According to me it is not an easy way to go through

Participant: It is not easy but we are chosen to be professional

Researcher: Ok, yes

Participant: I am not supposed to be rude or get crossed or acting in other way

Researcher: Hm, so all that is happening there what keep you standing?

Participant: My love for forensic

Researcher: Wow interesting. so, you are telling me that you are not shaken tell me about it

Participant: I want to see justice happen if I am shaken then I move away to what I am doing I will be failing some one

Researcher: Hm

Participant: The I feel like I will be failing the person who is right because remembering even the victim, the suspect I don’t take sides

Researcher: Ok

Participant: I don’t take sides I am just there to provide what I witnessed during examination with the victim and be consistent with what they want and also to provide my opinion

Researcher: Ok, with taking sides can we go through that

Participant: OK, I am not a legal expert but a medical expert

Researcher: Ok

Participant: I am just there to provide my opinion or to tell them what I saw. It doesn’t mean that I saw a victim I will be pressing that yes rape happened. I am just there to give my opinion to help the court to decide on whatever they want me to say

Researcher: Hm, you also said you want justice to be done between who?

Participant: Between the two, whoever is right

Researcher: Between the two, referring to?

Participant: I want justice to be done, remember justice will be whether the person is found guilty or not depending on whatever is happening, yes

Researcher: If I get you well on justice being done, you referring to the suspect and victim that they have to both get justice not the victim only

Participant: Yes

Researcher: Ok M2 I get you and then again Eh while doing your expert testimony there what would you like to see changing?

Participant: The tone of defence lawyers sometimes

Researcher: with tone what is happening?

Participant: They are rude, their way of asking questions or like the most recent one they asked if I think that the person has mental issue

Researcher: Ok

Participant: So, the state prosecutor asked me if in my opinion do I think the patient has mental problem? Then I said yes, then the defence lawyer said when you read your qualifications you didn’t include a speciality of psychiatry so ja those are the kind. I don’t know if it was an insult or what that we face sometimes

Researcher: Hm

Participant: When you do your MBChB you do all these things meaning that you are allowed to diagnose

Researcher: Hm, so felt insulted in what form?

Participant: Like imagine me telling you that Eh, ok you come and consult with me like now I’m working in clinical forensics doesn’t mean that I cannot diagnose

Researcher: Exactly

Participant: But someone comes and tell me that “you are not a specialist in that field” that’s why I felt underestimated because that I am not a specialist, I cannot do my job

Researcher: M2 I just want to thank you for the time and opportunity you have given me. And also ensuring that justice is done to both victims and suspects

Participant: We do our utmost best that patients are they are assisted but when we got to court, we become neutral

Researcher: (laughing) neutral (repeating the words) ok

Participant: if I start taking sides, we start creating injuries where there are not injuries

Researcher: Hm, ok I hear you M2 even though we were wrapping then you telling me that our victims sometimes doesn’t put their information straight

Participant: They do come back with the withdrawal statement for example victim says that “I was rape and comes back saying that I was afraid to tell the truth, that’s why we have to be neutral rather than taking sides

Researcher: Hm ok

Participant: Because if a person is falsely accused what justice are making

Researcher: Hm it is not and again when the victim comes back and I said I lied what does it do to you?

Participant: You find that you were so emotional invested in their case and they come back to withdraw the case, sometimes there is a bit of disappointment and discourage

Researcher: So, when that kind of information arises what do you do? Do you go back to the court or it is done

Participant: we call the investigation officer as he is the one who can make withdrawal statement

Researcher: Then what happens with the testimony that was given first

Participant: Usual withdrawals happens before we go to court

Researcher: Ok, withdrawals happen before going to court, there is no cases that you go stand to court and the victim withdraw?

Participant: no, I haven’t had one

Researcher: Oh, ok thank you again for the time given, thank you

**THE END!!!**

**BIOGRAPHIC DATA: PARTICIPANT M1 (Centre B)**

**PROFESSION: Medical practitioner**

**MAIN QUESTION: What is your experience while providing expert testimony during sexual violence trials?**

**YEARS OF EXPERIENCE: 06 Years**

AGE: 42 Years

GENDER: Male

DATE: 26/10/22

TIME: 25:24 Seconds

Researcher: Good morning, sir

Participant: Morning

Researcher ok and how are you?

Researcher; I am a master’s student in University of Pretoria under supervision of Prof Mogale and Dr Rasweswe. As you have given me consent to conduct interview with you. I am going to ask you to give me the verbal one. Can we continue with the interview?

Participant: we can proceed

Researcher: For the sake of privacy and confidentiality I am not going to address you with your real name I will call M1 and you will call me researcher

Participant: Ok

Researcher: as an expert witness I would like you to tell me what happening in court when you give expert testimony

Participant: What happens first you will get a subpoena for a specific date to appear in court?

Researcher: Ok

Participant: When you get to court you present yourself to the prosecutor to tell them that you are around so that they know that you are there

Researcher: Ok

Participant: they will present to court the case and that you will be the witness of that case and after introduction they will call you to the stand to testify

Researcher: Can you tell what is happening there

Participant: They will ask you to introduce yourself to state your credentials, what your qualifications and where are you working, how long have you been working

Researcher: Yes

Participant: How do you proceed in terms of like when you see the patient how do you document your findings from clinical examination from the patient

Researcher: OK

Participant: You take them through the J88 that you have completed, after that he/she will start to interrogate those areas, she thinks it needs clarification to the court

Researcher: Ok

Participants: When she/he is done will tell the court that she is done and give time to the defence to examine you. The court will give defence time

Researcher: Ok

Participant: Defence depending on what they want to explain or clarify in terms of whatever that is going to benefit them then they ask you and you have to answer honestly in terms of your professional standing, what could be the things that they want to know, ja

Researcher: Ok

Participant: When they are done, they will redirect opportunity to the prosecutor if they want to re-cross examines or clarify some things and if there are no further questions you will be excused from court

Researcher: Ok, you stated something with documentation. Can we go through it

Participant: The document is J88

Researcher: Ok can we through it

Participant: J88 is a document that we complete Eh after the clinical examination of the patient to basically it is the communication between the doctor and the court about the findings that were found is this. The document itself is a sketch notation on the document where you can describe or point out what you have found in the body whatever findings

Researcher: Ok, if I hear you well you saying something about interrogation? Tell me more about it

Participant: Interrogation means that they go deeper with their questions trying to dive in maybe let’s say they exclude the black and white try to find everything they want to find about the question

Researcher: So, you telling me that they are questioning you

Participant: Yes

Researcher: What type of questions are they asking you?

Participant: They can differ; they can ask you about injuries, what would have caused the injuries? Do you think that those kinds of injuries Ehm are consistent with the story being given by the patient or the story that was a layout in front of the court in terms of what has transpired. And they may ask about let’s say if the patient was intoxicated, do you think they could have been able to have done what they have done

Researcher: Hm

Participant: So, it is a variety of questions

Researcher: Ok, you have talked about benefits. What benefits are you relating to

Participant: The defence can ask a question that can cast that out on the presentation of the prosecutor. The perpetrator will be given a benefit of doubt that it would not have happened the way it was

Researcher: If it benefits the perpetrator what will happen to him?

Participant: With benefits the court will determine whether guilty or not

Researcher: Ok

Participant: And the sentencing is up to the court, so if the court is not up to the opinion that has happened, it is the suspect

Researcher: it is the suspect (repeating the same word) in other words you saying they want to win according to them

Participant: Hm yes

Researcher: Again, you talked about honesty, who must be honest?

Participant: We as professionals,

Researcher: Honest in what form?

Participant: When we go to court, we don’t choose sides

Researcher: Ok

Participant: Basically, we present our findings in terms of our professional skills and in our understanding of those findings. We don’t basically try to make things

Researcher: Ok

Participant: Basically, laceration is a laceration if it is an incision, it is, and you explain what would have caused the laceration or the incision

Researcher: Ok

Participant: For an example when the patient explained that he was by the stick on the head and sustained a laceration then if the court asks you. Do you think even a brick would have caused a laceration?

Researcher: Hm

Participant: you then present your professional understanding of what a laceration is and what would have caused a laceration

Researcher: Ok, with that what can you tell me? The difference between

Participant: Both can make a laceration but in terms with the extend of the injuries might differ

Researcher: Ok

Participant: Because like determining the force at which brick can land in your head or the force that a stick can land on your head

Researcher: Hm

Participant: We generally can consider the force of a brick which can land in your head or the force that a stick can land in your head we generally can consider that the stick has less force than a brick ratio on the area of impact

Researcher: Hm, I understand you and again this re-cross examination how does it arise?

Participant: The re-cross examination is if Ah the defence have basically …. How can I put this he has put an argument in front of the court to such an extent that they want you to swerve from your presentation of your facts. Do you understand

Researcher: Laughing

Participant: That’s it is a bit difficult, ok for instance if the defence they like the question. Do you think consensual sex would have caused the injuries? Those kinds of things

Researcher: Ok

Participant: You understand because normally is like, yes even consensual sex would have caused injuries

Researcher; Hm

Participant: So, defence can also cross examine that ok Ehm you know even consensual sex would have cause the injury

Researcher: If I hear you well, they trying to hear if understand what they asking you or you are going to say exactly what you said before, I get you M1. Whilst busy giving testimony how are feeling?

Participant: After?

Researcher: No, while you busy there, you can tell when you there or after providing testimony. Tell me about that

Participant: Court is a scary environment for everybody eh and the thing is that being there as a professional witness basically you want to be as professional as you can so that whatever the court can learn from your experiences. They can make their decision hm much lighter or (shaking and lifting up his shoulders) it doesn’t matter. When you are done with your work you don’t have to have that feeling that you know what I could have made a mistake

Researcher:

Participant: I could have said this this way so the court could see this in this line. So, you want it to be proper as proper as you can put because we are dealing with people’s lives

Researcher: Hm

Participant: So those lives are going to be impacted or to be changed with what you said in court

Researcher: Hm

Participant: If you understand that gravity of the situation you feel somehow compelled that, ok whatever you are going to say let it be what you have seen when you examine the patient

Researcher: Ok

Participant: No addition that could have swerved your presentation towards one side or to the other side

Researcher: To the other side (repeating same words said) Ok again with scariness then if heard you well you said the patient’s case lies in your hands

Participant: No no no it is not patient’s case, we don’t look at this as a patient’s case

Researcher: Hm

Participant; We look at it as professional presentation

Researcher: Ok

Participant: Ok

Researcher: Oh right

Participant: whose case is not what we want to cover. The defence when he asks you a question you give him an honest answer

Researcher: Ok

Participant: When the prosecutor ask you just give an honest answer, so you don’t take any side

Researcher: Ok, side (repeating same word)

Participant: Basically, you are presenting that ok if the eh if this is an orange. It is an orange

Researcher: Ok

Participant: you cannot say this might be an orange

Researcher: Ok

Participant: If are being asked to speculate then you say you asked me to speculate as a speculation. So that you basically in the same way

Researcher: Hm

Participant: That we are both speculating as you have asked me and then I am speculating as you have asked me, you understand

Researcher: Ja

Participant: Let’s say if something is a clear cut it is a clear cut you cannot swerve and speculate on a laceration is a laceration The only thing, I was told that this laceration was caused by a stick then a stick has caused a laceration

Researcher: Full stop, yes. I get you M1, again on that frightening part you said court is a scary place. is the environment that is scary or most like

Participant: No no I am just saying when you go to put your expert opinion you also think that the son of what you speak about for other that’s of the lives of other people if you go to court

Researcher: Tell me about the feeling of going to court as an expert testimony

Participant: You mean like how the more you go the you become

Researcher: Yes yes

Participant: Ehm the more you go obvious become better in something but I take every new case as it is a new experience

Researcher: Hm ok I am listening

Participant: Ok because I don’t take that ok the current case is preparing for the future because things are changing and going to be presented differently for you. So, a mere fact that of saying of that ok every case is different and it is a new case. Then it keeps me my toes that ok I have to I have to look on their own merit

Researcher: Ok

Participant: I don’t solve and have to present for somethings and say as I have presented last time but this is a new thing

Researcher: Ok M1 I hear you and again can you tell me about the challenges you facing while giving testimony

Participant: Hm the challenges this time is time is the one thing that we basically having because the one court that we happy with in terms of time management is Tembisa court because they know us

Researcher: Hm

Participant: And we present our self-early and they will tell you that in this case we want you to be a standby witness let’s say we call you; you can come in. you understand

Researcher: Ok

Participant: So, you those things sorted out but in terms of other courts let’s say out of Tembisa going to other courts they don’t know us and you don’t know who the presiding prosecutor is allocated. So, like you need to clear those things so that you stand the whole day

Researcher: Hm ok

Participant: Waiting to be called and waiting for your case to be presented because being there away from work understand, the sooner you can present your expert opinion and you can go back to your and proceed with the work the time

Researcher: Hm ok if I may ask again on that note of time management eh preparedness how is done

Participant: The preparation eh after they have served with a subpoena and you know that you are going to court Ehm, I go through the file of the patient the day before and check ok because you can’t remember everything

Researcher: Ok

Participant: Ehm, you check what you have find your findings where and what was the presenting history in terms of what has happened at least you a clear understanding on that day of physical examination of the patient and that you have gathered in terms of examination

Researcher: Ok

Participant: So, the preparation you doing, you can do it the day before or in the morning before you go in court but you look at the file of the patient

Researcher: Ok On that note of preparation I just want to go back on J88 that’s what is leading and you are preparing to present with it so, so with it you have to make sure that everything is there you haven’t missed anything if heard you correctly. In case you find out that you have missed something, how do you go about it?

Participant: Honest opinion is to tell them that you missed it, I didn’t write let us say the weight I didn’t check the weight of the patient

Researcher: Ok

Participant: it is an honest opinion, you. you just tell them that you didn’t check the patient’s weight but you examined the patient and present the findings

Researcher: And how the defence will take it if it is like that

Participant: If it is a weight you explain to the defence that weight doesn’t determine that the patient would be able to fight the perpetrator. We deal with stresses differently

Researcher: Hm

Participant: I might be bigger than the perpetrator but if the perpetrator Is having a gun can I fight with the perpetrator, no

Researcher: Hm

Participant: I might be bigger than the perpetrator can I fight the perpetrator, so weight doesn’t change sort of merit of the case

Researcher: Hm

Participant: So, because you don’t know what is going on through my head when I am presented with that that situation during that time

Researcher: Ok with that it won’t fit any with time management, won’t be any hassles?

Participant: The hassles that can be made by the defence

Researcher: In what way

Participant: If they can say ok me, if you think weight is not important. How do you get to other things very important?

Researcher: Hm

Participant: It is only the defence I mean the defence can present the case the way they want

Researcher: Hm, so if get you well M1 on your challenges concerning time management is only Tembisa that doesn’t give you problems but other places are challenging you? And on that note what would you like see happening/ changing?

Participant: Make your life easier, go to court because there is nothing that can change because you go to court presents yourself. You been asked question and present what you got on your professional opinion. So, like should change from there because if it’s like you not called to court

Researcher: Hm

Participant: So, we are doing this work knowing ok hm to the complete cycle of doing the work is one of them is going to court

Researcher; hm ok, so if I understand you well you don’t have any complain or anything you are happy with everything

Participant: No, you know you’ll complain if you take eh things personal, when I say personal, I say only directed to you. Fine if you understand that ok when I go to court yes basically harsh to everybody, can be rude to everybody ah you then have that thing that he is not doing that to you only

Researcher: Hm I get you. If we go through this harshness and rude, can you tell me more about it

Participant: Hm let me call one thing I think you generally know. You remember the lady who was raped by the pastor and she was asked it in it was out how deep was in how deep was out. You understand that kind of things is not like ok it is directed to her because it happened to her but you as a witness if you are asked those kinds of things you have to be as professional as you can be although some of the question might be bit eh sensitive

Researcher: Hm

Participant: You take it like this guy defence representative he might do this to provoke your emotions to show that you taking sides so I must stay my ground. I must professional as possible

Researcher: In other words, you telling me that you are able to control your emotions and feeling regardless of what defence might be trying to do to you, ok. Let me thank you for the time you have given me done this interview with you. Thank you again

Participant: You welcome

**THE END!!!**

**BIOGRAPHIC DATA: PARTICIPANT M3 (Tembisa Thuthuzela Care Centre)**

**PROFESSION: Medical practitioner**

**MAIN QUESTION: What is your experience while providing expert testimony during sexual violence trials?**

**YEARS OF EXPERIENCE: 10 Years**

AGE: 51 Years

GENDER: Female

DATE: 21/01/23

TIME: 43:20 Seconds

Researcher: Good afternoon mam

Participant: good afternoon

Researcher: How are you?

Participant: I am fine

Researcher: I am a master’s student from the University of Pretoria under supervision of Prof Mogale and Prof Rasweswe. As we have gone through the consent and has given me permission to interview you. Are giving the verbal one in order to continue

Participant: Yes, we can

Researcher: Ok thank you, for the sake of privacy and confidentiality I am not going to address you with your real name will call you M3 and you will call me researcher.

Participant: Hm

Researcher: As an expert witness providing expert witness testimony in sexual violence trial in Gauteng. Can you take through that journey

Participant: Ok, firstly you will receive the subpoena delivered by the police officer with a date and a court that you suppose to attend court, normally it is be advisable to arrive at 9h00 but it is best to arrive earlier than that .So that you will be able to locate the prosecutor who is in charge of the case and they will also advise if there will be a sitting of court on that particular day. In most instance they know before if the court is not going to be sit hand and release you. (participant talks with teary eyes)

Researcher: Ok

Participant: But sometimes you can wait all to find out late that there won’t be a case because of this and that

Researcher: Hm

Participant: I can say 10 received subpoena you can attend only 3 court cases to testify

Researcher: Can you tell me of what’s happening there

Participant: I remember when I was there for the first time, I was so scared and again the reason of me being scared is the things we see on television, and they are exaggerated. But once you there you see that things are not like that it is real life. For the second time I just realised that you just read your subpoena

Researcher: Hm

Participant:M3Tembisa” I must say for I have to say facts, anyone who is going to challenge those facts as long as I know that whatever I will say it’s true. I have taken oath that whatever I will say it’s truth”.

Researcher: You said you were scared at and there is J88 that needs to be completed, can you tell me more about J 88 that you complete

Participant: It is a criminal case record that is completed usually when somebody is assaulted whether physical or sexually. Then they are attending a physician, it is a form that they use to complete the history as well as the findings when they were examining the person. The J 88 is completed to conclude the findings. What is relevant you record

Researcher: Ok

Participant: you know the sequence of events with whatever happened to them and then, examine and record the findings that you get after examination

Researcher: Hm ok and again you said because you have taken an oath, tell me more about oath taking

Participant: Usually, the Magistrate or presiding officer they will want you to swear to say that whatever you will be telling the court is the truth, truth only you not going to tell lies because if you can tell lies you can be also be prosecuted. So, when you are a witness when you get to the stand you need to swear all the time

Researcher: If may ask again with this truth and lies, can it sometimes happen that you lie? Can it happen that you talk somethings that doesn’t exist

Participant” Ok, for them it is something that they need to do because you as a witness even if you were tempted to tell lie. Remember if you are a witness not expert witness for a victim, I might want to create stories

Researcher: Hm

Participant: Because want the accused to go jail. That’s why the prosecutor wants you to swear to remind you not tell lies

Researcher: Ok

Participant: Remember this is serious whenever what you going to tell them will determine whether the person is guilty or not

Researcher: Or not guilty (repeating same words)

Participant: Lies can make the accused released, goes back to the community and continues to harm people or falsely judge

Researcher: Can be sent to jail for crime he didn’t commit, and you also said justice to be served tell me more about it

Participant: Justice to be done according to my findings and has to be balanced and not in nobody’s side

Researcher: Ok that what I was about to understand more. And also said about witness and expert does this two differ if yes how so

Participant: Me as a doctor I am an expert because I have studied and able to interpret findings found in my knowledge on my field or both witness but expert is because I am trained

Researcher: Ok and you also said knowledge talk more about it

Participant: Knowledge refers to expert witness knowing normal anatomy, pathology first you also need to know gynae and how to examine. And my knowledge of have examined so many sexual offence victims

Researcher: Hm

Participant: How do things present gynaecological before you can tell something is abnormally, so is basically that

Researcher: Hm Ok if may I ask what are the challenges that you might be facing while working, courts

Participant: Kind of stories being related by victims affects psychologically. Other challenge is that eh you do find cases where you take the history you realize that the story is not clear even for you (I am a police or investigation officer) it becomes difficult to understand the story and that is being fabricated or not

Researcher: Hm

Participant: But then for me as a doctor I am not there to judge but sometimes it becomes difficult. You are led with you are told if it is not clear it is difficult

Researcher: Hm

Participant: If you are led with something that is not clear you might miss an import thing something that can make a case win

Researcher: Hm

Participant: you also want to make sure that you done your done your best to make sure that you examine your patient thoroughly

Researcher: Hm

Participant: Yes, I would say with credible evidence

Researcher: With that difficult good report finding how do you go about it in order to crack the real thing

Participant: You need to be patient and give patient more time

Researcher: Hm

Participant: You need to be empathic and understanding, if someone is not patient, I don’t think they will be able to do this type of job

Researcher: Hm

Participant: Really some people might ask what can you be doing with a person for more than hour

Researcher: Hm

Participant: But in such cases because you know it involves emotions and with children they are scared to say or to call a penis or vagina. They will be like going around, so they need patience when you asking ok maybe they will say he touched me. So where did he touch you and they will be scared to tell

Researcher: Hm

Participant: you have to probe

Researcher: If hear you well there is J88 that need to be filled and again not all cases go to court, tell me about it

Participant: Our work is to examine, complete J88 and collect specimen for DNA hand over to police officers. Police officers to take the case to whoever or the prosecutor and I don’t know how is decided. Or maybe they sit and they don’t have much evidence not on the J88 or based on their own maybe someone come and make a statement if not strong enough I don’t know. But I know that not all J 88 reach court and need me to go testify

Researcher: Hm

Participant: Or maybe they are to crack and finalize the case before calling me or they never really went to court. Maybe the complainant doesn’t want to carry on with case

Researcher: HM

Participant**:** But I think there are reasons that not all of them don’t go to court

Researcher**:** Hm ok I hear you well. May I ask about your preparedness before going to testify

Participant: Ok as I said when you get the subpoena you need to check the file because most of the time when you see the patient two or three years ago. So wouldn’t remember you need to and check if J 88 is completed in duplicate. Also write notes on patient’s file

Researcher: Hm ok

Participan**t**: So that able to read and remind yourself that ok this is what the patient has told me. This is what I found and maybe if you don’t remember you go and consult so that when you go to court you able to give facts, by the way when I find this what does it mean

Researcher: Hm ok

Participant: It does happen that they forgot, ok I find what, what causes that. You need to consult to get clarity

Researcher: Hm ok with these three years what are you relating to?

Participant: So, if I see someone today 2023, it happens sometimes that you are called to court maybe 2025 /2026 not really that is a fact of case being postponed or maybe lot of backlogs of cases, ja. you cannot be called same time. If it very early it is usually a year but most cases are after two years

Researcher: On that note, long time is you able to trace the perpetrator and the victim?

Participant: All of that is court’s business to trace, me I have done my work by getting the file and remind myself what I wrote. Anyway, if I get to court, I will get that J88 and refer and give testimony

Researcher: Hm ok, if I get you well it means that on that J88 you have to make sure that everything is completed correctly so that if happens that the case drags for a long time nothing is incorrectly completed. Again, with your challenges: debriefing tell me more about it

Participant: So usually when someone worked with something that has affected emotionally debriefing will be a benefit whether a counsellor whoever expert who will be able to debrief because it affects so it is better when you can talk to someone. So, with me I am employed as a sessional doctor. I haven’t the opportunity to go, the government does not have money to take us all

Researcher: Hm to take it off shoulders

Participant: Usually, it will be once a year or once in two years. In my 10 years I have never been to debriefing so it sometimes becomes a problem. It is a challenge emotionally; you can’t go through trauma after trauma. So anyway, one has to find a way to deal with it and try to forget about it

Researcher: Ja it is challenge I hear you. I just heard you saying that with your preparedness you just go to court prepared with anything so there is nothing that challenge you

Participant: Yes, now they priorityze healthcare professionals because they know that we don’t have the whole day to just spend on the benches without knowing that your case will go in or they are going to need you. This is the reason why you need to find the prosecutor when you get there to find out whether they are going to need you

Researcher: To need you (repeating same words) ok

Participant: Before you will just go and sit then after lunch, they will say we won’t going to need you but I really think that they see that we are a scarce skill so we can’t just spend time sitting while we could be somewhere helping other people that need help.

Researcher: Hm

Participant: With us the main court that we use to go is Tembisa but sometimes we are called to go to high court, in Johannesburg but I have been only been there once I must say. When I was there, they attended to me I went to testify. I think that they are also professionals we are also needed somewhere, I didn’t wait

Researcher: Hm hm, on that note when you are there waiting to testify whom do you leave here holding your fort?

Participant: Where ever I work remember I am a sessional doctor there is no one holding for me. I tell them that I am going to court. It really helps when I am told if not going to be needed so then I can go back to work

Researcher: If I understand you well, it goes back to that scarce skill, there is no enough of healthcare professionals

Participant: Yes, if I am not there, there is no one

Researcher: Ok I hear you M3, what would you like to see things changing?

Participant: I would say if one would get some debriefing, in courts I haven’t experienced any that is adverse, no

Researcher: you haven’t experienced anything that scarce you, with this debriefing I hope that if something can be done about that with all the stress that you are getting from the people you are helping what keeps you standing

Participant: I think for me beside the money, so but its eh when you see someone coming, broken, having terrible experience you know after spending an hour with you tried to reassure them. Then you see them coming out without a tear they had when they first went into the room. And they try to smile and then they say thank you doctor. I get gratification

Researcher: Hm hm hm (nodding the head)

Participant: I feel I have made a difference in this people’s life, so me that’s what keeps me going maybe again people come here in a state but when they go back because they are sent to the counsellor and they go to nurse before they come to me

Researcher: Hm hm

Participant: By the time they go out they can speak and smile, it really changes somebody’s life

Researcher: You can see them smile, speak (repeating same words) on that note again with the testimony that you are giving there is there any change it can bring?

Participant: when I know that I have answered every question to my satisfaction. I also get happy because now I know that if a perpetrator has to really pay for ever, they have done. It makes me feel that I have made a difference, because we don’t want to see the perpetrator walking down the street

Researcher: In the street (repeating same words) hm

Participant: Sometimes you think you know but then you realize that the defence lawyer tried to trick you in way but eh fortunately whatever you telling those affects even if they trick as long as you stick to what you know. then again, I feel I have done my job

Researcher: Hm, what are the defence lawyers doing the tricks?

Participant: It will be up to the court to decide whatever. With the tricks they and change you tell them this is blue. And they come back and say you said that was green, so they confuse you. Some people might be tempted to say yes and then you need to remember.

Researcher: Hm

Participant: the minute you say yes you are green they’ll say which is which you said this and now you are saying that

Researcher: You said this and now you saying that (repeating the same words and laughing together) if hear you they are asking one question differently to see that are you with them and are you noting whatever you answer or telling them

Participant: Differently (repeating same words) yes, ja. Whatever you are telling them is the truth because if it is not a truth obvious you will forget. If it is a really truth you won’t forget. Remember if it is lies, you will forget

Researcher: It takes us back that you need to that whatever you say is truth and truth only

Participant: So, they can literally use it against you and then even jeopardize the whole case and say is null and void whatever evidence that you have given because of one question

Researcher: Hm, one question (repeating same words together) I just want to go back to dragging time of court. I understand it has nothing to do with you. What would you like to see changing on that note

Participant: If they can just understand that our justice is loaded. Sometimes the victim knows the perpetrator but they take time I sometimes feel like when it takes time it is like re-opening the wound. And again, police were supposed to deal with the severity of the case

Researcher: I understand you M 3 I think that is a good note also because it is true is re-opening wounds especially here, we won’t say women and men but mostly victims that we are dealing with is women who are mainly victimizezed. the last one but least do they bring you feedback?

Participant: Unfortunately, I haven’t or may it’s because I don’t work full time in the centre, I come after hours I had never really got feedback unless on the news when you are called to testify on high profile cases

Researcher: Hm

Participant: I think it will be good if we are informed. I know that they take it for granted for us for mentioning that in this centre

Researcher: Hm, there can be a way of doing that, let’s say that thing is implemented and done. How will it make you feel?

Participant: It will really make me feel that I have done my job very well. And also, to see if I didn’t do well as it doesn’t rest on me to others also. It also reminds on how did the case go how did my evidence go so that one knows where to improve

Researcher: It’s on your side so that it can helps to improve (repeating same words) hm. If I understand you well you say that you will find the loophole and try to improve. I thank you for the time you have given me. Don’t get weary matla matla (power power)

Participant: Ok thank you

**THE END!!!**

**BIOGRAPHIC DATA: PARTICIPANT N1(Centre B)**

**PROFESSION: Professional Nurse**

**MAIN QUESTION: What is your experience while providing expert testimony during sexual violence trials?**

**YEARS OF EXPERIENCE: 10 Years**

AGE: 56 Years

GENDER: Female

DATE: 11/10/22

TIME: 29:57 seconds

Researcher: How are you?

Participant: I can’t complain

Researcher: I am a university student Pretoria under supervision of Prof Mogale and Dr Rasweswe’. As we gone through the consent and you have given the consent to conduct the interview with you. Are you also giving the verbal one? For the sake of privacy and confidentiality I am not going to address you with your real name. I will call you N1 and you will call me researcher. Is it fine with you? And when feel uncomfortable with the questions asked you are welcome to stop anytime you feel free to stop me any time

Participant: I can say there was a little lack confidence or trust from some of the prosecutors, and like I say from most them not all of them. Maybe he didn’t understand that Professional nurse is referred to as clinicians and doctors are doctors. He was asking me if I was a doctor he wanted to know if was going to give my expertise as a doctor. He was asking me that I was a doctor. He looked like he didn’t believe in me. He said I was going to give evidence in court in capacity of the doctor? And I said yes, I said I never experience that twice in the magistrate court: I have never experienced it in high court

Researcher: If heard you well the lack of confidence and trust

Participant: They seem to have too much trust in doctors than us as clinicians

Researcher: And that how does it make you feel like while he was saying that to you?

Participant: That’s how I felt somehow and I did well, I always do well in my cases

Researcher : According to you what can you say

Participant: what type of question “are you going to give evidence in the capacity of a doctor being a nurse’’. I didn’t expect this question from him from him

Researcher: Knowingly that you are not a doctor, you are a nurse. So, you felt offended or can you tell me more about it that lack of trust

Participant: I felt offended but, in any case, because now I have to be strong. Remember this time he was consulting me outside the court. I was about to go to the witness box. And I did well

Researcher: Felt offended (repeating same words said) Hm and testify even though he was trying to make you feel inferior, you not offended with that still you kept on doing what you were supposed to do

Participant: I was offended, he boosted my morale in fact I didn’t take whatever he was saying to me

Researcher: Hm, ok like when you say he boosted your morale. tell me more about morale being boosted

Participant: I listened carefully to the cross examination remember with the with the expert expertise the witnessing that you are going to give within the witness box. You need to be careful and from his question as a prosecutor from the deepened side. So, I listened carefully

Researcher: Yes, yes, Hm, yes

Participant: In so much that when I answered when I was cross examined by the defence attorney, he was now nodding his head saying you are doing well. he was unlike the person who was outside asking me to say “are you going to do this in the capacity of the doctor”

Researcher: Hm, hm so if I understand you well N1 would you rather tell me that was he/she testing you if you know what you are going to do there or what can you say?

Participant: Maybe he was having a professional nurse eh a professional nurse or a clinician who was coming to testify with a sexual offence case for the first time in court, for his experience maybe he was having a very first timer

Researcher: So, in other words, inexperienced yes so, he was not sure. Ok I get you. How do you see yourself while you there?

Participant: Yes, ja with the stage of gender-based violence in our country, gender-based violence, feticide I see myself as a person who is doing a very eh difficult challenging job and at the same time doing a very good job seeing that this is a pandemic of our country. Like I am being counted as one of those who are trying to fight this gender-based violence

Researcher: Hm, yes

Participant: So, I feel very much honoured to be doing this even though sometimes I feel like we not doing anything seeing that the very gender-based violence is being increased within the month ya August (of) when we are busy at the crisis centre doing ama campaigns (doing campaigns, awareness) ale gender basis (campaigns of gender basis) we get a lot of cases of gender basis during that month (August)

Researcher: (listening attentively and scribing)

Participant: So, I don’t know so I don’t know how we can curb this scary gender based. We are trying but nothing is being done. So, I don’t know ukuthi singe yenzani (I don’t know what we can do)

Researcher: Hm, if heard you well you said something about challenging can you tell me about challenging

Participant: I rate ye gender-based violence (Yes gender-based violence rate) is still going up is unlike what we see on the news

Researcher: Hm, so the stats and what you see live are two different things it doesn’t correlate?

Participant: JA, no

Researcher: So, what make that aren’t they counting well or are they hiding something? What can you say?

Researcher: they are not counting eish I cannot say that they are not counting well I cannot say stats si wrong (I cannot the stats is wrong) neh it is like I want to say igender based violence (the gender-based violence) coverage by imedia (the coverage of gender-based coverage by the media) is not very well done

Researcher: Ok

Participant: JA, for instance La eTembisa we have community station neh (Here in Tembisa)

Researcher: Yes

Participant: Which I think most of the time we can use it to communicate with our community but now per year we only have maybe one slot or not even slots for slots for years

Researcher: With media?

Participant: With media (repeating same words)

Researcher: So, they don’t come to accompany you (referring to the media)

Participant: Our community is a very big community and they cannot reach everybody

Researcher: Hm, so the media

Participant; so, most people who come here may tell you that this is the first time they hear about our services

Researcher: Ok I hear you N1 and then with the can you tell me about the good things what are you relating to?

Participant: The good one will be” we treat everybody equally and we provide services Neh

Researcher: Yes

Participant: Eh equal services to the patients that say they want to open cases and those don’t want to open cases because we are destined not to judge

Researcher: Yes

Participant: Not to judge patients who don’t want to report sexual violence

Researcher: So, with regard to judgement, we are human beings then how do you do it? How are you coping with judging and judging on the very same time?

Participant: Hm, judging and not judging will depend on the individual because they are the ones who will always complain even if you talk to the patient nicely

Researcher: Hm, will depend on the individual (repeating same words)

Participant: You will see the way she responds to you ukuthi uyamujudge (that you are judging her) I remember at some stage the NPA staff was around neh. I say the NPA meaning the National prosecuting Authority staff is the ones dealing with the cases neh at the court say to advise the victim on how is she coping or how is the case going

Researcher: OK, yes (nodding the head repeatedly)

Participant: So as a medical staff I was busy with the patient there to say eh I was taking blood as came in for her follow up, taking blood from her and I just asked neh innocently so ukuthi (I just asked innocently so that how is the case going) the manner in which the patient answered me

Researcher: Yes

Participant: in fact, she ended up crying and saying “she didn’t want to open the case it was like I forced her to have opened the case and I was with another sister there JA she said why do you asked me if I have opened the case”

Researcher: Hm

Participant: And I said no I was asking you ukuthi I case ihambakanjani hayi ukuthi uvule case (No I was asking you that how is the case going I was not asking you to open the case file) not knowing ukuthi uyivulile encase or akyivulanga (without knowing whether she has opened the case or not)

Researcher: Uyivulile or akavulanga (has opened the case or not, repeating same words)

Participant: Within the conversation kusho ukuthi uyangi judge (that means you are judging me, says the victim) and she started crying and only to realize after to say she was has having some depression and was admitted some way nge depression (of)

Researcher: Ok

Participant: Uyabona she felt ukuthi siyamujudge (you see she felt that we are judging her)

Researcher: Ok

Participant: So, this thing yokuthi siyabajudge (you this thing of saying we judge them) or asibajudge will always come from the patient (or we don’t judge them will always come from the patient) so sine suggestion box esiyibeke laphaya (so we have suggestion box put over there)

Researcher: Hm

Participant: Ja amapatient mina I feel ukuthi is because of maybe scared ya le gender-based violence (Yes, the patients, me I feel like because of maybe scared of the gender-based violence) they are undergoing they seem not to trust anyone or to have confidence in anyone ngizosho njalo to anyone (I would say that they don’t have trust or confidence to anyone)

Researcher: Hm

Participant: Or eh particularly umabanga tholanga icounselling (or if particularly they didn’t get counselling) but as time goes on bayasithemba kale (as time goes on, they trust us) but isikhathi esiningi they come here (but most of the time they come here)

Researcher: Hm

Participant: Most time they come here being very impatient, families bona ba worse (families are worse)

Researcher: Hm, so when do they start believing in you?

Participant: Along the way as the time goes on uzobona a totally different person (you will see a totally different person) when coming in for the first, second and third visit because of the counselling she is getting) uyachange because of the counselling (she changes)

Researcher: Hm

Participant: Remember we send them for counsel we have got the social worker with POWA (People Opposing Women Abuse) and social worker with department of health who counsel them

Researcher: Yes

Participant: You will see them changing when time goes on

Researcher: Ok I get N1, tell me more about your view on testimony provided in sexual violence trials court

Participant: Ok eh my view in most case mina ngo kwami (me by myself) I think we don’t have to use too much medical terms we have to use like eh simple terms in order to understand, remember those people are legal people won’t understand (referring to legal team, victims and suspects families)

Researcher: Yes

Participant: So, we have to use simple terms as ever because now when you use too much legal terms that’s when you have to explain most of the time

Researcher:

Participant: Prosecutor and the defence attorneys will keep on asking you questions time and again because of now they want to understand your medical back round ngeskhathi esiningi (they will keep on asking questions timeously both prosecutor and defence attorney)

Researcher: Ok N1 can you tell me about your interacting with both medical and legal terms

Participant: Anything because remember ecourt (remember in court) in court you are allowed to give your expertise in your own language so you can give evidence Ngesi Zulu (you can give evidence in English) yes for an example saying imons pubis uzocala like telling the judge or the magistrate (mons pubis referring to “the rounded mass of fatty tissue lying over the joint of the pubic bones telling the judge) they don’t understand ukuthi what is that (ukuthi” that”)

Researcher: Hm Yes ukuthi what is that (ukuthi” that” repeating same words)

Participant: So it is easier when you say I mons pubis yile part enga phezulu kwesitho esingaphezu kwe private part lesi esineyinwele (further explaining what monis pubis is “in a women private part that has pubic hair)

Researcher: Ok me I am trying to understand kanjalo (ok I am trying to understand when you say like that) ujudge and magistrate are they able to understand when you talk medical language”) is the judge and Attorney able to understand medical language?

Participant: That’s why ngithi (that’s why I say normally you need to take them through the J88) and they will ask you ukuthi sizwe uthi injury ise Labia Majora (we had you saying that there is an injury in Labia Majora)

Researcher: Ok Hm Hm

Participant: What are Labia Majora?

Researcher: Ok so umangikuzwa kahle leyo ipreparation that you need to prepare first before you go to actual sitting, when do you prepare that? (If I hear you well you saying that’s is the preparation before actual sitting)

Participant: Uyazi bayenzani? (Do you know what do they do?) angithi uyabona namanjne (you see even now) ungilethele isubpoena (He has brought me the subpoena) to say that on the 19th I am needed in court, you know what I am going to do now hm think I have done that

Researcher: Oh yes

Participant: I have already asked my data capture to take out the file and went through that. J88 is a medical record that I am going to read in court, the correct procedure when the subpoena is being issued by the prosecutor invited to come to court on a certain date.

Researcher: OH right, Yes

Participant: Mina naye we consult nge langa le court (Me and the prosecutor we consult on the day of court)

Researcher: Ok yes

Participant: To say ngi zokufuna nge langa eliso before and the court starts (I will need you on this day court before it starts) JA and angithi Uyazi ukuthi thina as clinicians Na bo doctor we testify ekugcineni (and you know clinicians and doctors testify lastly)

Researcher: Ok

Participant; After all the witnesses and victims and suspects we are the last. Even before we go to court. Angithi uyakhumbula loya (Do you remember that one referring to the prosecutor) Phela akangi buzanga phakathi kwabantu ukuthi am I going to testify as a doctor or a nurse (He didn’t ask me in front of court attendants we were alone in his office)

Researcher: Oh, you were all alone

Participant: Ok uyangibuza ke omunye uthi lana yini ngizokubuza so ngifuna uku understand (Some asked me what is this part I want to understand, they tell us what and how are they going to ask the questions)

Researcher: Hm Ok

Participant: I prosecutor for the state, mina naye we are there for the state (Me and him the prosecutor we are presenting the state)

Researcher: Ok Hm

Participant: Yes, except the defence Attorney

Researcher: Ok then, what was your challenges whist providing expert testimony

Participant: I said nje I experience amachallenges laku magistrate court (I said I experience challenges in magistrate courts not sure if I have told you) and not in high court. In high court it is very rare and I think in high court are those high cases I cannot say they are high profile cases cause now mina and those case, the case consulted in high court are serial rapists’ cases

Researcher: Ok

Participant: Say they get this suspect otholakele ukuthi ku le 2022 he has been raping since2017 (Suspect found that he has been raping people since 2017- 2022) and then he has 133 rape cases neh

Researcher: Hm

Participant: So, in most cases mina (me) I found my evidence as expert witness is easier because U linked already (it is easier because he is linked already) you find that even the defence has relaxed and won’t grill you

Researcher: As an expert witness (repeating same words) yes

Participant: A ka ku grill too much because he has nothing to grill (he doesn’t grill you “repeating same words)

Researcher: Hm ok

Participant: And U ukuthi Ulinked to many cases sithola Kuma investigations Uma baletha (and to know that he is linked to many cases we find out from investigations officers when they bring subpoena and tell you that you are summoned to high court with such case sitting in two weeks) nge case eso ezongena in two weeks, bafuna amaexpert witness wonke. From Mpumalanga, KZN or ukewa rape nase Durban kuza wonke lama expert witness (all expert witnesses from Mpumalanga, KZN, or has raped also in Durban)

Researcher: Hm

Participant: Uya bona angitholi inking (you see I don’t find any problem) I problem ibala and I want to be clear (the problem is here and I want to be clear) with all the magistrate court ku ba neproblem (there is a problem in all magistrate court) Uthe nginga khuluma Noma yini (You said I can talk about anything)

Researcher: Ok, yes you said I “can talk about anything”

Participant: Kuba ne problem where by (there is a problem whereby) Ubona nje ukuthi ku bane case (You see that there is a case) they want to I don’t know how to put it, where by the is a link somehow uprosecutor, I defence attorney (the prosecutor a defence attorney)

Researcher: Hm, if say a link like is it positive or negative

Participant: A negative one, maybe they want to take the suspect out. I mean ecourt researcher (keeping quiet for some time) we don’t expect uprosecutor aku grill like (we don’t expect of being grilled by the prosecutor like) she is grilling, like you are being grilled by the defence. But there are such cases researcher

Researcher: Hhmm (clearing throat) grilling you as if you a suspect. So, if such cases happen how do you deal with them?

Participant: We don’t do anything but ke now lately I was informed to say

Researcher: Hm

Participant: There is a prosecutor who does that and then he follows people nga ma WhatsApp to say sorry eh clinician so and so this is part of your daily duty, (there is this prosecutor who follows people by WhatsApp and apologizes reminding clinicians about their daily duty)

Researcher: So, by saying that is he apologizing?

Participant: JA, I don’t why with my experience it is clinical forensic it is not for the first time I hear it (tapping her pen on her notepad)

Researcher: after sending the message how to deal with this?

Participant: I heard that recently so I am trying to understand Ukuthi why (I am trying to understand that why is he doing this) because I have a lot of experience working in clinical forensics then I have heard by two or three people

Researcher: Hm

Participant; and why is apologizing to me it is like he was aware of what he did there while expert witness was on the box, I don’t think that he is professional so I don’t know

Researcher: Hm

Participant: So, I don’t know, I haven’t met the said prosecutor but two people report about him

Researcher: Hm so in future if you can get something likeN1 that how will you deal with that?

Participant: Like I said I have appeared many times as an expert witness and having heard my colleagues saying that neh with my delivering expertise in court. I have done that in many occasions without having consultations. With the prosecutor sometimes I was late

Researcher: Yes

Participant: And when you arrive the prosecutor calls you and says so and so come in. Uyafika sekuyi skhathi Sakho soku ngena. (You arrive and late and prosecutor calls you saying that it is time to give evidence)

Researcher: Soku ngena (repeating same words)

Participant: Icase I ya qala (the case starts)

Researcher: Hm

Participant: So, mina I amused to it (So me) so mina how I am going to deal with it if I am being called by him to come and consult. I am totally going to refuse because now I understand what he does. He calls you to consult Na ye (He calls you to come consult with him)

Researcher: Hm

Participant: Uyabiza nje abantu bazo consult naye as if manje Uya understand Uma ufika nga phakathi Uya ku griller (He just calls people to come consult with now you understand that when you get inside, he grills you)

Researcher: Yes

Participant: And three people won’t tell lies, I have told myself that if have to go to court with him I won’t consult first with him

Researcher: Oyi one with the very same thing (one person)

Participant: Or Uma angbize ngizomtshela ukuthi ngi feel uncomfortable (Or if he can call me, I will tell him that I feel uncomfortable to consult with him) akana chance yokuthi angi tshela ukuthi why ngi ba uncomfortable (He doesn’t chance to say that why am I uncomfortable)

Researcher: N1, thank you and keep on helping people

**THE END!!!**

**BIOGRAPHIC DATA: PARTICIPANT N2 ( Centre B)**

**PROFESSION: Professional Nurse**

**MAIN QUESTION: What is your experience while providing expert testimony during sexual violence trials?**

**YEARS OF EXPERIENCE: 05 Years**

**AGE: 32 Years**

**GENDER: Female**

**DATE: 15/10/22**

**TIME: 22:39 seconds**

Researcher: Good morning mam

Participant: Good afternoon researcher

Researcher: How are you?

Participant: I am good thanks

Researcher: I am a master’s student from University of Pretoria under supervision of Prof Mogale and Dr Rasweswe. As went through the consent form and you have given me permission to go through, can we start our interview. The reason for doing this interview I want to take me through the journey of how you give expert testimony in sexual violence. Remember if you feel uncomfortable and want to stop you are more than welcome to do that. For the sake of privacy and confidentiality I am not going to address you with your real name, I will call N2. Do you agree?

Participant: Yes

Researcher: I would like to ask about your experiences while proving expert testimony in court. Take me through.

Participant: Ok Me myself I started working here as professional nurse from 2016 I do examine victims or patients with history sexual violence. And there is a J88 form that we write what the victim is telling us the injuries that we are going to explain the court the cause of those injuries we going to explain in court. You will even cry there because they ask some difficult questions as if you were there when this rape happen (so emotional)

Researcher: Hm I am with you (looking straight to the patients face)

Participant: Ja remembers at court what they taught us is that we are not rapist we did examine the patient were not there ja you going to answer what you saw and what you don’t know is actually the annoyers hey that maybe I don’t know because they will ask a question as if you were there

Researcher: JA, I get you M2 if I get you like if I understood you well you feeling it is not easy

Participant: JA

Researcher: that feeling of not easy tells me more about it

Participant: Eh hm every time the question they are asking us make us feel like you don’t want to go and testify as if you didn’t know what you wrote

Researcher: if I hear you well you felt being harassed, like before you go there what do you in terms of preparation?

Participant: There is a prosecutor they will ask you something some questions (with tearful laughter)

Researcher: What questions are they asking you? Are the questions regarding the evidence?

Participant: No not really for example when patient was raped at night. And they will ask if a patient is a prostitute, they will ask and you not there. You don’t know anything about the prostitution but they will ask about such you see

Researcher: I can imagine if they ask you about that question. How do you go about answering it? By you saying that is they able to understand

Participant: No sometimes they don’t and I don’t know maybe they want to win the case but I don’t know

Researcher: And how do you go about it?

Participant: I will tell them that I don’t know but the patient is for what, it that they ask you is one question in different way

Researcher: Hm one question in different way (repeating same words)

Participant: You end up hurt or even crying there because they ask you question, you answer them. They will ask you that question in a different way

Researcher: With feeling of crying, do you end up crying?

Participant: Sometimes you will cry

Researcher: Talk more about it

Participant: Maybe they will end up postponing and reschedule it for another day

Researcher: Postponing the case

Participant: JA

Researcher: What makes them to do that?

Participant: Because maybe is it my mind would be …. I don’t know

Researcher: Ok I get you. How is it according to you when they make you feel like crying? Please tell me more

Participant: Hm It is not easy not easy but (repeating same words) but at the end of the day it is part of my job

Researcher: Ok I hear you; now tell me about emotions what is happening

Participant: Emotions just come

Researcher: Are you able to hold them?

Participant: Sometimes you with hold

Researcher: Except feeling being harassed, how do you feel when you give testimony?

Participant: Sometimes you feel positive

Researcher: How positive, when?

Participant: At the beginning because you know your story

Researcher: Hm

Participant: You know and when he starts asking you questions then start feeling being harassed hey

Research: Mean while at the beginning you said you felt like “I know my story” and I am going to nail the case all of a sudden you are being harassed. You feel like crying, but how you! You!

Participant: Hm JA. You feel like you are failing the patient

Researcher: Failing your patient how so?

Participant: Though I know gore Hm (I know that) we are there not to win the case we are going there to testify about whatever what you saw

Researcher: Hm

Participant: It is not up to us we act upon the patient’s history

Researcher: Hm

Participant: When they ask question, you feel like you know

Researcher: I get you when you say you doing right to the patient if I can hear you well you feel like you might make the patient win the case

Participant: JA wins the case (repeating same words)

Researcher: what make you feel well equipped on giving testimony?

Participant: Hm you go prepared then harassed ending up feeling very sad

Researcher: how sad, tell me more about it

Participant: Like I failed my patient

Researcher: Ok and again can we talk about legal and medical terms. How do you go about it?

Participant: we correlate well

Researcher: Ok. Do you have any challenges as expect us expert witness while testifying?

Participant: Feeling unsafe of suspect are there listening and watching us while giving testimony

Researcher: Not feeling safe in which way?

Participant: What I get followed after testifying

Researcher: Ok, what else are you thinking of except being followed after testifying?

Participant: May they can kill me especially if they can lose the case

Researcher: Ok, how do you weigh you winning and loosing

Participant: there is one where a suspect got 26 years of sentence

Researcher: 26 years being sentenced?

Participant: JA

Researcher: Can you say that 26 years of sentencing made you fear and feel unsafe if I get you well

Participant: JA

Researcher: In future what would you like to see changing?

Participant: We need support from lawyers and attorneys

Researcher: Support from lawyers and attorneys?

Participant: Yes

Researcher: What kind of safety do you need?

Participant: They must not put us together with the suspect’s families not seen

Researcher: When are get you want to be heard not seen

Participant: JA

Researcher: how can that are done, the hidden and not seen. Tell me more about it

Participant: I don’t know but at least there must be a room for us where maybe we can them not them seeing us

Researcher: I hear you; you want to be heard not seen for safety’s sake

Participant: JA

Researcher: Can this be doable? Tell me more

Participant: Yes, like what they do to children have a room where they are hidden

Researcher: Ok, tell me more about the support you need from the lawyers and attorneys

Participant: They must not treat us like suspects

Researcher: I thank you for giving me your time N2

**THE END!!!**

**BIOGRAPHIC DATA: PARTICIPANT N3 ( Centre B)**

**PROFESSION: Professional Nurse**

**MAIN QUESTION: What is your experience while providing expert testimony during sexual violence trials?**

**YEARS OF EXPERIENCE: 06 Years**

**AGE: 50 Years**

**GENDER: Female**

**DATE: 21/10/22**

**TIME: 33:53 seconds**

Researcher: Good morning

Participant: Morning

Researcher: How are you?

Participant: I am fine and you

Researcher: I am fine thanks. I am a student from university of Pretoria under supervision of Prof Mogale and Dr Rasweswe. As you have given me consent to do this interview I would like to ask for the verbal one.

Participant: Yes, no problem

Researcher: Ok, for the sake of privacy and confidentiality I am not going to address you with your real name. I will address as you M3 and you will call me researcher. So with the above mentioned topic of my research study of your experiences while giving expert testimony in sexual violence trials. Can you tell me more about it?

Participant**:** Ok Hm, prosecutor will serve you subpoena to come to court once you there, you go inside the box and introduce yourself. Where you studied, your qualifications and all this. Other than that, they will give you J88 you wrote the time you examined the patient. You through it and they will ask you if the J88 is written by you even the signature is yours then you compare. Once you are done with the introduction the prosecutor will start to your questions. But normally the prosecutor calls us before the case starts to discuss the J88, where we went wrong on it. But some of the prosecutors do that others do not they just call you inside and starts questioning. Where you made a mistake that is where the defence eh tick and will dwell on that mistake. The prosecutor will ask questions from page one (1) of J88 till the end. Then once is done with the questioning then the defence

Researcher: Ok (whispering)

Participant: Then the defence will get in and will dwell on all the mistakes you have done. The mistakes happen when you have jumped/missed something because police bring the patient and take her immediately. You won’t see that you have made mistake you will only realise when you get to court. For example, you weigh the patient and forget to check height and you need to give medication in comparison with that

Researcher: Yes, Hm

Participant: The defence will on that saying that you gave medication without weight

Researcher: Yes,

Participant: What I want is that the prosecutor calls us before court starts so that we can go through the J88 so that we can be able to rectify the mistakes before it is handed over to the defence lawyer

Researcher: Hm, ok I get you in other words you need to prepare before if I have understood well

Participant: Yes

Researcher: About preparation others call you and others don’t. Please you tell me more about it

Participant: Yes, those who call us prepare us

Researcher: Ok

Participant: You go to court with that confidence at least you are prepared and even the questions saying he will say I will ask you 1, 2, 3 on your J88

Researcher: Hm,

Participant: So obale le eh (you have that) that confidence to say I will answer like this

Researcher: Hm

Participant: So those who don’t call us eish because you just go there you get inside the box and starts questioning you after going through J88, so you didn’t prepare for answers

Researcher: Hm, tell me more about preparedness medical and legal terms

Participant: When you are preparing, they will ask if there are terms they don’t understand

Researcher: Hm tell me more about your feelings while giving testimony

Participant: If have met the prosecutor I get in there being ok and ready and ready for anything

Researcher: Hm

Participant: If I went in before meeting the prosecutor I get there frustrated

Researcher: how is preparedness helps you?

Participant: Make me feel more comfortable to inside the box

Researcher: Ok, tell me about the more comfortability

Participant: Eh because I know them, and we don’t get feedback is another being prepare

Researcher: HM What does the comfort does to you when your testimony

Participant: Eh once you have testified you don’t you don’t get feedback unless for Tv and newspapers talk about it the sentencing

Researcher: Hm

Participant: most of the case I didn’t get feedback from the prosecutor. You just testify and go home. they will not tell you that you did well

Researcher**:** you will never know if you did well

## Participant: I am worried that I don’t know if I presented my patient well

is much better. And providing us with feedback also done telling to go home when you are done Researcher: According to what said you just leave here to court being prepared when you get there you the prosecutor and don’t meet others, tell me about it

Researcher**:** How can you weigh it

Participant**:** Ke bona nkare ela ya go meet le prosecutor is much better (the one of meeting with the prosecutor

Researcher: Hm

**Participant:** Meeting before court helps

**Researcher**: you said something about dwelling tell me more

Participant: testifying and there after they will say you are done, nothing more

Researcher: How does that make you fell

Participant: you will never know and you will be frustrated

Researcher**:** tell me about that frustration ebole (expand it)

Participant: Ke frustrate ke gore (I get frustrated) a ke gone go tseba gore I did present well (I am unable to know if I testified well) to the advocate or not. if they can give us feedback can be negative or positive so we now. To prepare us before court

Researcher: Hm, ke gopela gobotisa (I want to ask) just leave here to court being prepared when you get there you meet with the prosecutor. what is better for you

Participant: To meet the prosecutor beforehand in order to gain strength in order to prepare and fix mistakes

Researcher: Hm

Participant**:** They even guide on what to say

Researcher**:** What is the defence when you say ‘he dwells”

Participant**:** Ok defence ge arata gore ofail ko di case. Olebelle dimistakes. (when defence wants you to fail the case he checks those mistakes: for example, injuries you state if still new and fresh and bleeding)

Researcher: Yes

Participant: you can be the one who can fail the patient if you don’t specify the injuries

Researcher: Exactly (repeating same words)

Participant: Especially when injuries are still new if it is not bleeding

Researcher: Hm

Participant: The defence lawyer will refuse that the injuries are from the suspect

Researcher: you saying that the dwelling is when the defence get something to stand on

Participant: Yes

Researcher: Can you talk more about your challenges

Participant: I leave here where I am working going to court alone without escort to present rape cases. When are done the perpetrators are with the families and you are alone

Researcher: Hm What you like to see happening about this challenge

Participant: I would like that the investigation officer fetch takes us or escort us if we are driving from work to court

Researcher: Hm you say you leave your work place to court and return alone

Participant: Alone

Researcher: what makes feel you need an escort

Participant: because we deal with sensitive cases, if he can get big sentencing, they will think is because of you

Researcher: families of perpetrators can think you are the one who made the perpetrator to get long sentencing

Participant: Yes

Researcher: How does it feels like when you prepare the case

Participant: you don’t sleep well when you think of going to court the next day

Researcher: Which part scares you the most

Participant: The defence you know that the defence will grill you the whole day yoo and it is not nice. You know that they will get loophole. Maybe if we can have this conference or something where prosecutors and clinicians can deal with this J88

Researcher: Hm

Participant: But they use to take us for training but the more you work you get tired

Researcher: For safety you want to be escorted from to court

Participant: Escort will make us feel safe

Researcher: What conferences will correct/improve

Participant: to be taught on how to write it well so that defence does not get chance to grill “us”

Researcher: Ok conference can be another form of training of J88 and defence wont get chance to grill

Participant: Yes

Researcher: how is the defence grilling you?

Participant: They just sit on one question (laughing) they are trained and they will ask in a different

way. They ask again same question differently , they get you and grill you. He will say I asked you and you said this now I am asking you are now saying that

Researcher: That’s where they grill you. With training said need to be send always. How often?

Participant: Maybe every six months. It is done yearly due to staff shortage

Researcher: Hm

Participant: It will be better if we can every six months

Researcher: if hear well staff is the reason you take long to go for training

Participant: The shortage is always so the six months one will be better

Researcher: how safety can be extended

Participant**:** From to court visa vesa will be fine

Researcher: Being escorted to work can avoid delays and other things for example flattening their tyres

before they leave for court “she said”

Participant: As for me alone I don’t feel safe to drive to court alone

Researcher: Hm, you said the thank you after giving testimony doesn’t sit you well. What are suggesting

Participant: to be given feedback after court case in order to improve for future

Researcher: I hear you. I thank you

**THE END!!!**

**TRANSCRIPTION:**

**BIOGRAPHIC DATA: PARTICIPANT N1 (Centre B)**

**PROFESSION: Professional nurse**

**MAIN QUESTION: What is your experience while providing expert testimony during sexual violence trials?**

**YEARS OF EXPERIENCE: 11 Years**

**AGE: 39 Years**

**GENDER: Female**

**DATE: 9/11/22**

**TIME: 44:26 Seconds**

Researcher: Good afternoon mam

Participant: Good afternoon

Researcher: I am a Masters student from University of Pretoria under supervision of Prof Mogale and Dr Rasweswe. I am doing research on Experiences of Healthcare Professionals while proving expert testimony in sexual violence trials in Gauteng Province, South Africa. The reason I am here today is for data collection whereby I am going to do interview with you. As I’ve provided you with consent form. You are more than welcome to stop me if you feel uncomfortable with the question we will be discussing or asking. If you feel like you do not want to go further you more than welcome to stop. You won’t be blamed for doing that. As you have signed the consent, I am asking you again to give me the verbal consent. So, mam can I continue?

Participant: Yes

Researcher: OK, and again for the sake of privacy and confidentiality I am not going address you with your real name I will call N1 and you will address me as researcher. Is fine with you?

Participant: Yes

Researcher: Ok, the reason I am here I want to know as you Clinicians, eh whereby you are assessing patients at the end of the day you go to court to provide your experience. I want to you to take me through on that journey whist you are there giving that testimony. What is happening there can we go through it?

Participant: OK, when I go to court

Researcher: Yes

Participant: They will send you a subpoena, that I am needed to court to testify about the patient (participant sighs, putting both hands on her face showing sign of unhappiness when served with the subpoena)

Researcher: Ok

Researcher: They will be asking to go through my J88

Researcher: Ok

Participant: When I am seeing the sexual offence patient what you do you South African Police to bring the me the crime kit box

Researcher: Ok

Participant: So, the crime kit box I will collect evidence and inside the crime kit box there EH EH is J88 inside that I have to fill

Researcher: Ok

Participant: It will show my name, Surname, qualification and cell phone number and stuff. When I go to court, I go to court I will be going through my J88. To explain to them because they don’t understand other things. I read, EH then I tell them that the patient is not any treatment and the patient was clean or she was dirty on examination

Researcher: Hhm

Participant: Ja, maybe the patient went home and bath, sometimes she came with torn trouser, torn jacket and everything. I have to go through that. And they will ask me if there were any physical injuries and I write no physical injuries noted

Researcher: Ok

Participant: Yes, after that I will go through that to the next page that this patient when she started menstruating. How many kids does she have?

Researcher: HM

Participant: Ja, it helps them to see whether injuries are consistent for the sexual penetrating. And when they ask you EH, EH is there any injury there is a tick nil. And then if maybe there are injuries, we call it as clockwise.

Researcher: Ok

Participant: Ja, whereby if maybe there is penetration

Researcher: Hm

Participant: So, then injuries will be at 9h00, 15h00, 17h00, 18h00, 19h00, 20h00, and 21h 00 in the watch down

Researcher: Hm:

Participant: Then ke di penetration injuries (It is penetration injuries)

Researcher: Oh ok

Participant: Then I will write, my conclusion will be that injuries are consistent with the sexual penetration

Researcher: Hm

Participant: that’s what they want

Researcher: OHK

Participant: And then if maybe are old injuries the patient HM HM HM didn’t report in less than 72 hours maybe o reportile after three months (maybe she reported after three months)

Researcher: Hm

Participant: And the child doesn’t have boyfriend or anything

Researcher: Hm:

Participant: I will be explaining because of the right cleft if the vaginal hymen cleft at 9h00, 15h00, and 17h 00 are consistent with old penetration

Researcher: OK, hm

Participant: And I will be explaining those so when I said hymen intact how can you say hymen intact because there are no old injuries

Researcher: Ok

Participant: But this child said she was penetrated

Researcher: Hm

Participant: Maybe this adult sometimes doesn’t penetrate inside on the young one’s just play on the thighs, because they know we will see injuries or sometimes they are grooming them first.

Researcher: Ok

Participant: So, I will be explaining those things to say EH EH sexual assault or anything that goes inside labia majora

Researcher: Ehm

Participant: Is the penetration whether is a finger whether some object, but anything that goes inside is the penetration

Researcher: Eh Eh penetration

Participant: Ja

Researcher: Who are you relating those things to in court?

Participant: I am talking to the prosecutor, lawyer, and magistrate

Researcher: Eh

Participant: And then the perpetrator will be sitting there

Researcher: So, with all people this people you have mentioned what are their roles?

Participant: Prosecutor is the state lawyer, getting paid by the government

Researcher: Hm

Participant: Yes, he is there with interest of the victim and then there is a lawyer. The role of the lawyer is hired by the perpetrator

Researcher: He is standing in for the perpetrator?

Participant: Yes, he will be questioning me with all those things, if he sees the loophole that means you can lose the case because he will be nailing on top of it

Researcher: Ok, when you talk about EH questioning what are they questioning about actually, can we through that

Participant: Like maybe Eh the last time one sister that I was working with, the court called her to come explain because she wrote intact.

Researcher: Ok

Participant: Ko hymen (at the hymen) she said intact but she wrote that there was no penetration. They wanted me as the lawyer was nailing her “gore” (for) how can you say intact while there is a penetration? So, the question will be like that because they want loophole. And you will be saying no I tackled it right the hymen is still there but there was a penetration because we didn’t want to lose the case

Researcher: Hm, with the loophole can we go deeper like deeper, what are they trying to find

Participant: They want to win the case

Researcher: They want to set the perpetrator free

Researcher: Like on what grounds?

Participant: When is there, he is fighting for the perpetrator to be out to say he is not guilty

Researcher: OH, oh ok I hear you well. If I understood well, they don’t want to find anything wrong?

Participant: Yes, so that the perpetrator can walk free

Researcher: And again, you said about nailing. Who is being nailed and why are they nailing?

Participant: They nail me as an expert witness

Researcher: For what reasons?

Participant: Because they want to win the case and me, I am standing for my victim

Researcher: Ehm

Participant: Ja, I am standing there for my patient

Researcher: Ok

Participant: I am testifying for my patient, so I have to be there and write what I saw

Researcher: Ok

Participant: they nail you for a small thing and if maybe you are not competent and maybe you said something and they will say you see nurse is not competent doesn’t know what she is doing

Researcher: Mhm Ok, with competency what are you relating to?

Participant: You must know yourself; you must not be scared because lawyers can nail you blah blah blah. Just stand there in your record put up my J88 and he has been asking me here you didn’t write everything.

Researcher: Ehm

Participant: I am the one who was with the patient. I am the one who was with the patient and who wrote it. And sometimes the perpetrator sodomised the boy or girl at the back

Researcher: Mhm

Participant: and the lawyer said how do I know if there was penetration, what is it “konje ba re ke dilo mang (what do they call this things)? Dinto tsa di constipation” (things of constipation)

Researcher: Eh di haemorrhoids (yes, the haemorrhoids)

Participant: Ja, what if it was constipation, and then I will say I know haemorrhoids

Researcher: Mhm Mhm

Participant: I will see if it is haemorrhoids but I am dealing with sexual assault

Researcher: Assault Ja

Participant: I know when there are injuries like that was caused by penetration

Researcher: the penetration

Participant: So, did wena (you) see them raping? And I said no I didn’t see I was not there I cannot say it was rape. It was penetration. What kind of thing that went in because I was not there

Researcher: Hey, my word

Participant: But I can say I’ve seen the sign of penetration

Researcher: Yoh Yoh

Participant: they look at you as you are the perpetrator

Researcher: N1, you have been saying you need to know yourself; you need to stand firm. How so and what are you relating to?

Participant: you don’t get angry just answer the question and don’t allow them to make you angry because they know you will make mistakes because you scared

Researcher: In other way they are threatening you?

Participant: Ja

Researcher: What give you courage to stand firm?

Participant: The more you do this job the more you become more confident and the more you know I must talk like this. You know I must talk like this and any question that is not there in J88 I will read what I wrote I am not going to answer something I didn’t write

Researcher: you only answer what is written only

Participant: Ehheee

Researcher: Ok, while providing testimony, how do you see yourself, your role?

Participant: I see myself fighting for justice for my patient

Researcher: Fighting for justice, how so?

Participant: Rape is a serious offence in South Africa, so somebody who rapes price has to pay the price

Researcher: Ok

Participant: He has to be arrested, if case is not opened, they are setting the perpetrator free, he will rape again

Researcher: According to my understanding you fight for rape to stop and advocating for patients. And lessening the numbers of rape cases

Participant: EH (yes)

Researcher: And gives you courage to that fighting?

Participant: The more you do this job you understand

Researcher: Mhm, leading you to improve

Participant: Before I testify, I sit down with the prosecutor and go through J88 and ask for loophole and she will say “hayi” (no) just explain injuries

Researcher: Ok

Participant: Ja

Researcher: If I get you well before you go court you prepare first

Participant: Ja

Researcher: Ok, what are your challenges?

Participant: The only challenge is when you are scared the lawyer can nail you

Researcher: what was scaring you before?

Participant: you scared of the questions that will be asked; maybe you will not understand the question

Researcher: how do you do you deal with the question that you didn’t understand?

Participant: you know how to answer the way the will understand

Researcher: do you go along with medical and legal terms?

Participant: I go there and do my medical part

Researcher: ok, what would you like to see changing or done differently?

Participant: Unfortunately, there is nothing that has to change because the perpetrator has rights

Researcher: Ok, and what is your ability in giving expert testimony?

Participant: bogoni baka (my abilities)?

Researcher: Yes

Participant: ge ketswa ko court ke gore ke tsebe gore I did my best (when I return from court) I am happy because I have done my justice

Researcher: Ok, what does it make you feel?

Participant: I feel happy

Researcher: What makes you conclude that you have done you part?

Participant: The magistrate will ask the lawyer if they still any question and he will say no question

Researcher any form of feedback after giving testimony?

Participant: I will ask the prosecutor that how did it go and he will say perfect

Researcher: Ok

Participant: JA when you there you are scared “gore” (like) osenya case (you are spoiling the case) ge ofihla kontlong nkare obolile motho (you feel like you have a person) you feel like you have killed somebody YESES awoyipyine (you enjoy or love yourself) feel like okanwa winenyana (you feel like you can sip wine)

Researcher: If you feel like you have spoiled the case, how do you deal with it?

Participant: motlhomongwe ge dilawyer ge babotsisa wa pota wena nkare a wotsebe taba tsa hao, you understand (sometimes when the lawyer asks you question and you do not answer in a proper way)

Researcher: Hm

Participant: opote fela mara tsewe maybe bago confuse (if don’t answer correct to confuse you) but mostly that happens if you are testifying for the first time

Researcher: Hm, you say they confuse.ke bomang ba go confuse (Who confuses you?)

Participant: Lawyer

Researcher: The one who stands in for the perpetrator? How do they confuse you?

Participant: Eh, cleft, hymnal clefts egobontsa gore this person has been penetrated (hymnal cleft show you that this person has been penetrated) he will ask how do you that scars has been caused by his client

Researcher: HM

Participant: Or maybe agobotsise same question ka tsela engwe gape (or maybe he asks same question in a different way)

Researcher: So they can ask you one question many times differently?

Participant: Yes

Researcher: how do you deal with confusing questions?

Participant: difficult and hard and stressful and feel like you spoiled the case

Researcher: Can you go back an undo the mistake?

Participant: No, you can’t

Researcher: It can make inquisitive

Participant: you will feel like you spoiled it mean while you did well

Researcher: what is the end product of rights on both victim and the perpetrator?

Participant: they all have rights though sometimes adolescent’s lies

Researcher: you are not judgemental

Participants: Ja

Researcher; The case has to be checked on different angles

Participant: these victims tell lies because they are afraid of their parents and the parents also hide information if the case is family related

Researcher: Yoh, stressing

Participant: and dragging, taking time and some victims are trapped/bribed in order not to open the case

Researcher: I thank you for allowing me to conduct interview

**THE END!!!**

**BIOGRAPHIC DATA: PARTICIPANT M1 (Centre B)**IMG_256

**PROFESSION: Medical doctor**

**MAIN QUESTION: What is your experience while providing expert testimony during sexual violence trials?**

**YEARS OF EXPERIENCE: 09 Years**

AGE: 43 Years

GENDER: Female

DATE: 9/11/22

TIME: 30:41 Seconds

Researcher: Morning mam

Participant: Morning madam

Researcher: How are you?

Participant: I am fine, how are you?

Researcher: I am fine thanks; Eh I am a master’s student from University of Pretoria under supervision of Prof Mogale and Dr Rasweswe. I am here to collect data on my studies and I am having the title of my proposal that reads as the Experiences of healthcare professional while providing expert testimony in sexual violence courts in Gauteng Province South Africa

Participant: Hm

Researcher: As you have given me the permission to sign the consent, I am asking you if you are giving me the verbal consent to continue verbal one to continue with my interview

Participant: Yes, I am

Researcher: Oh right, today I want to know what is unfolding during court trials. I just you to take me through the journey. What is happening there when you give expert testimony in trials court?

Participant: Ok

Researcher: Can we go through that?

Participant: Ok I’m gonna start from the beginning

Researcher: Ok

Participant: what usual happens you gonna get a subpoena for a specific date, on that day you will be advised to present yourself in the morning (participant smiling with both hands on the table put together)

Researcher: Ideally is best to see the prosecutor Eh before 08h00 so that you can rehearse, ask questions and find out why you have been called

Researcher: Ok

Participant: It is important to meet with the prosecutor and another reason for that sometimes you are called when you get there the case is not ready for trial or so and so is not coming or so and so is not available

Researcher: Ok

Participant: and then in that case the prosecutor will then tell you to go back home so you don’t waste time

Researcher: Ok

Participant: but if the case will continue you get there and he will tell you when to start

Researcher: Ok

Participant: they will call to come testify

Researcher: Ok whilst testifying what is happening there?

Participant: You will start by identifying yourself, your qualifications, and years of experience

Researcher: Ok

Participant: They will ask you general questions; try to break the ice so that you relax as you know court scary can be. I mean like it is not nice for some of us who are not ok with public speaking

Researcher: OK

Participant: The prosecutor will tell me to feel comfortable

Researcher: Ok

Participant: Once you are relaxed trouble starts (clapping hands) Hh Hh (clearing throat) from there they ask you to go through your J88

Researcher: Ok

Participant: Like for the records it is important for them to have that on record

Researcher: Hm

Participant: From there they check signature, and they are very supportive

Researcher: Hm

Participant: Because we are not the perpetrators we are there as expert witnesses

Researcher; Hm

Participant: For the state, we are there for the victims

Researcher: Hm

Participant: They try to give the whole lot of support, so you will read your J88 and they will ask you if you have seen the patient on this particular day

Researcher: Hm

Participant: and you will say yes and they will ask you if you have signed the particular the particular page and if there is a problem. They will try and highlight issues you know, mistakes we are human beings

Researcher: Hm

Participant: Once that is done HmHmHm (clearing throat) the prosecutor will hand over the proceedings to the magistrate if there is a problem. If the magistrate is ok he will hand it over back and to start if there is no problem

Researcher: Ok, I want to clarify something. You are going to address me as researcher and I will address you you as M1 for the sake of privacy and confidentiality

Participant; Ok

Researcher: Yes, when you started you said something about scary, the scariness of that place. Can we go through tell me what is happening?

Participant; You know what court is such court is court, we associate court like being arrested by the police

Researcher: Hm

Participant: And committed a crime, jail, you know perpetrators, guns and stuff

Researcher: Hm ok

Participant: Even as kids you know, I am from the village in Limpopo we used to run away when we see police vans (laughing) on the road we trying to hide ourselves

Researcher: (laughing together) Hm

Participant: so nje (like) that has been stuck on the back of our minds that court equals to crime, guns, and police

Researcher: Hm

Participant: So we literally shake when you go in there

Researcher: HM

Participant: And another thing (laughing) it is not nice to go in there we literally panic when you get subpoena

Researcher: Hm

Participant: and sometimes you will be in court with family of perpetrators

Researcher: Hm

Participant: it is scary because you will never know what might happen as you leave because you are not escorted by anybody

Researcher: Hm

Participant: You get a subpoena you walk in thereby yourself, sit there wait

Researcher: Hm

Participant: when you get in the box you realize that you were sitting next to the perpetrator’s brother

Researcher: Hm ok ja I get that scary part. According to my understanding you say it makes you uncomfortable, it is terrifying

Participant: Terrifying

Researcher: That terrifying moment how do you deal with it?

Participant: You know I personally try to stay away from the court gallery. Mostly if you are number two on the list, they will ask you to stay /wait outside because they do not want you to hear what others will say

Researcher: Yes

Participant: when that happens, I try to go sit where else. you will never know that you sitting with perpetrator’s mother. I try not to be seen before that time comes. It a really uncomfortable position to be in

Researcher: Hm

Participant: Because you do not know who is who I think the government takes that into consideration. We don’t feel protected by the state

Researcher: Ok I get you

Participant: we drive our own cars driving away from court with our own cars and ja we just go on our own

Researcher: Ja

Participant: We just cross our fingers that nothing happens

Researcher: Hm

Participant: If they wanna shoot you they can literally, does it because there is no security guards anybody escort us to our cars

Researcher: They can do it, Hm

Participant: we not safe we do say a prayer before we go in

Researcher: you mentioned “that’s where trouble starts” what kind of trouble is starting there?

Participant: When they start cross questioning you

Researcher: When they start cross questioning?

Participant: we have a very small scope

Researcher: Ok

Participant: Like I personally do not find the clinical work not challenging

Researcher: Hm

Participant: sometimes there are very nasty defence lawyers who used focus on other things other than what is happening especially when they realize that they do not have outlet. When they realize that the prosecutor has a strong case against the perpetrator

Researcher: Ok

Participant: when that happens, they sometimes choose to be nasty

Researcher: Hm

Participant: That’s where they ask stupid questions, remember we also human beings

Researcher: It is true Hm

Participant: sometimes we lose our marbles and get emotional and just say all the wrong things. But does not happen very often

Researcher: (laughing) it happens Hm

Participant: Ja, whereby I decided to be also nasty and the magistrate will say oh can we please stop

Researcher: Hm, you felt like he was disrespectful to you (defence lawyer)

Participant: He was disrespectful and defensive; I ‘said what else do you wanna know’?

Researcher: With that moment what did you think of?

Participant: I thought he was attacking me, my character and won’t allow it

Researcher: Ok

Participant: I started saying all sorts of nasty things and magistrate was not impressed. and I remember I got mad I felt he was attacking my character and said I’m not gonna allow it

Researcher: What happened after that?

Participant: The magistrate reprimanded him (the defence lawyer)

Researcher: Ok

Participant: After that he ‘said we are so sorry doctor”

Researcher: ok

Participant: Fortunately, I was about to finish. I finished and banged the door hhe (laughing)

Researcher: The banging of the door what were you telling them?

Participant: I am generally a straight person; I was not don’t like what was happening

Researcher: And feel like?

Participant: I felt like I said what I wanted to say

Researcher: how do you perceive yourself whilst giving expert testimony

Participant: Try to be professional as possible

Researcher: Hm

Participant: We do not get nasty defence always we work hand in hand with them. Remember our role is to educate. Remember these guys are not clinicians

Researcher: Hm hm

Participants in most cases they will ask you for clarification, if they want to challenge they will

Researcher: Hmm

Participant: But in most case, we treat each other very well

Researcher: Ok, you said you are educating them what are you educating on specifically?

Participant: Anatomy and the findings

Researcher: Hm

Participant: Most of time they will call you come and explain for them what you were saying whatever it is

Researcher: Hm

Participant: Remember they listen to the story and the whole is for them to match whatever the patient is saying and what you have written

Researcher OK, so whilst you are educating them on medical side on legal side what are they giving back to you?

Participant: Remember our role is to present our medical findings for the court; we don’t deal with legal much, we there to validate the findings on examination

Researcher: Ehm

Participant: Are the findings making sense, are injuries found on examination consistent with what the patient has said to the police and court

Researcher; Ok, I get M1 and then earlier you said you feel scared cause you can find yourself sitting with relatives of the perpetrators in the gallery of the court, if you said you are escorted what is happening

Participant: I believe we will benefit when we have a separate entrance, I think we will be taken care of better as witnesses witness protection that is going on the news, whistle blowers. Government is not taking care of witnesses. We try to hide...we can benefit if we have our own waiting area

Researcher: Ehm

Participants: People get killed

Researcher: Ja it is scary and uncomfortable situation, and with all of this what keeps standing?

Participants: I chose to be here nobody asked me, God knows what I can say

Researcher: Ehm (laughing)

Participant: He will protect us (God)

Researcher: Hm

Participant; I feel like I need some sort of protection when I go to court, other that nothing

Researcher: According to you, where should this protection start?

Participant: When we at court because I mean that’s the only place I am not happy and uncomfortable

Researcher: So you saying that the problem is when you attending court other that you don’t have any problem of being escorted?

Participant: Yes, because we sit with them before court starts

Researcher: Training sessions what are they offering?

Participant: There are some courses that runs on annual basis provided by the government in addition there also training and couple offered by the district also in addition to the ones offered by the government. Sometimes the NPA comes and give us information on legal side.

Researcher: Hm

Participant: Remember it is important for us to know about the children’s Act, we need to know about legal Acts and other legal side of issues that falls under gender-based violence

Researcher: Hm, you also mentioned something like support. Whom were you referring to?

Participant: Eh when it comes to work and to go court NPA guys have transport travelling from home to court in the morning

Researcher: Hm

Participant: Magistrates re good to us and offering support

Researcher: Defence highlighting mistakes what mistakes are they highlighting?

Participant: Remember their objectives is to drop the case, they want to win the case on behalf of their client. Their aim is to see that all make sense for example if you have made a mistake, they will take their time and make everybody in the court understand why you have written name wrong

Researcher: Can that be an influence to lose the case?

Participant: Everything counts; they use all sorts to discredit you as a witness

Researcher: You deal with a lot of cases that is tiring per day; if you make a mistake, will you be able to undo the mistake?

Participant: We try not to work when we are tired, and I communicate with the police officer informing him with what is done and not yet done

Researcher: Ok

Participant: But if you have done a mistake you are allowed to tell the court

Researcher: Ok, you can amend?

Participant: We are allowed to amend

Researcher: With that moment of exhaustion who relieves you?

Participant: You are allowed to take a break or call it a day

Researcher: Ok

Participant: People cannot lose case because of our mistakes

Researcher: Hm

Participant: If you are tired leave, it for the other person

Researcher: You a tired and here is the patient need to be attended what do you do?

Participant: We try to hand over as there is always someone around

Researcher: OK, I wanted to hear that part that you have enough staff

Participant: There is never one person on duty in particular day

Researcher: Ok, with the challenges that you are having, you wish that you can have an escort to court, don’t want to be seen, to have separate entrance, separate waiting area with the defence lawyers who are nicer. Do you think defence lawyers can stop to be nasty?

Participant: No that’s their job their whole point is to win for their clients

Researcher: Hm

Participant: The more they perform the better as long as they are making miserable

Researcher: They don’t understand, Miserable

Participant: Hahaha (laughing)

Researcher: How do you cope with misery?

Participant: It is part of the job, akere (so) I have applied for the job

Researcher: What makes you to wake up the following day and come to the same job with misery?

Participant: I have chosen this job and unfortunately going to court is part of purpose

Researcher: You saying that you are able to deal with every challenge regardless draining

Participant: I have chosen to come and work here

Researcher: Hm

Participant: We do get debriefing sessions district tries to make us happy and we also make ourselves happy here, we go out as staff to do farewell functions

Researcher: Situations are not easy but you try to be at ease, with debriefing being provided here at work.M1 I would like to thank you for the time you have given me

Participant: You are welcome, any time

Researcher: I appreciate

**THE END!!!**

**BIOGRAPHIC DATA: PARTICIPANT M2 (Centre A)**

**PROFESSION: Clinical forensic medical practitioner (MBChB, Diploma in forensic)**

**MAIN QUESTION: What is your experience while providing expert testimony during sexual violence trials?**

**YEARS OF EXPERIENCE: 07 Years**

AGE: 32 Years

GENDER: Female

DATE: 27/10/22

TIME: 29:30 Seconds

Researcher: Good morning mam

Participant: Morning

Researcher: How are you?

Participant: I am fine and how are you

Researcher: I am fine thanks. I am a master’s student from University of South Africa under supervision of Prof Mogale and Dr Rasweswe. As you have given consent of conducting this interview. Do you allow me to go through this interview with you?

Participant: Yes, I do

Researcher: And again, for the sake of privacy and confidentiality Aim going to address you as M2 and you will address me as researcher. You are more than welcome to stop me if maybe I ask you something that you uncomfortable with or again not to answer the question that suites you or to stop me if you feel like you don’t want to continue

Participant: Ok

Researcher: I would you to take me through your journey to court whilst giving testimony in sexual violence court

Participant: What happens it starts with when they subpoena us (talks with confidence looking straight to the researchers’ face with a smile)

Researcher: Anything with me is fine because I am not familiar with what happens there

Participant: OK, so what happens is that I would have examined the patient

Researcher: Yes

Participant: And then an investigation officer will come here with the subpoena which has a date and the court which I am supposed to go to when the suspect and the suspect’s name. victim’s name will be added so that I will be able to make notes (participant smiling whilst shaking one leg that is on top of another and looking on the roof)

Researcher: Ok

Participant: I will sign the subpoena and be called to confirm my availability. (One hand supporting the neck and playing with his ear) On the day of court I will appear on court. The I will go see the state prosecutor to have consultation period before court in order to explain to me why they are calling me or maybe clarify any misunderstanding

Researcher: Ok

Participant: When I got to court, I will wait to be called to go to the stand

Researcher: HM

Participant: Everything will be led by the prosecutor

Researcher: Hm

Participant: you introduce yourself and your qualification, like the questions are there

Researcher” Hm

Participant: I haven’t had any bad experience in court

Researcher: The challenges I faced most of the time is that sometimes they will call in court only to find out that the suspect is sick or defence lawyer is sick not coming

Researcher: Hm

Participant: Or maybe the are other things happening that Eh are going to be stopped, sorry to disturb the court proceedings and you would have waited in court for some time, only to be told that no the court(stuttering) would not proceed. You have to go back home

Researcher: Hm, ok I hear you M2. You told me about Eh availability and consultation can you talk more about it. what does it mean?

Participant: Ok sometimes you find that they are subpoenaing you on the date that you on leave

Researcher: Ok

Participant: And you won’t be in the province then they do allow that to postpone for another time that you are available

Researcher: Ok

Participant: And also, the issue of availability what is happening if a case is held in Tembisa regional court, most of the time like we discuss with our prosecutors you find that you meet me in court and I am the only clinician.

Researcher: Hm

Participant: So cannot spend the whole day in court waiting for them you know to confirm for certain things

Researcher: Ok

Participant: And only to be told that the court would not proceed where as I can be stationed here, they put me on standby

Researcher: I get you

Participant: If they don’t really need me or they not sure that I will testify on that day they will say please be on standby

Researcher: OK

Participant: We will call you if you are really needed on the day

Researcher: Hm Ok

Participant: If I am really needed, they will call that within15- 20 minutes to get to court from here

Researcher: Ok

Participant: Then I will go

Researcher: Ok on that note again of availability Eh if I get you well you telling me that you do not have enough staff

Participant: Yes, we don’t have (laughing) I am not going to say there is not enough staff remember when department of Health hired us they hire us to be stationed here if that clashes remember staff get sick

Researcher: Here (repeating same word)

Participant: And have family responsibility

Researcher: Hm

Participant: You will find that I am alone here in the centre

Researcher: Ok

Participant: And even the staffing right now is not enough because if one of the clinician is on leave and we have only one clinician on side so if they need me on that specific time you will find that the centre will be left unattended

Researcher: Unattended (repeating the same word said)

Participant: Or they will have to wait for me to come back hence we discussed with the state prosecutor if they are not sure that I will testify rather be on stand by

Researcher: Hm

Participant: When it’s our time you testify for 1 hour and come back

Researcher: And come back (repeating same word)

Participant: It does not affect our services

Researcher: Ok, can us through consultation. Who is consulting?

Participant: Ok, we are being consulted by the state prosecutors

Researcher: Ok

Participant: They call us just to brief us because” we don’t understand what you meant by cleft”

Researcher: Ok oh right

Participant: Ja, something like that, what are clefts. Just to clarify

Researcher: Ok

Participant: Remember before they subpoena you, they have their own discussions

Researcher: Hm

Participant: Yes, if there is an issue that need to be addressed the prosecutor will address the issue before we go in to court

Researcher: Hm ok, with medical and legal terms how do you go about it

Participant: Yes, we do get well because during our training we are trained that there is a ok before I did my diploma I went through Eh EH sexual offences practitioner training the one that they provide for each and every clinician that works in clinical forensic

Researcher: Ok Hm

Participant: Ah the training is done by multidisciplinary teams like we do have advocates, and nurses, doctors everyone and social workers. So, we advised not to use medical terms but sometimes you don’t find lay man’s words when you are busy by the patient

Researcher: Word yes (repeating same word said by the participant) Hm

Participant: Maybe that’s the reason why you are called to come and explain, you find that on the J88 remember you see the patient during a.m.’s (early in the morning) and you are tired and you have said on the right side but on the sketch, you do something on the left. So, such things just to understand

Researcher: Ok Hm, if I get you well eh you are being consulted before you go to give your expert witness, so that’s preparedness always prepared before

Participant: but they are not telling us what to say they want it is like they want clarity on certain things

Researcher: Eh ok and again you also mentioned that according to you don’t have bad or worst experience like what were you telling me

Participant: For me I don’t know it’s different because when people go to court, they get scared

Researcher: (laughing) exact my point

Participant: But for me my passion for clinical forensic I love reading, I go through articles, g

Researcher: Hm

Participant: Everything that talks of clinical forensics for me going to court is more like you know (expressing her feeling of going to expert testimony) I am going to give my advice, like I don’t know how to put it I have learned to reassure myself that I am not a suspect I am going there to assist the court to reach a certain conclusion they need in this matter

Researcher: Hm

Participant: So, for me court is interesting

Researcher: (laughing) Ok then can we talk more about your emotions, feelings when you are there

Participant: Ok so as a human being you that moment of fearfulness you know when you are on the stand sometimes and you talking people are just looking at you no one is saying yes or no you know. We always want validation sometimes we want to see people are listening or what. So sometimes you have moment of being scared but not that scared

Researcher: Hm

Participant: And also, the other part is that you, I think is anxiety of the defence lawyer what are they going to ask

Researcher: Ok I get you M2, validation and anxiety from defence what are they actually doing to you?

Researcher: Eh they are doing the cross examination; you know what they say cross examination they are asking you about the things that you said. the way you are asking that you said 1, 2, 3 what do you mean

Researcher: 1, 2, 3 (repeating what was said) hm

Participant: And you find that sometimes some of them are going too you know they are being too technically is going far like I am going to give you an example: I was asked, do you think penetration was force full in this particular case?

Researcher: Ok

Participant: And then I said yes because of the injuries that I had checked

Researcher: Ok

Participant: The defence lawyer asked me what is force? You know the definition of force in physics is the ability to do work, yes.

Researcher: Hm

Participant: Then I said that and then he said “is it possible for sexual intercourse to have it without force”?

Researcher: YOO

Participant: So remember for something to be happening

Researcher: Hm

Researcher: They were being too technically so sometimes you are being caught off guard with certain questions so that is why end up having anxiety like today what is that they are going to ask. And you get the ones that are being rude because people are not the same

Researcher: Hm

Participant: You get the ones that are rude they don’t even wait for you to finish your sentence, they try to shake you up you know, ja but overall, I have learned to control my emotions because I am an independent expert and that you just give my expertise

Researcher: Hm

Participant: And not taking sides, so I have learned to just to control my emotions, eh to listen very well because that is very important

Researcher: Hm

Participant: Listen to the questions very well and listen to what I am saying very well

Researcher: Hm OK, being caught guard and their rudeness what are they doing to you?

Participant: You just breathe in (laughing) you have to take your time

Researcher: Hm

Participant: Breath in bring yourself back to the moment and then see how you can answer the question and then sometimes the magistrate or the state prosecutor if they hear that whatever question that was asked is not fair, they can say that’s not fair

Researcher: Hm, ok on that time you are experiencing that rudeness and the prosecutor is like coming in in between, how do you deal with it?

Participant: to You keep quiet and wait for them to tell you proceed

Researcher: How is the feeling? According to me it is not an easy way to go through

Participant: It is not easy but we are chosen to be professional

Researcher: Ok, yes

Participant: I am not supposed to be rude or get crossed or acting in other way

Researcher: Hm, so all that is happening there what keep you standing?

Participant: My love for forensic

Researcher: Wow interesting. so, you are telling me that you are not shaken tell me about it

Participant: I want to see justice happen if I am shaken then I move away to what I am doing I will be failing some one

Researcher: Hm

Participant: The I feel like I will be failing the person who is right because remembering even the victim, the suspect I don’t take sides

Researcher: Ok

Participant: I don’t take sides I am just there to provide what I witnessed during examination with the victim and be consistent with what they want and also to provide my opinion

Researcher: Ok, with taking sides can we go through that

Participant: OK, I am not a legal expert but a medical expert

Researcher: Ok

Participant: I am just there to provide my opinion or to tell them what I saw. It doesn’t mean that I saw a victim I will be pressing that yes rape happened. I am just there to give my opinion to help the court to decide on whatever they want me to say

Researcher: Hm, you also said you want justice to be done between who?

Participant: Between the two, whoever is right

Researcher: Between the two, referring to?

Participant: I want justice to be done, remember justice will be whether the person is found guilty or not depending on whatever is happening, yes

Researcher: If I get you well on justice being done, you referring to the suspect and victim that they have to both get justice not the victim only

Participant: Yes

Researcher: Ok M2 I get you and then again Eh while doing your expert testimony there what would you like to see changing?

Participant: The tone of defence lawyers sometimes

Researcher: with tone what is happening?

Participant: They are rude, their way of asking questions or like the most recent one they asked if I think that the person has mental issue

Researcher: Ok

Participant: So, the state prosecutor asked me if in my opinion do I think the patient has mental problem? Then I said yes, then the defence lawyer said when you read your qualifications you didn’t include a speciality of psychiatry so ja those are the kind. I don’t know if it was an insult or what that we face sometimes

Researcher: Hm

Participant: When you do your MBChB you do all this things meaning that you are allowed to diagnose

Researcher: Hm, so felt insulted in what form?

Participant: Like imagine me telling you that Eh, ok you come and consult with me like now I’m working in clinical forensics doesn’t mean that I cannot diagnose

Researcher: Exactly

Participant: But someone comes and tell me that “you are not a specialist in that field” that’s why I felt underestimated because that I am not a specialist, I cannot do my job

Researcher: M2 I just want to thank you for the time and opportunity you have given me. And also ensuring that justice is done to both victims and suspects

Participant: We do our utmost best that patients are they are assisted but when we got to court, we become neutral

Researcher: (laughing) neutral (repeating the words) ok

Participant: if I start taking sides, we start creating injuries where there are not injuries

Researcher: Hm, ok I hear you M2 even though we were wrapping then you telling me that our victims sometimes doesn’t put their information straight

Participant: They do come back with the withdrawal statement for example victim says that “I was rape and comes back saying that I was afraid to tell the truth, that’s why we have to be neutral rather than taking sides

Researcher: Hm ok

Participant: Because if a person is falsely accused what justice are making

Researcher: Hm it is not and again when the victim comes back and I said I lied what does it do to you?

Participant: You find that you were so emotional invested in their case and they come back to withdraw the case, sometimes there is a bit of disappointment and discourage

Researcher: So, when that kind of information arises what do you do? Do you go back to the court or it is done

Participant: we call the investigation officer as he is the one who can make withdrawal statement

Researcher: Then what happens with the testimony that was given first

Participant: Usual withdrawals happens before we go to court

Researcher: Ok, withdrawals happen before going to court, there is no cases that you go stand to court and the victim withdraw?

Participant: no, I haven’t had one

Researcher: Oh, ok thank you again for the time given, thank you

**THE END!!!**

**BIOGRAPHIC DATA: PARTICIPANT M1 (Centre A)**

**PROFESSION: Medical practitioner**

**MAIN QUESTION: What is your experience while providing expert testimony during sexual violence trials?**

**YEARS OF EXPERIENCE: 06 Years**

AGE: 42 Years

GENDER: Male

DATE: 26/10/22

TIME: 25:24 Seconds

Researcher: Good morning, sir

Participant: Morning

Researcher ok and how are you?

Researcher; I am a master’s student in University of Pretoria under supervision of Prof Mogale and Dr Rasweswe. As you have given me consent to conduct interview with you. I am going to ask you to give me the verbal one. Can we continue with the interview?

Participant: we can proceed

Researcher: For the sake of privacy and confidentiality I am not going to address you with your real name I will call M1 and you will call me researcher

Participant: Ok

Researcher: as an expert witness I would like you to tell me what happening in court when you give expert testimony

Participant: What happens first you will get a subpoena for a specific date to appear in court?

Researcher: Ok

Participant: When you get to court you present yourself to the prosecutor to tell them that you are around so that they know that you are there

Researcher: Ok

Participant: they will present to court the case and that you will be the witness of that case and after introduction they will call you to the stand to testify

Researcher: Can you tell what is happening there

Participant: They will ask you to introduce yourself to state your credentials, what your qualifications and where are you working, how long have you been working

Researcher: Yes

Participant: How do you proceed in terms of like when you see the patient how do you document your findings from clinical examination from the patient

Researcher: OK

Participant: You take them through the J88 that you have completed, after that he/she will start to interrogate those areas, she thinks it needs clarification to the court

Researcher: Ok

Participants: When she/he is done will tell the court that she is done and give time to the defence to examine you. The court will give defence time

Researcher: Ok

Participant: Defence depending on what they want to explain or clarify in terms of whatever that is going to benefit them then they ask you and you have to answer honestly in terms of your professional standing, what could be the things that they want to know, ja

Researcher: Ok

Participant: When they are done, they will redirect opportunity to the prosecutor if they want to re-cross examines or clarify some things and if there are no further questions you will be excused from court

Researcher: Ok, you stated something with documentation. Can we go through it

Participant: The document is J88

Researcher: Ok can we through it

Participant: J88 is a document that we complete Eh after the clinical examination of the patient to basically it is the communication between the doctor and the court about the findings that were found is this. The document itself is a sketch notation on the document where you can describe or point out what you have found in the body whatever findings

Researcher: Ok, if I hear you well you saying something about interrogation? Tell me more about it

Participant: Interrogation means that they go deeper with their questions trying to dive in maybe let’s say they exclude the black and white try to find everything they want to find about the question

Researcher: So, you telling me that they are questioning you

Participant: Yes

Researcher: What type of questions are they asking you?

Participant: They can differ; they can ask you about injuries, what would have caused the injuries? Do you think that those kinds of injuries Ehm are consistent with the story being given by the patient or the story that was a layout in front of the court in terms of what has transpired. And they may ask about let’s say if the patient was intoxicated, do you think they could have been able to have done what they have done

Researcher: Hm

Participant: So, it is a variety of questions

Researcher: Ok, you have talked about benefits. What benefits are you relating to

Participant: The defence can ask a question that can cast that out on the presentation of the prosecutor. The perpetrator will be given a benefit of doubt that it would not have happened the way it was

Researcher: If it benefits the perpetrator what will happen to him?

Participant: With benefits the court will determine whether guilty or not

Researcher: Ok

Participant: And the sentencing is up to the court, so if the court is not up to the opinion that has happened, it is the suspect

Researcher: it is the suspect (repeating the same word) in other words you saying they want to win according to them

Participant: Hm yes

Researcher: Again, you talked about honesty, who must be honest?

Participant: We as professionals,

Researcher: Honest in what form?

Participant: When we go to court, we don’t choose sides

Researcher: Ok

Participant: Basically, we present our findings in terms of our professional skills and in our understanding of those findings. We don’t basically try to make things

Researcher: Ok

Participant: Basically, laceration is a laceration if it is an incision it is, and you explain what would have caused the laceration or the incision

Researcher: Ok

Participant: For an example when the patient explained that he was by the stick on the head and sustained a laceration then if the court asks you. Do you think even a brick would have caused a laceration?

Researcher: Hm

Participant: you then present your professional understanding of what a laceration is and what would have caused a laceration

Researcher: Ok, with that what can you tell me? The difference between

Participant: Both can make a laceration but in terms with the extend of the injuries might differ

Researcher: Ok

Participant: Because like determining the force at which brick can land in your head or the force that a stick can land on your head

Researcher: Hm

Participant: We generally can consider the force of a brick which can land in your head or the force that a stick can land in your head we generally can consider that the stick has less force than a brick ratio on the area of impact

Researcher: Hm, I understand you and again this re-cross examination how does it arise?

Participant: The re-cross examination is if Ah the defence have basically …. How can I put this he has put an argument in front of the court to such an extent that they want you to swerve from your presentation of your facts. Do you understand

Researcher: Laughing

Participant: That’s it is a bit difficult, ok for instance if the defence they like the question. Do you think consensual sex would have caused the injuries? Those kinds of things

Researcher: Ok

Participant: You understand because normally is like, yes even consensual sex would have caused injuries

Researcher; Hm

Participant: So, defence can also cross examine that ok Ehm you know even consensual sex would have cause the injury

Researcher: If I hear you well, they trying to hear if understand what they asking you or you are going to say exactly what you said before, I get you M1. Whilst busy giving testimony how are feeling?

Participant: After?

Researcher: No, while you busy there, you can tell when you there or after providing testimony. Tell me about that

Participant: Court is a scary environment for everybody eh and the thing is that being there as a professional witness basically you want to be as professional as you can so that whatever the court can learn from your experiences. They can make their decision hm much lighter or (shaking and lifting up his shoulders) it doesn’t matter. When you are done with your work you don’t have to have that feeling that you know what I could have made a mistake

Researcher:

Participant: I could have said this this way so the court could see this in this line. So, you want it to be proper as proper as you can put because we are dealing with people’s lives

Researcher: Hm

Participant: So those lives are going to be impacted or to be changed with what you said in court

Researcher: Hm

Participant: If you understand that gravity of the situation you feel somehow compelled that, ok whatever you are going to say let it be what you have seen when you examine the patient

Researcher: Ok

Participant: No addition that could have swerved your presentation towards one side or to the other side

Researcher: To the other side ( repeating same words said) Ok again with scariness then if heard you well you said the patient’s case lies in your hands

Participant: No no no it is not patient’s case, we don’t look at this as a patient’s case

Researcher: Hm

Participant; We look at it as professional presentation

Researcher: Ok

Participant: Ok

Researcher: Oh right

Participant: whose case is not what we want to cover. The defence when he asks you a question you give him an honest answer

Researcher: Ok

Participant: When the prosecutor ask you just give an honest answer, so you don’t take any side

Researcher: Ok, side (repeating same word)

Participant: Basically, you are presenting that ok if the eh if this is an orange. It is an orange

Researcher: Ok

Participant: you cannot say this might be an orange

Researcher: Ok

Participant: If are being asked to speculate then you say you asked me to speculate as a speculation. So that you basically in the same way

Researcher: Hm

Participant: That we are both speculating as you have asked me and then I am speculating as you have asked me, you understand

Researcher: Ja

Participant: Let’s say if something is a clear cut it is a clear cut you cannot swerve and speculate on a laceration is a laceration The only thing I was told that this laceration was caused by a stick then a stick has cause a laceration

Researcher: Full stop, yes. I get you M1, again on that frightening part you said court is a scary place. is the environment that is scary or most like

Participant: No no I am just saying when you go to put your expert opinion you also think of what you speak about for other that’s of the lives of other people if you go to court

Researcher: Tell me about the feeling of going to court as an expert testimony

Participant: You mean like how the more you go the you become

Researcher: Yes yes

Participant: Ehm the more you go obvious become better in something but I take every new case as it is a new experience

Researcher: Hm ok I am listening

Participant: Ok because I don’t take that ok the current case is preparing for the future because things are changing and going to be presented differently for you. So a mere fact that of saying of that ok every case is different and it is a new case. Then it keeps me my toes that ok I have to I have to look on their own merit

Researcher: Ok

Participant: I don’t solve and have to present for somethings and say as I have presented last time but this is a new thing

Researcher: Ok M1 I hear you and again can you tell me about the challenges you facing while giving testimony

Participant: Hm the challenges this time is time is the one thing that we basically having because the one court that we happy with in terms of time management is Tembisa court because they know us

Researcher: Hm

Participant: And we present our self-early and they will tell you that in this case we want you to be a standby witness let’s say we call you; you can come in. you understand

Researcher: Ok

Participant: So, you those things sorted out but in terms of other courts let’s say out of Tembisa going to other courts they don’t know us and you don’t know who the presiding prosecutor is allocated. So, like you need to clear those things so that you stand the whole day

Researcher: Hm ok

Participant: Waiting to be called and waiting for your case to be presented because being there away from work understand, the sooner you can present your expert opinion and you can go back to your and proceed with the work the time

Researcher: Hm ok if I may ask again on that note of time management eh preparedness how is done

Participant: The preparation eh after they have served with a subpoena and you know that you are going to court Ehm, I go through the file of the patient the day before and check ok because you can’t remember everything

Researcher: Ok

Participant: Ehm, you check what you have find your findings where and what was the presenting history in terms of what has happened at least you a clear understanding on that day of physical examination of the patient and that you have gathered in terms of examination

Researcher: Ok

Participant: So, the preparation you doing, you can do it the day before or in the morning before you go in court but you look at the file of the patient

Researcher: Ok On that note of preparation I just want to go back on J88 that’s what is leading and you are preparing to present with it so, so with it you have to make sure that everything is there you haven’t missed anything if heard you correctly. In case you find out that you have missed something, how do you go about it?

Participant: Honest opinion is to tell them that you missed it, I didn’t write let us say the weight I didn’t check the weight of the patient

Researcher: Ok

Participant: it is an honest opinion, you. you just tell them that you didn’t check the patient’s weight but you examined the patient and present the findings

Researcher: And how the defence will take it if it is like that

Participant: If it is a weight you explain to the defence that weight doesn’t determine that the patient would be able to fight the perpetrator. We deal with stresses differently

Researcher: Hm

Participant: I might be bigger than the perpetrator but if the perpetrator Is having a gun can I fight with the perpetrator, no

Researcher: Hm

Participant: I might be bigger than the perpetrator can I fight the perpetrator, so weight doesn’t change sort of merit of the case

Researcher: Hm

Participant: So, because you don’t know what is going on through my head when I am presented with that that situation during that time

Researcher: Ok with that it won’t fit any with time management, won’t be any hassles?

Participant: The hassles that can be made by the defence

Researcher: In what way

Participant: If they can say ok em , if you think weight is not important. How do you get to other things very important?

Researcher: Hm

Participant: It is only the defence I mean the defence can present the case the way they want

Researcher: Hm, so if get you well M1 on your challenges concerning time management is only Tembisa that doesn’t give you problems but other places are challenging you? And on that note what would you like see happening/ changing?

Participant: Make your life easier, go to court because there is nothing that can change because you go to court presents yourself. You been asked question and present what you got on your professional opinion. So, like should change from there because if it’s like you not called to court

Researcher: Hm

Participant: So we are doing this work knowing ok hm to the complete cycle of doing the work is one of them is going to court

Researcher; hm ok, so if I understand you well you don’t have any complain or anything you are happy with everything

Participant: No, you know you’ll complain if you take eh things personal, when I say personal, I say only directed to you. Fine if you understand that ok when I go to court yes basically harsh to everybody, can be rude to everybody ah you then have that thing that he is not doing that to you only

Researcher: Hm I get you. If we go through this harshness and rude, can you tell me more about it

Participant: Hm let me call one thing I think you generally know. You remember the lady who was raped by the pastor and she was asked it in it was out how deep was in how deep was out. You understand that kind of things is not like ok it is directed to her because it happened to her but you as a witness if you are asked those kinds of things you have to be as professional as you can be although some of the question might be bit eh sensitive

Researcher: Hm

Participant: You take it like this guy defence representative he might do this to provoke your emotions to show that you taking sides so I must stay my ground. I must professional as possible

Researcher: In other words, you telling me that you are able to control your emotions and feeling regardless of what defence might be trying to do to you, ok. Let me thank you for the time you have given me done this interview with you. Thank you again

Participant: You welcome

**THE END!!!**

**BIOGRAPHIC DATA: PARTICIPANT M3 (Centre A)**

**PROFESSION: Medical practitioner**

**MAIN QUESTION: What is your experience while providing expert testimony during sexual violence trials?**

**YEARS OF EXPERIENCE: 10 Years**

**AGE: 51 Years**

**GENDER: Female**

DATE: 21/01/23

TIME: 43:20 Seconds

Researcher: Good afternoon mam

Participant: good afternoon

Researcher: How are you?

Participant: I am fine

Researcher: I am a master’s student from the University of Pretoria under supervision of Prof Mogale and Prof Rasweswe. As we have gone through the consent and has given me permission to interview you. Are giving the verbal one in order to continue

Participant: Yes, we can

Researcher: Ok thank you, for the sake of privacy and confidentiality I am not going to address you with your real name will call you M3 and you will call me researcher.

Participant: Hm

Researcher: As an expert witness providing expert witness testimony in sexual violence trial in Gauteng. Can you take through that journey

Participant: Ok, firstly you will receive the subpoena delivered by the police officer with a date and a court that you suppose to attend court, normally it is be advisable to arrive at 9h00 but it is best to arrive earlier than that .So that you will be able to locate the prosecutor who is in charge of the case and they will also advise if there will be a sitting of court on that particular day. In most instance they know before if the court is not going to be sit hand and release you. (participant talks with teary eyes)

Researcher: Ok

Participant: But sometimes you can wait all to find out late that there won’t be a case because of this and that

Researcher: Hm

Participant: I can say 10 received subpoena you can attend only 3 court cases to testify

Researcher: Can you tell me of what’s happening there

Participant: I remember when I was there for the first time I was so scared and again the reason of me being scared is the things we see on television, and they are exaggerated. But once you there you see that things are not like that it is real life. For the second time I just realised that you just read your subpoena

Researcher: Hm

Participant:M3Tembisa” I must say for I have to say facts, anyone who is going to challenge those facts as long as I know that whatever I will say it’s true. I have taken oath that whatever I will say it’s truth”.

Researcher: You said you were scared at and there is J88 that needs to be completed, can you tell me more about J 88 that you complete

Participant: It is a criminal case record that is completed usually when somebody is assaulted whether physical or sexually. Then they are attending a physician, it is a form that they use to complete the history as well as the findings when they were examining the person. The J 88 is completed to conclude the findings. What is relevant you record

Researcher: Ok

Participant: you know the sequence of events with whatever happened to them and then, examine and record the findings that you get after examination

Researcher: Hm ok and again you said because you have taken an oath, tell me more about oath taking

Participant: Usually, the Magistrate or presiding officer they will want you to swear to say that whatever you will be telling the court is the truth, truth only you not going to tell lies because if you can tell lies you can be also be prosecuted. So, when you are a witness when you get to the stand you need to swear all the time

Researcher: If may ask again with this truth and lies, can it sometimes happen that you lie? Can it happen that you talk somethings that doesn’t exist

Participant” Ok, for them it is something that they need to do because you as a witness even if you were tempted to tell lie. Remember if you are a witness not expert witness for a victim, I might want to create stories

Researcher: Hm

Participant: Because want the accused to go jail. That’s why the prosecutor wants you to swear to remind you not tell lies

Researcher: Ok

Participant: Remember this is serious whenever what you going to tell them will determine whether the person is guilty or not

Researcher: Or not guilty (repeating same words)

Participant: Lies can make the accused released, goes back to the community and continues to harm people or falsely judge

Researcher: Can be sent to jail for crime he didn’t commit, and you also said justice to be served tell me more about it

Participant: Justice to be done according to my findings and has to be balanced and not in nobody’s side

Researcher: Ok that what I was about to understand more. And also said about witness and expert does this two differ if yes how so

Participant: Me as a doctor I am an expert because I have studied and able to interpret findings found in my knowledge on my field or both witness but expert is because I am trained

Researcher: Ok and you also said knowledge tell more about it

Participant: Knowledge refers to expert witness knowing normal anatomy, pathology first you also need to know gynae and how to examine. And my knowledge of have examined so many sexual offence victims

Researcher: Hm

Participant: How do things present gynaecological before you can tell something is abnormally, so is basically that

Researcher: Hm Ok if may I ask what are the challenges that you might be facing while working, courts

Participant: Kind of stories being related by victims affects psychologically. Other challenge is that eh you do find cases where you take the history you realize that the story is not clear even for you (I am a police or investigation officer) it becomes difficult to understand the story and that is being fabricated or not

Researcher: Hm

Participant: But then for me as a doctor I am not there to judge but sometimes it becomes difficult. You are led with you are told if it is not clear it is difficult

Researcher: Hm

Participant: If you are led with something that is not clear you might miss an import thing something that can make a case win

Researcher: Hm

Participant: you also want to make sure that you done your done your best to make sure that you examine your patient thoroughly

Researcher: Hm

Participant: Yes, I would say with credible evidence

Researcher: With that difficult good report finding how do you go about it in order to crack the real thing

Participant: You need to be patient and give patient more time

Researcher: Hm

Participant: You need to be empathic and understanding, if someone is not patient, I don’t think they will be able to do this type of job

Researcher: Hm

Participant: Really some people might ask what can you be doing with a person for more than hour

Researcher: Hm

Participant: But in such cases because you know it involves emotions and with children they are scared to say or to call a penis or vagina. They will be like going around, so they need patience when you asking ok maybe they will say he touched me. So where did he touch you and they will be scared to tell

Researcher: Hm

Participant: you have to probe

Researcher: If hear you well there is J88 that need to be filled and again not all cases go to court, tell me about it

Participant: Our work is to examine, complete J88 and collect specimen for DNA hand over to police officers. Police officers to take the case to whoever or the prosecutor and I don’t know how is decided. Or maybe they sit and they don’t have much evidence not on the J88 or based on their own maybe someone come and make a statement if not strong enough I don’t know. But I know that not all J 88 reach court and need me to go testify

Researcher: Hm

Participant: Or maybe they are to crack and finalize the case before calling me or they never really went to court. Maybe the complainant doesn’t want to carry on with case

Researcher: HM

Participant: But I think there are reasons that not all of them don’t go to court

Researcher: Hm ok I hear you well. May I ask about your preparedness before going to testify

Participant: Ok as I said when you get the subpoena you need to check the file because most of the time when you see the patient two or three years ago. So wouldn’t remember you need to and check if J 88 is completed in duplicate. Also write notes on patient’s file

Researcher: Hm ok

Participant: So that able to read and remind yourself that ok this is what the patient has told me. This is what I found and maybe if you don’t remember you go and consult so that when you go to court you able to give facts, by the way when I find this what does it mean

Researcher: Hm ok

Participant: It does happen that they forgot, ok I find what, what causes that. You need to consult to get clarity

Researcher: Hm ok with these three years what are you relating to?

Participant: So if I see someone today 2023, it happens sometimes that you are called to court maybe 2025 /2026 not really that is a fact of case being postponed or maybe lot of backlog of cases, ja. you cannot be called same time. If it very early it is usually a year but most cases are after two years

Researcher: On that note, long time is you able to trace the perpetrator and the victim?

Participant: All of that is court’s business to trace, me I have done my work by getting the file and remind myself what I wrote. Anyway, if I get to court, I will get that J88 and refer and give testimony

Researcher: Hm ok, if I get you well it means that on that J88 you have to make sure that everything is completed correctly so that if happens that the case drags for a long time nothing is incorrectly completed. Again, with your challenges: debriefing tell me more about it

Participant: So usually when someone worked with something that has affected emotionally debriefing will be a benefit whether a counsellor whoever expert who will be able to debrief because it affects so it is better when you can talk to someone. So, with me I am employed as a sessional doctor. I haven’t the opportunity to go, the government does not have money to take us all

Researcher: Hm to take it off shoulders

Participant: Usually, it will be once a year or once in two years. In my 10 years I have never been to debriefing so it sometimes becomes a problem. It is a challenge emotionally; you can’t go through trauma after trauma. So anyway, one has to find a way to deal with it and try to forget about it

Researcher: Ja it is challenge I hear you. I just heard you saying that with your preparedness you just go to court prepared with anything so there is nothing that challenge you

Participant: Yes, now they priorityze healthcare professionals because they know that we don’t have the whole day to just spend on the benches without knowing that your case will go in or they are going to need you. This is the reason why you need to find the prosecutor when you get there to find out whether they are going to need you

Researcher: To need you (repeating same words) ok

Participant: Before you will just go and sit then after lunch, they will say we won’t gonna need you but I really think that they see that we are a scarce skill so we can’t just spend time sitting while we could be somewhere helping other people that need help.

Researcher: Hm

Participant: With us the main court that we use to go is Tembisa but sometimes we are called to go to high court, in Johannesburg but I have been only been there once I must say. When I was there, they attended to me I went to testify. I think that they are also professionals we are also needed somewhere, I didn’t wait

Researcher: Hm hm, on that note when you are there waiting to testify whom do you leave here holding your fort?

Participant: Where ever I work remember I am a sessional doctor there is no one holding for me. I tell them that I am going to court. It really helps when I am told if not going to be needed so then I can go back to work

Researcher: If I understand you well, it goes back to that scarce skill, there is no enough of healthcare professionals

Participant: Yes, if I am not there, there is no one

Researcher: Ok I hear you M3, what would you like to see things changing?

Participant: I would say if one would get some debriefing, in courts I haven’t experienced any that is adverse, no

Researcher: you haven’t experienced anything that scarce you, with this debriefing I hope that if something can be done about that with all the stress that you are getting from the people you are helping what keeps you standing

Participant: I think for me beside the money, so but its eh when you see someone coming, broken, having terrible experience you know after spending an hour with you tried to reassure them. Then you see them coming out without a tear they had when they first went into the room. And they try to smile and then they say thank you doctor. I get gratification

Researcher: Hm hm hm (nodding the head)

Participant: I feel I have made a difference in this people’s life, so me that’s what keeps me going maybe again people come here in a state but when they go back because they are sent to the counsellor and they go to nurse before they come to me

Researcher: Hm hm

Participant: By the time they go out they can speak and smile, it really changes somebody’s life

Researcher: You can see them smile, speak (repeating same words) on that note again with the testimony that you are giving there is there any change it can bring?

Participant: when I know that I have answered every question to my satisfaction. I also get happy because now I know that if a perpetrator has to really pay for ever, they have done. It makes me feel that I have made a difference, because we don’t want to see the perpetrator walking down the street

Researcher: In the street (repeating same words) hm

Participant: Sometimes you think you know but then you realize that the defence lawyer tried to trick you in way but eh fortunately whatever you telling those affects even if they trick as long as you stick to what you know. then again, I feel I have done my job

Researcher: Hm, what are the defence lawyers doing the tricks?

Participant: It will be up to the court to decide whatever. With the tricks they and change you tell them this is blue. And they come back and say you said that was green, so they confuse you. Some people might be tempted to say yes and then you need to remember.

Researcher: Hm

Participant: the minute you say yes you are green they’ll say which is which you said this and now you are saying that

Researcher: You said this and now you saying that (repeating the same words and laughing together) if hear you they are asking one question differently to see that are you with them and are you noting whatever you answer or telling them

Participant: Differently (repeating same words) yes, ja. Whatever you are telling them is the truth because if it is not a truth obvious you will forget. If it is a really truth you won’t forget. Remember if it is lies, you will forget

Researcher: It takes us back that you need to that whatever you say is truth and truth only

Participant: So, they can literally use it against you and then even jeopardize the whole case and say is null and void whatever evidence that you have given because of one question

Researcher: Hm, one question (repeating same words together) I just want to go back to dragging time of court. I understand it has nothing to do with you. What would you like to see changing on that note

Participant: If they can just understand that our justice is loaded. Sometimes the victim knows the perpetrator but they take time I sometimes feel like when it takes time it is like re-opening the wound. And again, police were supposed to deal with the severity of the case

Researcher: I understand you M 3 I think that is a good note also because it is true is re-opening wounds especially here, we won’t say women and men but mostly victims that we are dealing with is women who are mainly victimized. the last one but least do they bring you feedback?

Participant: Unfortunately, I haven’t or may it’s because I don’t work full time in the centre, I come after hours I had never really get feedback unless on the news when you are called to testify on high profile cases

Researcher: Hm

Participant: I think it will be good if we are informed. I know that they take it for granted for us for mentioning that in this centre

Researcher: Hm, there can be a way of doing that, let’s say that thing is implemented and done. How will it make you feel?

Participant: It will really make me feel that I have done my job very well. And also, to see if I didn’t do well as it doesn’t rest on me to others also. It also reminds on how did the case go how did my evidence go so that one knows where to improve

Researcher: It’s on your side so that it can helps to improve (repeating same words) hm. If I understand you well you say that you will find the loophole and try to improve. I thank you for the time you have given me. Don’t get weary matla matla (power power)

Participant: Ok thank you

**THE END!!!**

**BIOGRAPHIC DATA: PARTICIPANT N1(Centre A)**

**PROFESSION: Professional Nurse**

**MAIN QUESTION: What is your experience while providing expert testimony during sexual violence trials?**

**YEARS OF EXPERIENCE: 10 Years**

**AGE: 56 Years**

**GENDER: Female**

DATE: 11/10/22

TIME: 29:57 seconds

Researcher: How are you?

Participant: I can’t complain

Researcher: I am a University student Pretoria under supervision of Prof Mogale and Dr Rasweswe’ . As we gone through the consent and you have given the consent to conduct the interview with you. Are you also giving the verbal one? For the sake of privacy and confidentiality I am not going to address you with your real name. I will call you N1 and you will call me researcher. Is it fine with you? And when feel uncomfortable with the questions asked you are welcome to stop anytime you feel free to stop me any time

Participant: I can say there was a little lack confidence or trust from some of the prosecutors, and like I say from most them not all of them. Maybe he didn’t understand that Professional nurse is referred to as clinicians and doctors are doctors. He was asking me if I was a doctor he wanted to know if was going to give my expertise as a doctor. He was asking me that I was a doctor. He looked like he didn’t believe in me. He said I was going to give evidence in court in capacity of the doctor? And I said yes, I said I never experience that twice in the magistrate court: I have never experienced it in high court

Researcher: If heard you well the lack of confidence and trust

Participant: They seem to have too much trust in doctors than us as clinicians

Researcher: And that how does it make you feel like while he was saying that to you?

Participant: That’s how I felt somehow and I did well, I always do well in my cases

Researcher: According to you what can you say

Participant: what type of question “are you going to give evidence in the capacity of a doctor being a nurse’’. I didn’t expect this question from him from him

Researcher: Knowingly that you are not a doctor, you are a nurse. So, you felt offended or can you tell me more about it that lack of trust

Participant: I felt offended but, in any case, because now I have to be strong. Remember this time he was consulting me outside the court. I was about to go to the witness box. And I did well

Researcher: Felt offended (repeating same words said) Hm and testify even though he was trying to make you feel inferior, you not offended with that still you kept on doing what you were supposed to do

Participant: I was offended, he boosted my morale in fact I didn’t take whatever he was saying to me

Researcher: Hm, ok like when you say he boosted your morale . tell me more about morale being boosted

Participant: I listened carefully to the cross examination remember with the with the expert expertise the witnessing that you are going to give within the witness box. You need to be careful and from his question as a prosecutor from the deepened side. So I listened carefully

Researcher: Yes, yes, Hm, yes

Participant: In so much that when I answered when I was cross examined by the defence attorney, he was now nodding his head saying you are doing well. he was unlike the person who was outside asking me to say “are you going to do this in the capacity of the doctor”

Researcher: Hm, hm so if I understand you well N1 would you rather tell me that was he/she testing you if you know what you are going to do there or what can you say?

Participant: Maybe he was having a professional nurse eh a professional nurse or a clinician who was coming to testify with a sexual offence case for the first time in court, for his experience maybe he was having a very first timer

Researcher: So in other words, inexperienced yes so he was not sure. Ok I get you. How do you see yourself while you there?

Participant: Yes, ja with the stage of gender-based violence in our country, gender-based violence, feticide I see myself as a person who is doing a very eh difficult challenging job and at the same time doing a very good job seeing that this is a pandemic of our country. Like I am being counted as one of those who are trying to fight this gender-based violence

Researcher: Hm, yes

Participant: So I feel very much honoured to be doing this even though sometimes I feel like we not doing anything seeing that the very gender based violence is being increased within the month ya August (of) when we are busy at the crisis centre doing ama campaigns (doing campaigns, awareness) ale gender basis (campaigns of gender basis) we get a lot of cases of gender basis during that month (August)

Researcher: (listening attentively and scribing)

Participant: So, I don’t know so I don’t know how we can curb this scary gender based. We are trying but nothing is being done. So, I don’t know ukuthi singe yenzani (I don’t know what we can do)

Researcher: Hm, if heard you well you said something about challenging can you tell me about challenging

Participant: I rate ye gender-based violence (Yes gender based violence rate) is still going up is unlike what we see on the news

Researcher: Hm, so the stats and what you see live are two different things it doesn’t correlate?

Participant: JA, no

Researcher: So, what make that aren’t they counting well or are they hiding something? What can you say?

Researcher: they are not counting eish I cannot say that they are not counting well I cannot say stats si wrong (I cannot the stats is wrong) neh it is like I want to say igender based violence (the gender-based violence) coverage by imedia (the coverage of gender-based coverage by the media) is not very well done

Researcher: Ok

Participant: JA, for instance La eTembisa we have community station neh (Here in Tembisa)

Researcher: Yes

Participant: Which I think most of the time we can use it to communicate with our community but now per year we only have maybe one slot or not even slots for slots for years

Researcher: With media?

Participant: With media (repeating same words)

Researcher: So, they don’t come to accompany you (referring to the media)

Participant: Our community is a very big community and they cannot reach everybody

Researcher: Hm, so the media

Participant; so most people who come here may tell you that this is the first time they hear about our services

Researcher: Ok I hear you N1 and then with the can you tell me about the good things what are you relating to?

Participant: The good one will be” we treat everybody equally and we provide services Neh

Researcher: Yes

Participant: Eh equal services to the patients that say they want to open cases and those don’t want to open cases because we are destined not to judge

Researcher: Yes

Participant: Not to judge patients who don’t want to report sexual violence

Researcher: So, with regard to judgement, we are human beings then how do you do it? How are you coping with judging and judging on the very same time?

Participant: Hm, judging and not judging will depend on the individual because they are the ones who will always complain even if you talk to the patient nicely

Researcher: Hm, will depend on the individual (repeating same words)

Participant: You will see the way she responds to you ukuthi uyamujudge (that you are judging her) I remember at some stage the NPA staff was around neh. I say the NPA meaning the National prosecuting Authority staff is the ones dealing with the cases neh at the court say to advise the victim on how is she coping or how is the case going

Researcher: OK, yes (nodding the head repeatedly)

Participant: So as a medical staff I was busy with the patient there to say eh I was taking blood as came in for her follow up, taking blood from her and I just asked neh innocently so ukuthi (I just asked innocently so that how is the case going) the manner in which the patient answered me

Researcher: Yes

Participant: in fact, she ended up crying and saying “she didn’t want to open the case it was like I forced her to have opened the case and I was with another sister there JA she said why do you asked me if I have opened the case

” Researcher: Hm

Participant: And I said no I was asking you ukuthi I case ihambakanjani hayi ukuthi uvule Icase (No I was asking you that how is the case going I was not asking you to open the case file) not knowing ukuthi uyivulile Icase or akyivulanga (without knowing whether she has opened the case or not)

Researcher: Uyivulile or akavulanga (has opened the case or not, repeating same words)

Participant: Within the conversation kusho ukuthi uyangi judge (that means you are judging me, says the victim) and she started crying and only to realize after to say she was has having some depression and was admitted some way nge depression (of)

Researcher: Ok

Participant: Uyabona she felt ukuthi siyamujudge (you see she felt that we are judging her)

Researcher: Ok

Participant: So this thing yokuthi siyabajudge (you this thing of saying we judge them) or asibajudge will always come from the patient (or we don’t judge them will always come from the patient) so sine suggestion box esiyibeke laphaya (so we have suggestion box put over there)

Researcher: Hm

Participant: Ja amapatient mina I feel ukuthi is because of maybe scared ya le gender-based violence (Yes, the patients, me I feel like because of maybe scared of the gender-based violence) they are undergoing they seem not to trust anyone or to have confidence in anyone ngizosho njalo to anyone (I would say that they don’t have trust or confidence to anyone)

Researcher: Hm

Participant: Or eh particularly umabanga tholanga icounselling (or if particularly they didn’t get counselling) but as time goes on bayasithemba kale (as time goes on, they trust us) but isikhathi esiningi they come here (but most of the time they come here)

Researcher: Hm

Participant: Most time they come here being very impatient, families bona ba worse (families are worse)

Researcher: Hm, so when do they start believing in you?

Participant: Along the way as the time goes on uzobona a totally different person (you will see a totally different person) when coming in for the first, second and third visit because of the counselling she is getting) uyachange because of the counselling (she changes)

Researcher: Hm

Participant: Remember we send them for counsel we have got the social worker with POWA (People Opposing Women Abuse) and social worker with department of health who counsel them

Researcher: Yes

Participant: You will see them changing when time goes on

Researcher: Ok I get N1, tell me more about your view on testimony provided in sexual violence trials court

Participant: Ok eh my view in most case mina ngo kwami (me by myself) I think we don’t have to use too much medical terms we have to use like eh simple terms in order to understand, remember those people are legal people won’t understand (referring to legal team, victims and suspects families)

Researcher: Yes

Participant: So, we have to use simple terms as ever because now when you use too much legal terms that’s when you have to explain most of the time

Researcher:

Participant: Prosecutor and the defence attorneys will keep on asking you questions time and again because of now they want to understand your medical back round ngeskhathi esiningi (they will keep on asking questions timeously both prosecutor and defence attorney)

Researcher: Ok N1 can you tell me about your interacting with both medical and legal terms

Participant: Anything because remember ecourt (remember in court) in court you are allowed to give your expertise in your own language so you can give evidence ngesizulu (you can give evidence in English) yes for an example saying imons pubis uzocala like telling the judge or the magistrate (mons pubis referring to “the rounded mass of fatty tissue lying over the joint of the pubic bones telling the judge) they don’t understand ukuthi what is that (ukuthi” that”)

Researcher: Hm Yes ukuthi what is that (ukuthi” that” repeating same words)

Participant: So, it is easier when you say I mons pubis yile part enga phezulu kwesitho esingaphezu kwe private part lesi esineyinwele (further explaining what monis pubis is “in a women private part that has pubic hair)

Researcher: Ok me I am trying to understand kanjalo (ok I am trying to understand when you say like that) ujudge and magistrate are they able to understand when you talk medical language”) is the judge and Attorney able to understand medical language?

Participant: That’s why ngithi (that’s why I say normally you need to take them through the J88) and they will ask you ukuthi sizwe uthi injury ise Labia Majora (we had you saying that there is an injury in Labia Majora)

Researcher: Ok Hm Hm

Participant: What is Labia Majora?

Researcher: Ok so umangikuzwa kahle leyo ipreparation that you need to prepare first before you go to actual sitting, when do you prepare that? (If I hear you well you saying that’s is the preparation before actual sitting)

Participant: Uyazi bayenzani? (Do you know what do they do?) angithi uyabona namanjne (you see even now) ungilethele isubpoena (He has brought me the subpoena) to say that on the 19th I am needed in court, you know what I am going to do now hm think I have done that

Researcher: Oh yes

Participant: I have already asked my data capture to take out the file and went through that. J88 is a medical record that I am going to read in court, the correct procedure when the subpoena is being issued by the prosecutor invited to come to court on a certain date.

Researcher: OH right, Yes

Participant: Mina naye we consult nge langa le court (Me and the prosecutor we consult on the day of court)

Researcher: Ok yes

Participant: To say ngi zokufuna nge langa eliso before and the court starts (I will need you on this day court before it starts) JA and angithi Uyazi ukuthi thina as clinicians Na bo doctor we testify ekugcineni (and you know clinicians and doctors testify lastly)

Researcher: Ok

Participant; After all the witnesses and victims and suspects we are the last. Even before we go to court. Angithi uyakhumbula loya (Do you remember that one referring to the prosecutor) Phela akangi buzanga phakathi kwabantu ukuthi am I going to testify as a doctor or a nurse (He didn’t ask me in front of court attendants we were alone in his office)

Researcher: Oh, you were all alone

Participant: Ok uyangibuza ke omunye uthi lana yini ngizokubuza so ngifuna uku understand (Some asked me what is this part I want to understand, they tell us what and how are they going to ask the questions)

Researcher: Hm Ok

Participant: I prosecutor for the state, mina naye we are there for the state (Me and him the prosecutor we are presenting the state)

Researcher: Ok Hm

Participant: Yes, except the defence Attorney

Researcher: Ok then, what was your challenges whist providing expert testimony

Participant: I said nje I experience amachallenges laku magistrate court (I said I experience challenges in magistrate courts not sure if I have told you) and not in high court. In high court it is very rare and I think in high court are those high cases I cannot say they are high profile cases cause now mina and those case, the case consulted in high court are serial rapist’s cases

Researcher: Ok

Participant: Say they get this suspect otholakele ukuthi ku le 2022 he has been raping since2017 (Suspect found that he has been raping people since 2017- 2022) and then he has 133 rape cases neh

Researcher: Hm

Participant: So in most cases mina (me) I found my evidence as expert witness is more easier because U linked already ( it is easier because he is linked already) you find that even the defence has relaxed and won’t grill you

Researcher: As an expert witness (repeating same words) yes

Participant: A ka ku grill too much because he has nothing to grill (he doesn’t grill you “repeating same words)

Researcher: Hm ok

Participant: And U ukuthi Ulinked to many cases sithola Kuma investigations Uma baletha (and to know that he is linked to many cases we find out from investigations officers when they bring subpoena and tell you that you are summoned to high court with such case sitting in two weeks) nge case eso ezongena in two weeks, bafuna amaexpert witness wonke. From Mpumalanga, KZN or ukewa rape nase Durban kuza wonke lama expert witness (all expert witnesses from Mpumalanga, KZN, or has raped also in Durban)

Researcher: Hm

Participant: Uya bona angitholi inking (you see I don’t find any problem) I problem ibala and I want to be clear (the problem is here and I want to be clear) with all the magistrate court ku ba neproblem (there is a problem in all magistrate court) Uthe nginga khuluma Noma yini (You said I can talk about anything)

Researcher: Ok, yes you said I “can talk about anything”

Participant: Kuba ne problem where by (there is a problem whereby) Ubona nje ukuthi ku bane case (You see that there is a case) they want to I don’t know how to put it, where by the is a link somehow uprosecutor, I defence attorney (the prosecutor a defence attorney)

Researcher: Hm, if say a link like is it positive or negative

Participant: A negative one, maybe they want to take the suspect out. I mean ecourt researcher (keeping quiet for some time) we don’t expect uprosecutor aku grill like (we don’t expect of being grilled by the prosecutor like) she is grilling, like you are being grilled by the defence. But there are such cases researcher

Researcher: Hhmm (clearing throat) grilling you as if you a suspect. So, if such cases happen how do you deal with them?

Participant: We don’t do anything but ke now lately I was informed to say

Researcher: Hm

Participant: There is a prosecutor who does that and then he follows people nga ma WhatsApp to say sorry eh clinician so and so this is part of your daily duty, (there is this prosecutor who follows people by WhatsApp and apologizes reminding clinicians about their daily duty)

Researcher: So, by saying that is he apologizing?

Participant: JA, I don’t why with my experience it is clinical forensic it is not for the first time I hear it (tapping her pen on her notepad)

Researcher: after sending the message how to deal with this?

Participant: I heard that recently so I am trying to understand Ukuthi why (I am trying to understand that why is he doing this) because I have a lot of experience working in clinical forensics then I have heard by two or three people

Researcher: Hm

Participant; and why is apologizing to me it is like he was aware of what he did there while expert witness was on the box, I don’t think that he is professional so I don’t know

Researcher: Hm

Participant: So, I don’t know, I haven’t met the said prosecutor but two people report about him

Researcher: Hm so in future if you can get something likeN1 that how will you deal with that?

Participant: Like I said I have appeared many times as an expert witness and having heard my colleagues saying that neh with my delivering expertise in court. I have done that in many occasions without having consultations. With the prosecutor sometimes I was late

Researcher: Yes

Participant: And when you arrive the prosecutor calls you and says so and so come in. Uyafika sekuyi skhathi Sakho soku ngena. (You arrive and late and prosecutor calls you saying that it is time to give evidence)

Researcher: Soku ngena (repeating same words)

Participant: Icase I ya qala (the case starts)

Researcher: Hm

Participant: So, mina I amused to it (So me) so mina how I am going to deal with it if I am being called by him to come and consult. I am totally going to refuse because now I understand what he does. He calls you to consult Na ye (He calls you to come consult with him)

Researcher: Hm

Participant: Uyabiza nje abantu bazo consult naye as if manje Uya understand Uma ufika nga phakathi Uya ku griller (He just calls people to come consult with now you understand that when you get inside, he grills you)

Researcher: Yes

Participant: And three people won’t tell lies, I have told myself that if have to go to court with him I won’t consult first with him

Researcher: Oyi one with the very same thing (one person)

Participant: Or Uma angbize ngizomtshela ukuthi ngi feel uncomfortable (Or if he can call me I will tell him that I feel uncomfortable to consult with him) akana chance yokuthi angi tshela ukuthi why ngi ba uncomfortable (He doesn’t chance to say that why am I uncomfortable)

Researcher: N1, thank you and keep on helping people

**THE END!!!**

**BIOGRAPHIC DATA: PARTICIPANT N2 (Centre A)**

**PROFESSION: Professional Nurse**

**MAIN QUESTION: What is your experience while providing expert testimony during sexual violence trials?**

**YEARS OF EXPERIENCE: 05 Years**

**AGE: 32 Years**

**GENDER: Female**

**DATE: 15/10/22**

**TIME: 22:39 seconds**

Researcher: Good morning mam

Participant: Good afternoon researcher

Researcher: How are you?

Participant: I am good thanks

Researcher: I am a master’s student from University of Pretoria under supervision of Prof Mogale and Dr Rasweswe. As went through the consent form and you have given me permission to go through, can we start our interview. The reason for doing this interview I want to take me through the journey of how you give expert testimony in sexual violence. Remember if you feel uncomfortable and want to stop you are more than welcome to do that. For the sake of privacy and confidentiality I am not going to address you with your real name, I will call N2. Do you agree?

Participant: Yes

Researcher: I would like to ask about your experiences while proving expert testimony in court. Take me through.

Participant: Ok Me myself I started working here as professional nurse from 2016 I do examine victims or patients with history sexual violence. And there is a J88 form that we write what the victim is telling us the injuries that we are going to explain the court the cause of those injuries we going to explain in court. You will even cry there because they ask some difficult questions as if you were there when this rape happen (so emotional)

Researcher: Hm I am with you (looking straight to the patients face)

Participant: Ja remembers at court what they taught us is that we are not rapist we did examine the patient were not there ja you going to answer what you saw and what you don’t know is actually the annoyers hey that maybe I don’t know because they will ask a question as if you were there

Researcher: JA, I get you M2 if I get you like if I understood you well you feeling it is not easy

Participant: JA

Researcher: that feeling of not easy tells me more about it

Participant: Eh hm every time the question they are asking us make us feel like you don’t want to go and testify as if you didn’t know what you wrote

Researcher: if I hear you well you felt being harassed, like before you go there what do you in terms of preparation?

Participant: There is a prosecutor they will ask you something some questions (with tearful laughter)

Researcher: What questions are they asking you? Are the questions regarding the evidence?

Participant: No not really for example when patient was raped at night. And they will ask if a patient is a prostitute, they will ask and you not there. You don’t know anything about the prostitution but they will ask about such you see

Researcher: I can imagine if they ask you about that question. How do you go about answering it? By you saying that is they able to understand

Participant: No sometimes they don’t and I don’t know maybe they want to win the case but I don’t know

Researcher: And how do you go about it?

Participant: I will tell them that I don’t know but the patient is for what, it that they ask you is one question in different way

Researcher: Hm one question in different way (repeating same words)

Participant: You end up hurt or even crying there because they ask you question, you answer them. They will ask you that question in a different way

Researcher: With feeling of crying, do you end up crying?

Participant: Sometimes you will cry

Researcher: Tell more about it

Participant: Maybe they will end up postponing and reschedule it for another day

Researcher: Postponing the case

Participant: JA

Researcher: What makes them to do that?

Participant: Because maybe is it my mind would be …. I don’t know

Researcher: Ok I get you. How is it according to you when they make you feel like crying? Please tell me more

Participant: Hm It is not easy not easy but (repeating same words) but at the end of the day it is part of my job

Researcher: Ok I hear you; now tell me about emotions what is happening

Participant: Emotions just come

Researcher: Are you able to hold them?

Participant: Sometimes you with hold

Researcher: Except feeling being harassed, how do you feel when you give testimony?

Participant: Sometimes you feel positive

Researcher: How positive, when?

Participant: At the beginning because you know your story

Researcher: Hm

Participant: You know and when he starts asking you questions then start feeling being harassed hey

Research: Mean while at the beginning you said you felt like “I know my story” and I am going to nail the case all of a sudden you are being harassed. You feel like crying, but how you! You!

Participant: Hm JA. You feel like you are failing the patient

Researcher: Failing your patient how so?

Participant: Though I know gore Hm (I know that) we are there not to win the case we are going there to testify about whatever what you saw

Researcher: Hm

Participant: It is not up to us we act upon the patient’s history

Researcher: Hm

Participant: When they ask question, you feel like you know

Researcher: I get you when you say you doing right to the patient if I can hear you well you feel like you might make the patient win the case

Participant: JA wins the case (repeating same words)

Researcher: what make you feel well equipped on giving testimony?

Participant: Hm you go prepared then harassed ending up feeling very sad

Researcher: how sad, tell me more about it

Participant: Like I failed my patient

Researcher: Ok and again can we talk about legal and medical terms. How do you go about it?

Participant: we correlate well

Researcher: Ok. Do you have any challenges as expect us expert witness while testifying?

Participant: Feeling unsafe of suspect are there listening and watching us while giving testimony

Researcher: Not feeling safe in which way?

Participant: What I get followed after testifying

Researcher: Ok, what else are you thinking of except being followed after testifying?

Participant: May they can kill me especially if they can lose the case

Researcher: Ok, how do you weigh you winning and loosing

Participant: there is one where a suspect got 26 years of sentence

Researcher: 26 years being sentenced?

Participant: JA

Researcher: Can you say that 26 years of sentencing made you fear and feel unsafe if I get you well

Participant: JA

Researcher: In future what would you like to see changing?

Participant: We need support from lawyers and attorneys

Researcher: Support from lawyers and attorneys?

Participant: Yes

Researcher: What kind of safety do you need?

Participant: They must not put us together with the suspect’s families not seen

Researcher: When are get you want to be heard not seen

Participant: JA

Researcher: how can that are done, the hidden and not seen. Tell me more about it

Participant: I don’t know but at least there must be a room for us where maybe we can them not them seeing us

Researcher: I hear you; you want to be heard not seen for safety’s sake

Participant: JA

Researcher: Can this be doable? Tell me more

Participant: Yes, like what they do to children have a room where they are hidden

Researcher: Ok, tell me more about the support you need from the lawyers and attorneys

Participant: They must not treat us like suspects

Researcher: I thank you for giving me your time N2

**THE END!!!**

**BIOGRAPHIC DATA: PARTICIPANT N3 (Centre A)**

**PROFESSION: Professional Nurse**

**MAIN QUESTION: What is your experience while providing expert testimony during sexual violence trials?**

**YEARS OF EXPERIENCE: 06 Years**

**AGE: 50 Years**

**GENDER: Female**

**DATE: 21/10/22**

**TIME: 33:53 seconds**

Researcher: Good morning

Participant: Morning

Researcher: How are you?

Participant: I am fine and you

Researcher: I am fine thanks. I am a student from university of Pretoria under supervision of Prof Mogale and Dr Rasweswe. As you have given me consent to do this interview I would like to ask for the verbal one.

Participant: Yes, no problem

Researcher: Ok, for the sake of privacy and confidentiality I am not going to address you with your real name. I will address as you M3 and you will call me researcher. So, with the above-mentioned topic of my research study of your experiences while giving expert testimony in sexual violence trials. Can you tell me more about it?

Participant: Ok Hm, prosecutor will serve you subpoena to come to court once you there, you go inside the box and introduce yourself. Where you studied, your qualifications and all this. Other than that, they will give you J88 you wrote the time you examined the patient. You through it and they will ask you if the J88 is written by you even the signature is yours then you compare. Once you are done with the introduction the prosecutor will start to your questions. But normally the prosecutor calls us before the case starts to discuss the J88, where we went wrong on it. But some of the prosecutors do that others do not they just call you inside and starts questioning. Where you made a mistake that is where the defence eh tick and will dwell on that mistake. The prosecutor will ask questions from page one (1) of J88 till the end. Then once is done with the questioning then the defence

Researcher**:** Ok (whispering)

Participant: Then the defence will get in and will dwell on all the mistakes you have done. The mistakes happen when you have jumped/missed something because police bring the patient and take her immediately. You won’t see that you have made mistake you will only realise when you get to court. For example, you weigh the patient and forget to check height and you need to give medication in comparison with that

Researcher: Yes, Hm

Participant: The defence will on that saying that you gave medication without weight

Researcher: Yes,

Participant: What I want is that the prosecutor calls us before court starts so that we can go through the J88 so that we can be able to rectify the mistakes before it is handed over to the defence lawyer

Researcher: Hm, ok I get you in other words you need to prepare before if I have understood well

Participant: Yes

Researcher: About preparation others call you and others don’t. Please you tell me more about it

Participant: Yes, those who call us prepare us

Researcher: Ok

Participant: You go to court with that confidence at least you are prepared and even the questions saying he will say I will ask you 1, 2, 3 on your J88

Researcher: Hm,

Participant: So obale le eh (you have that) that confidence to say I will answer like this

Researcher: Hm

Participant: So those who don’t call us eish because you just go there you get inside the box and starts questioning you after going through J88, so you didn’t prepare for answers

Researcher: Hm, tell me more about preparedness medical and legal terms

Participant: When you are preparing, they will ask if there are terms they don’t understand

Researcher: Hm tell me more about your feelings while giving testimony

Participant: If have met the prosecutor I get in there being ok and ready and ready for anything

Researcher: Hm

Participant: If I went in before meeting the prosecutor I get there frustrated

Researcher: how is preparedness helps you?

Participant: Make me feel more comfortable to inside the box

Researcher: Ok, tell me about the more comfortability

Participant: Eh because I know them, and we don’t get feedback is another being prepare

Researcher: HM What does the comfort does to you when your testimony

Participant: Eh once you have testified you don’t you don’t get feedback unless for Tv and newspapers talk about it the sentencing

Researcher: Hm

Participant: most of the case I didn’t get feedback from the prosecutor. You just testify and go home. they will not tell you that you did well

Researcher: you will never know if you did well

## Participant: I am worried that I don’t know if I presented my patient well

is much better. And providing us with feedback also done telling to go home when you are done Researcher: According to what said you just leave here to court being prepared when you get there you the prosecutor and don’t meet others, tell me about it

Researcher: How can you weigh it

Participant: Ke bona nkare ela ya go meet le prosecutor is much better (the one of meeting with the prosecutor

Researcher: Hm

Participant: Meeting before court helps

Researcher: you said something about dwelling tell me more

Participant: testifying and there after they will say you are done, nothing more

Researcher: How does that make you fell

Participant: you will never know and you will be frustrated

Researcher: tell me about that frustration ebole (expand it)

Participant: Ke frustrate ke gore (I get frustrated) a ke gone go tseba gore I did presented well (I am unable to know if I testified well) to the advocate or not. if they can give us feedback can be negative or positive so we now. To prepare us before court

Researcher: Hm, ke gopela gobotisa (I want to ask) just leave here to court being prepared when you get there you meet with the prosecutor. what is better for you

Participant: To meet the prosecutor beforehand in order to gain strength in order to prepare and fix mistakes

Researcher: Hm

Participant: They even guide on what to say

Researcher: What is the defence when you say ‘ he dwells”

Participant: Ok defence ge arata gore ofail ko di case. Olebelle dimistakes. (when defence wants you to fail the case he checks those mistakes: for example, injuries you state if still new and fresh and bleeding)

Researcher: Yes

Participant: you can be the one who can fail the patient if you don’t specify the injuries

Researcher: Exactly (repeating same words)

Participant: Especially when injuries are still new if it is not bleeding

Researcher: Hm

Participant: The defence lawyer will refuse that the injuries are from the suspect

Researcher: you saying that the dwelling is when the defence get something to stand on

Participant: Yes

Researcher: Can you talk more about your challenges

Participant: I leave here where I am working going to court alone without escort to present rape cases. When are done the perpetrators are with the families and you are alone

Researcher: Hm What you like to see happening about this challenge

Participant: I would like that the investigation officer fetch takes us or escort us if we are driving from work to court

Researcher: Hm you say you leave your work place to court and return alone

Participant: Alone

Researcher: what makes feel you need an escort

Participant: because we deal with sensitive cases, if he can get big sentencing, they will think is because of you

Researcher: families of perpetrators can think you are the one who made the perpetrator to get long sentencing

Participant**:** Yes

Researcher: How does if feels like when you prepare the case

Participant: you don’t sleep well when you think of going to court the next day

Researcher: Which part scares you the most

Participant: The defence you know that the defence will grill you the whole day yoo and it is not nice. You know that they will get loophole. Maybe if we can have this conference or something where prosecutors and clinicians can deal with this J88

Researcher: Hm

Participant: But they use to take us for training but the more you work you get tired

Researcher: For safety you want to be escorted from to court

Participant: Escort will make us feel safe

Researcher: What conferences will correct/improve

Participant: to be taught on how to write it well so that defence does not get chance to grill “us”

Researcher: Ok conference can be another form of training of J88 and defence won’t get chance to grill

Participant: Yes

Researcher: how is the defence grilling you?

Participant: They just sit on one question (laughing) they are trained and they will ask in a different

way. They ask again same question differently; they get you and grill you. He will say I asked you and you said this now I am asking you are now saying that

Researcher: That’s where they grill you. With training said need to be send always. How often?

Participant: Maybe every six months. It is done yearly due to staff shortage

Researcher: Hm

Participant: It will be better if we can every six months

Researcher: if hear well staff is the reason you take long to go for training

Participant: The shortage is always so the six months one will be better

Researcher**:** how safety can be extended

Participant: From to court visa vesa will be fine

Researcher: Being escorted to work can avoid delays and other things for example flattening their tyres

before they leave for court “she said”

Participant: As for me alone I don’t feel safe to drive to court alone

Researcher**:** Hm, you said the thank you after giving testimony doesn’t sit you well. What are suggesting

Participant: to be given feedback after court case in order to improve for future

Researcher: I hear you. I thank you

**THE END!!!**