**Table of Themes and sub-themes of the study**

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| **Themes** | **Sub-themes** |
| Commanded to appear in court | -Reactions on receiving the subpoena  -Review of medico-legal form  -Pre-trial meeting with the prosecutor |
| Being on the stand | -Personal Characterization of the witness  -Clarity and presentation from J88  -Cross-examination and interrogation |
| Aftermaths of expert witnessing | -Challenges faced by expert witnesses  -Sense of Personal and Professional fulfillment  -Recommendations |

J88: The most significant written record of the medical indicators suggesting a possible rape is J88, which was prepared by a medical officer.

Three main themes emerged from the data analysis: (1) Commanded to appear in court, (2) Being on the stand, and (3) Aftermaths of expert witnessing. Each theme has three sub- themes.

Under theme 1 (commanded to appear in court), sub-themes were: (a) Reactions on receiving a subpoena, (2) Review of medico-legal form, and (3) Pre-trial meeting(s).

Under theme 2 (being on the stand), sub-themes were: (a) Personal characterization, (b) Clarification and presentation from J88 medico-legal form, and (c) Cross-examination and interrogation.

Under theme 3 (aftermaths of expert witnessing) sub-themes were: (a) Challenges faced by expert witnessing, (b) Sense of Personal and Professional fulfilment, and (c)Recommendations.

Command to appear in court

* Reactions on receiving the subpoena

- Review of medico-legal form

* Pre-trial meeting with the prosecutor

Being on the stand

* Personal Characterization of the witness
* Clarity and presentation from J88
* Cross-examination and interrogation

Aftermaths of expert witnessing

* Challenges faced by expert witnesses

- Sense of Personal and Professional fulfillment

- Recommendations

**Figure 4.1: Representation of the themes and sub-themes of the study**

* + 1. **Themes and sub-themes of the study**
       1. **THEME 1: Commanded to appear in court**

On rare occasions, the nurses and doctors who examined the victims of sexual violence are subpoenaed to appear in court during the trials of such cases. Participants indicated that they were commanded with subpoenas to appear as expert witnesses to provide oral testimony in sexual violence court trials.

The following sub-themes are related to this theme: (a) Sub-theme 1: Reactions on receiving the subpoena, (b) Sub-theme 2: Review of medico-legal form pre-trial meeting(s), and (c) Sub- theme 3: Pre-trial meeting with the prosecutor. These sub-themes will be discussed below.

Command to appear in court

* Reactions on receiving the subpoena

- Review of medico-legal form

* Pre-trial meeting with the prosecutor

**Figure 4.2: Representation of theme 1 and the sub-theme**

* **Sub-theme 1: Reactions on receiving the subpoena**

A subpoena is a legal document that expert witnesses are served with, and summoned to go and provide an expert testimony during sexual violence trials.

In this study, the participants expressed different reactions that they experienced when they were served. They supported each other in their reactions to receiving the subpoena.

“They will send you a subpoena, that you are needed in court to testify about the patient whom you examined a long time ago” (sighed and put both hands to cover her face) (Participant 8).

“What happens is that you are subpoenaed to appear in court about the case that you have completely forgotten. Usually, this creates uncertainty in a way” (Participant 3).

In support of the two participants above, the other participant said:

*“Ok, firstly you will receive the subpoena delivered by the police officer as if you are a criminal while you were performing your duty” (*fighting tears from her eyes and taking a deep breath) (Participant 3).

The participants in this study indicated that they were caught off guard when receiving the subpoenas despite the prior knowledge of the case. This might be that the case is old and they have forgotten about it. As the subpoena is a legal document, they did not have the option

not to be subpoenaed but rather felt obliged to appear in court as expert witnesses in trials of sexual violence.

* **Sub-theme 2: Review of the medico-legal record**

J88 form is a legal document that needs to be for sexual assault. The participants indicated that they are expected to be prepared for the trial by going through the form they completed during the first examination of the victim. The preparation for the trial is the prerequisite in every trial of sexual assault.

These are what the participants said:

*” After they have served with a subpoena, and you know that you are going to court Ehm [you] are to go through the file of the patient the day before and check ok because you cannot remember everything.*

*Ehm, you check your findings, presenting history in terms of what has happened on the day of physical examination of the patient and that you have gathered all information needed. The preparation needs to be done the day before or in the morning before you go in court but ensure that patient’s file is double checked”. (Participant 4).*

And another participant said:

*“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 would not remember you need to and check if J 88 is completed in duplicate. Also write notes on patient’s file.*

*So that you are 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 do not remember you go and consult so that when you go to court you are able to give facts, when I find this what does it mean.” (Participant 6).*

The other participant said*:*

*“Uyazi bayenzani? (Do you know what 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. 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.” (Participant 1).*

Most participants don’t usually anticipate to be subpoenaed to court despite the fact that they know that the medico-legal form is used for evidence corroboration in cases of sexual assault. Hence the attendance of pretrial meetings is mandatory. As a way to be reminded about what they did in examining the participants.

* **Sub-theme 3: Pre-trial meeting with the prosecutor**

One of the processes that the expert witnesses are to compel to go through in preparation for sexual violence trials is having a consultative meeting with the prosecutor. Likewise in this study the participants stated that before attending sexual violence trials is a they consulted prosecutors as a form preparation for them before giving testimony.

One participant said:

*“Before testifying, I sit down with the prosecutor and go through J88 and ask for loophole and she will say “hayi” (no) just explain injuries”. (Participant 8).*

*.*

The other participant said:

*“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. It is important to meet with the prosecutor and another reason for that is 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. And then in that case the prosecutor will then tell you to go back home so you do not waste time.” (Participant 7).*

In support of the pre-trial meeting, the other participant said:

*” Having consultation with the prosecutor before trial starts in most cases it saved time and the prosecutor was able to share and direct me on the proceedings.”* (Participant6).

* + - 1. **THEME 2: Being on the stand during the trials of sexual violence**

Under this theme, participants shared their experiences as expert witnesses when on the stand during the trials of sexual violence. Below are the sub-themes related to being on the stand, and will be discussed below (a) Personal characterization of the witness, (b) Clarity and presentation from the J88, and (c) Cross-examination and interrogation. This means that they should provide an expert explanation and clarity, provide professional and trustworthy testimony, testify on observation rather than speculations, and testify to ensure justice prevails.

Being on the stand

* + - * + Personal Characterization of the witness

Clarity and presentation from J88

Cross-examination and interrogation

**Figure 4.3: Representation of theme 2 and the sub-theme**

* **Sub-theme 1: Personal characterization of the witness**

The participants in this theme explained how they were told to provide a profile about themselves on taking the stands. Additionally, they were to take an oath of telling the truth.

Regarding this sub-theme one of the participants said:

*They will ask you to introduce yourself to state your credentials, what your qualifications are and where you are working, how long have you been working. 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”? (Participant5).*

In supporting the above quote, the other participant said:

*“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”. (Participant)*

*“Once you there, you go inside the box and introduce yourself. Where you studied, your qualifications and all t[these] Where you are working including the years of working experience 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 [participant3]*

Another participant stated that:

*You will start by identifying yourself, your qualifications, and years of experience. They will ask you general questions; try to break the ice so that you relax” [participant “5]*

And the other participant said*:*

*You will start by identifying yourself, your qualifications, and years of experience. They will ask you general questions; try to break the ice so that you relax” [participant “5]*

The other participant said:

*“They ask me to through J88 to explain the victim’s appearance on arrival on the day of examination and whether the victim was clean or dirty and the injuries sustained”. [participant 6]*

*” They will ask general questions to make you feel comfortable then they will ask you to go through J88”. [participant 7]*

Participants indicated that before they provided expert testimony witnesses’ and to introduce themselves by their names, surnames and qualifications, where they studied, and years of experience.

Additionally, they must confirm their signatures on the document.

* **Sub-theme 2: Clarity and presentation from j88**

While in the stand the participant’s explained that the medico-legal form is the one that is used to direct the cross examination, hence as a witness, you are to present and clarify to the court, how and what you wrote on it.

The participants are urged to explain what was documented and written during physical examination of the victim.

One participant said:

*“They ask you to go through your J88. Like for the records it is important for them to have that on record.” [participant 1]*

Another participant said:

*“So, you will read your J88, and they will ask you if you have seen the patient on this particular day and you will say yes, and they will ask you if you have signed the particular the particular page”. (Participant 2).*

Then another participant said:

*“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” [participant 5]*

The above quotes were supported by the below participant who said:

*“You as the health professional know the sequence of events with whatever happened to the victim and then, examine and record the findings that you have found during examination.” [participant5]*

The participants in this study elaborated about the importance of the medico- legal form. From the participants’ deliberations the medico- legal form the importance and I significant part in expert witnessing in trials of sexual assaults.

In support of this statement one of the participants said:

*“J88 is the document completed after clinical examination of the victim as it is a communication between expert witnesses and the court about can describe or point out what you have found on victim’s body” [participant 4]*

The other participant said:

*“It is a criminal case record that is completed usually when somebody is assaulted whether physically 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. J88 is completed to conclude the findings. What is relevant is you record, you know the sequence of events with whatever happened to them and then, examine and record the findings that you get after examination”. [participant 5]*

The other participant deliberated by saying:

*“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 do not know how is decided. Or they sit, and they do not have much.*

The other participant deliberated by saying:

*“Our work is to examine, complete J88 and collect specimens for DNA hand over to police officers. Police officers take the case to whoever or the prosecutor, and I don’t know how it is decided. Or maybe they sit, and they don’t have much evidence not on the J88 or based on their own. Maybe someone will 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”. [participant 5]*

The other participant said:

“Once you have relaxed, they will ask you to go through J88, and the prosecutor will ask you questions from page one (1) of J88 till the end” [participant 3]

Participants in this study attested that the clarification and review of the medico-legal form starts during consultation with the prosecutor. And the prosecutors during those pre-trial meetings clarify other legal terms relevant to the trial.

These are some of the quotes that the participants said:

*“As expert witnesses we try to be professional as possible. 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. In most cases they will ask you for clarification how do things presents gynaecological before you can tell something is abnormally, so is that” [participant 7]*

In support of the above the other participants said:

*“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 Am'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”. [participant 5]*

***“****And you explain what would have caused the laceration or the incision. 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? You then present your professional understanding of what a laceration is and what would have caused a laceration”. [participant 5]*

Most participants indicated that the prosecutor asked them to explain and clarify the injuries sustained by the victims and the impact of those injuries.

This is what the other participant said:

*“Health professionals can indicate a laceration but in terms of the extent of the injuries might differ. Because like determining the force at which brick can land in your head or the force that a stick can land on your head. We 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” [participant 4]*

The other participant supported this quote by saying:

*” 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 witnesses, but expert is because I am trained.” [participant]*

From the participants’ statements gained from the interviews, it was clear that medical and legal terms are a different term, expert witnesses were asked to explain and clarify the notes on J88 form by using layman’s language, and not medical terms because it was their duty to educate the prosecutors, defence lawyers and everyone who attended the court trial case. Differences of the injuries sustained, and the impact were interpreted according to expert witnesses’ expertise, knowledge, and training.

* **Sub-theme 3: Cross-examination and interrogation**

Participants indicated that during trials of sexual violence nurses and doctors are both cross examined and interrogated by both the defence lawyers and prosecutors when giving expert testimony. Prosecutors have doubt and lack confidence, trust and lack of respect for nurses. For example, re-cross examination where one question is many times different.

The other participant said:

*“You are scared of the questions that will be asked; maybe you will not understand the question” [participant 3].*

The other participant said:

*“And also, the other part is that you, I think is anxiety of the defence lawyer what are they going to ask “[participant 5]*

In support the other participant said:

*“You will even cry there because they ask some difficult questions as if you were there when this rape happen (so emotional)” [participant 3].*

The other participant highlighted that:

*“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” [participant2].*

*Some participants stated they were anxious to attend sexual violence trials court, scared by the defence lawyers, and his way of asking questions as if you were with the victim when crime happened. They said:*

*” You end up hurt or even crying there because they ask you questions, you answer them. They will ask you that question in a different way” [participant 3].*

*“Mean while at the beginning you said you felt like “I know my story” and I am going to nail the case suddenly you are being harassed. You feel like crying. You do not sleep well when you think of going to court the next day” [participant 3].*

*“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” [participant 3]*

The other participant said:

*” 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” [participant 2].*

Participants indicated that the defence lawyer asks questions in a way that they can lose focus and tell inaccurate information.

This was supported by this participant who said:

*“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” [participant 5]*

The other one said:

*” Trouble starts when defence lawyer starts cross-examining you “asking stupid questions and you lose your marbles and get emotional then you say all the wrong things”. “I started saying all sorts of nasty things and magistrate was not impressed. and I remember I got mad he was attacking my character and said I am not going to allow it “[*Participant *7].*

Quotes drawn from the participants, is evident that participants were uncomfortable when they were supposed to provide information at sexual violence trials, challenged by defence lawyer’s interrogation, and asking them one question many times differently where they ended saying wrong things

*“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” [participant 8].*

*“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? That is, 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. You understand because normally is like, yes even consensual sex would have caused injuries. So, defence can also cross examine that ok Ehm you know even consensual sex would have cause the injury” [participant 3].*

*“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” [participant 4].*

*“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 us say if the patient were intoxicated, do you think they could have been able to have done what they have done” [participant 3].*

*“Prosecutors refer nurses as clinicians and doctors as doctors and during introduction you will introduce yourself as a professional nurse, but you will hear the prosecutor asking you that are you going to give your expertise as a doctor” [participant1]*

Participants indicated that they were challenged by the questions asked by the defence lawyer that could have easily changed the direction of their findings in favour of the suspect. They were asked the same question in different ways. The defence lawyers were always challenging the expert witnesses while providing expert testimony.

Participants indicated that nurses and doctors are both expert witnesses but sometimes nurses feel disrespected by the prosecutors when giving expert testimony in sexual violence trials. Prosecutors have doubt and lack confidence, trust and lack of respect for nurses.

*“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” [participant 8].*

“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? That is, 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. You understand because normally is like, yes even consensual sex would have caused injuries. So, defence can also cross examine that ok Ehm you know even consensual sex would have cause the injury” [participant 3].*

*“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” [participant 4].*

*“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” [participant 3].*

Participants indicated that nurses and doctors are both expert witnesses but sometimes nurses feel disrespected by the prosecutors when we are going to give expert testimony in sexual violence trials. Prosecutors have doubt and lack confidence, trust, and lack of respect for nurses.

*” So, the state prosecutor asked me if the patient has mental problem? Then I said yes, then the defence lawyer said when you read your qualifications you did not include a speciality in psychiatry, those are the kind. I do not know if it was an insult or what that we face sometimes”* [participant 3].

The other participant then said:

*“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 your unsure answer [participant 8].*

*“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”? [participant 6].*

And the other participant added by saying:

*“Hey, you need to understand” 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. You understand because normally is like yes, even consensual sex would have caused injuries. So, defence can also cross examine that ok Ehm you know even consensual sex would have cause the injury” [participant 3]*

*“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” [participant 4].*

*“Eh hm every time the question they are asking us makes us feel like you don’t want to go and testify as if you didn’t know what you wrote” [participant 2].*

*“Defence lawyers nail you for a small thing and if maybe yo*

*“Defence lawyers are rude, their way of asking questions or like the most recent one they asked if the person has mental issue. So, the state prosecutor asked me if the patient has mental problems? Then I said yes, then the defence lawyer said when you read your qualifications you did not include a speciality of psychiatry so ja, those are the k i n d . I do not know if it was an insult or what that we face sometimes” [participant 5]*

*” 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” [participant 5].*

*“But someone comes and tells 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” [participant 4].*

In support the other participant said:

*“I can say there was a little lack confidence or trust from some of the prosecutors, and the defence lawyers and like I say from most of them not all of them. This one didn’t understand that nurses are referred to as clinicians. He kept on asking me if I was a doctor, he wanted to know if was going to give my expertise as a doctor. He looked like he did not believe in me when I said I am a nurse. He said I was going to give evidence in court in capacity of the doctor?” [participant 1].*

One of the participants highlighted that:

*“On purpose the defence lawyers were confusing nurses and doctors not aware that they were not addressed the same nurses. Nurses were addressed as clinicians and doctors as doctors.” [Participant 4].*

And the other participant said: defence lawyers also doubted their skills by quoting them when they introduced themselves and their qualifications.

*“The defence lawyers always looked for gaps and interrogated expert witnesses. They were challenged by the behaviour of defence lawyers doubting their qualifications as well as their testimony provided during sexual violence trials.’”*

Participants indicated that defence lawyers are the suspect’s representatives and they want them to win their cases, by so doing they made sure that they asked one question differently to confuse the witnesses. As an expert witness you need to remember every word you told them and be honest because if you can tell lies you will forget what you said before.

*”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. When that happens, they sometimes choose to be nasty. That is where they ask stupid questions, remember we are also human beings” [participant 7].*

*” Sometimes we lose our marbles, get emotional, and just say all the wrong things” [participant 7].*

*“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 case? And then I said yes because of the injuries that I had checked. The defence lawyer asked me what is force? You know the definition of force in physics is the ability to do work, yes. Then I said that and then he said, “is it possible for sexual intercourse to have it without force”? [participant 5]*

*“They were being too technical 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. You get the ones that are rude they do not even wait for you to finish your sentence; they try to shake you up you know” [participant 7]*

Some participants stated that defence lawyers were interruptive and asked them one question many times differently. They ended up being scared and could not wish to be asked questions further.

“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 are not there. You don’t know anything about prostitution, but they will ask about such you see”. [participant2]

“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” [participant 7].

Participants indicated they faced difficulty of being asked questions that were not in line with the sexual violence trial just to take them off track of concentration and ended up being anxious saying things they were not supposed to have said.

They indicated that defence lawyers were spiteful especially when they saw those chances for them to win the case were slim. They were challenged by the defence lawyers who always interrupted them while providing expert testimony.

* + - 1. **THEME 3: Commanded to appear in court**

Expert witness work involves a lot of difficulties and even problems. In certain legal proceedings, an expert witness may not meet the requirements, or their testimony may not be relevant to the case. Some of the challenges that the participants experienced in the study are discussed below.

Aftermaths of expert witnessing

* + - * + Challenges faced by expert witnesses

- Sense of Personal and Professional fulfillment

- Recommendations

**Figure 4.4: Representation of theme 3 and the sub-theme**

* **Sub-theme 1 Challenges experienced in expert witnessing**

The participants in this study stated that shortage of staff is one of the challenges. Due to workload, errors might occur in the completion of medico-legal form which is used to corroborate the oral evidence. Such errors give the defence lawyer an opportunity to attack the witness.

The participants said:

And if there is a problem. They will try and highlight issues you know [and] mistakes. [ As you know] we are human beings” [participant 7]

The other participant supported this by saying:

*“The defence will get in and will dwell on all the mistakes you have made. If something is missing, sometimes the police bring the patient and take her immediately. You will not see that you have made a mistake, you will only realize it 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 “[participant 3].*

Some participants stated that defence lawyers were only looking for mistakes or gaps on J88 and that gave them a chance to nail, or re-cross examine them.

*“Ok defence ge arata gore ofail ko di case. Olebelle dimistakes. (When defence wants you to fail the case, they check those mistakes: for example, injuries you state if still new, fresh, and bleeding), you can be the one who can fail the patient if you do not specify the injuries” [participant 3].*

In some cases, the participants are pressurized by the police officers who are in a hurry stated that in not providing them with enough time to do their work immensely.

This might lead to the idea of misrepresenting the victim through mistakes that were found in the medico-legal form.

* **Sub-theme 2: Challenges related to misrepresentations/not helpful to the victims**

Participants indicated that most of the time when providing their expert testimony, they felt that they were not helping their victims, felt incompetent, and helpless. They felt that there was not much for them to do due to the increased sexual violence where cases got high daily. It worsened when they got harassed by the defence lawyer and made some feel unprepared for the case, they were providing expert testimony.

To support these some participants said:

*“Hm Ja During the interrogation. you feel like you are failing the patient” [participant 3].*

In some cases, the participants indicated that:

*” Hm, you get prepared then harassed ending up feeling incredibly sad and feel like I have failed my patient” [participant 3].*

In most cases the participants supported each when saying***:***

*“Ja when you there you are scared “gore” (like) osenya case (you are spoiling the case) ge ofihla kontlong nkare obolaile motho (you feel like you have killed a person) you feel like you have killed somebody” [participant 8.]*

The other participant said:

*“Even though sometimes I feel like we are not doing anything seeing that the gender-based violence is on the increase within the month, especially August. (of) when we are busy at the crisis Centre doing ama campaigns (doing campaigns, awareness) ale gender based (campaigns of gender-based violence) we get a lot of cases of gender-based violence cases during that month (August)” [participant1].*

In support of the two participants, the other participant said*:*

*“Throughout the Care Centres were trying our level best to assist the victims but I do not know how we can curb this scary gender-based violence. We are trying but nothing is being done. So, I do not know ukuthi singe yenzani (I do not know what we can do)” [participant1].*

Most participants stated that sexual violence was skyrocketing, and they felt like nothing was being done to stop it or to address it better and they were not seeing any improvement in the management of this crime.

The participants said:

*“Eh once you have testified you do not you do not get feedback about the case unless on the television news and newspapers,*

*In most cases we [Healthcare professionals] did not get feedback from the prosecutor. You just testify and go home; they will not tell you that you did well. I am worried that I do not know if I presented my patient well [participant2].*

The other participant said:

*“Though I know gore Hm (I know that) we are there not to win the case we are going there to testify about whatever that you have seen” [participant 2].*

The other participant said:

*“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” [Participant1]*

These were some main challenges that the participants alluded to in this study. Despite these challenges the participants indicated a sense of fulfilment personally and professionally when called to be expert witnesses in trials of sexual violence.

* + **Sub-theme 3 Personal and Professional fulfilment**

The participants in this study indicated that being an expert witness for sexual violence cases is seen as part of their personal and professional duties to take care as supported by the different scopes of practices.

The participants said:

*After being on the stand “Usually I’ll ask the prosecutor how it go, and he will say perfect” [participant 8].*

The other participant clarifies the role of working as a team with the court personnel by saying:

*“The one court that we are happy with in terms of time management is Tembisa court because they know us. And we will present ourselves early and they will tell you that in this case we want you to be a standby witness. Let us say we call you, come in you understand” [participant 2].*

The courts now acknowledge us as scarce skill personnel [They realized that] we cannot just spend time sitting while we could be somewhere helping other people that need help “[Participant]

The other participant explained that:

*“Before you will just go and sit then after lunch, they will say we won’t going to need you This has uplifted our personal morale in attending the courts as expert witnesses as part of our duty.” [participant 2].*

Participants indicated that they have different treatment with the court places, some other places they were known, and their lives were easier especially in high courts. They were being briefed early on that day’s schedule so that they could return to their workstation. The prosecutor advocated for them when the defence lawyer started to be interrogative. They seemed happy with time management in some court places where they were given exact time schedules to attend trials than waiting for a long-time and send back to their workstations later.

Participants indicated that they were sent for debriefing sessions and always get information on the legal side, especially with Acts namely: Children’s Acts. They took turns when they were tired with their colleagues.

*“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” participant 5].*

*“If you are tired leave, it for the other person. We try to hand over as there is always someone around. There is never one person on duty in particular day” [participant 7]*

“There are some courses that run on an 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 gives

us information on the legal side. 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” [participant 7].*

Quotations drawn from the participants indicated that they appreciated the help and support got from the district and the government. Where they were sent for debriefing to help one another when they were tired, as well as to be sent to attend courses that kept them well informed about their job.

Participants stated that they were encouraged by seeing some change to their victims. When they saw them smiling after consulting with them and referred to social workers from POWA (People Opposing Women Abuse).

*“The good one will be” we treat everybody equally and we provide services Neh. Eh equal services to the patients that say they want to open cases and those do not want to open cases because we are destined not to judge. Not to judge patients who do not want to report sexual violence” [participant1].*

The other participant said:

*“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 the tears they had when they first went into the room. And they try to smile and then they say thank you doctor. I get gratification” [participant3].*

This participant elaborated further by saying:

“ *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 by the time, they go out they can speak and smile, it really changes somebody’s life” [participant 3]*

Some participants indicated that they were happy after making a difference to their victims and saw smiles from their faces.

*“Along the way as the time goes on uzobona a different person (you will see a 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). Remember we send them for counselling we have the social worker with POWA (People Opposing Women Abuse) and social worker with department of health who counsel them” [participant 1].*

The participants indicated that they were happy with the progress of the cases from professional and personal perspectives.

* **Sub-theme 4: Recommendations for providing expert testimony during sexual violence trials**

In this study participants stated that they would like the prosecutor to communicate with the expert witnesses the trial court planning before court sitting and given exact court times of testifying, and to be updated with court outcomes of trials.

The following sub themes to be discussed below: (a) Recommendations for the court system, (b) Training and debriefing and (c) Witness protection.

Participants suggested that the prosecutor communicate with them regarding the daily trials to be attended beforehand to save time. They would be glad if they were told the outcomes of the trial to make room for improvement in future cases. Some stated it would be helping to meet before the trial starts to go through J88 together.

*“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 be on standby. When it’s our time you testify for 1 hour and come back. It does not affect our services” [ participant 5].*

Another participant said***:***

“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” [participant 6].

Participants indicated that lack of communication with the prosecutor made their job difficult because they went to attend a court trial that did not take place or was cancelled.

To support this one the participant said:

*“It will really make me feel that I have done my job very well. And, to see if I did not do well as it does not rest on me to others also. It also reminds on how the case went how did my evidence go so that one knows where to improve” [participant 2*].

Some participants indicated that if they were provided with the outcomes of the court trials, they provided expert testimony can make them feel happy.

The other participant said:

*“They must not treat us like suspects What. What I want is that the prosecutor to call us before the court starts so that we can go through J88 so that we can be able to rectify the mistakes before it is handed over to the defence lawyer” [Hence we are]to meet the prosecutor beforehand to gain strength to prepare and fix mistakes They even guide on what to say” [participant3].*

Participants stated that they would like to meet with the prosecutor for their trial court sittings prior to the court begins. This should be done in order that their daily work was not interrupted and to be able to fix mistakes on time and guidance before J88 is handed to the defence lawyer, as well as to be updated with court outcomes they testified.

In this study, participants stated that their work was emotionally draining, and psychologically it took time for them to be sent for debriefing sessions. Talking to someone can help them. Helping victims put them through trauma because they tried to help themselves deal with the trauma that they face on daily basis.

The participants said:

“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” [participant 6].

The other said:

”I would say if one would get some debriefing, in courts I have not experienced any that is adverse” [participant 5].

In support, the other participant said:

“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 cannot go through trauma after trauma. So anyway, one must find a way to deal with it and try to forget about it” [participant 6]

Participants indicated that they are also affected by the sexual violence trial cases as the debriefing being offered is not sufficient.

The participants said:

*” Every six months. It is done yearly due to staff shortage” [participant 1].*

Another one said**:**

*“It will be better if we can every six months. But they use to take us for training but the more you work you get tired. To be taught how to write J88 well every six months so that the defence does not get a chance to grill us. And if we can have conference or something where prosecutors and clinicians can deal with J88. Trainings are limited, but they use to take us for training but the more you work you get tired” [participant 3]*

The other participant said:

*” 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” [Participant 1]*

The above quotations drawn from the participants stated that there is an extensive time lap before they can be sent for debriefing. If they can be taken twice a year it would be much better as well as talking to someone can make them feel better. Working with sexual violence cases is emotional draining.

Participants stated that they do not feel safe by sharing the same space with suspects’ families. It would be better if they were escorted to court or being fetched by the investigation officer to court and they do not want to be seen.

One of the participants said:

*” I believe we will benefit when we have a separate entrance, I think we will be taken care of better as witnesses protection that is going on the news, whistle blowers. The government is not taking care of witnesses. We try to hide. we can benefit if we have our own waiting area” [participant 7].*

*“I feel like I need some sort of protection when I go to court, other than nothing. I mean that is the only place I am not happy and uncomfortable” [participant 7]*

The other said:

*“When we are at court, I mean that’s the only place I am not happy and uncomfortable” [participant 5].*

To support the others, this participant said:

*“They must not put us together with the suspect’s families not seen. I do not know but at least there must be a room for us where maybe we can them not them seeing us” [participant 2].*

The other one said:

“I would like the investigation officer fetch takes us, or escort us, if we are driving from work to court” [participant 3].

The findings raised important suggestions and recommendations such their safety, training and debriefing as going to court alone made them feel unsafe and felt that

they were putting their lives at risk and in danger. Also, they would have felt better if they used separate entrances and rooms than sharing with suspects and their families. Of importance the study participants indicated the need for training and debriefing as sexual violence is an emotional loaded crime.