

Why would Zuma's accuser cook up a rape?

Many commentators have suggested that Jacob Zuma's alleged rape victim has other motives for accusing him. **Liesl Gertholtz** looks at the likelihood of her doing this.



The publication by various Sunday newspapers of allegations of rape against the then deputy president of the ANC, Jacob Zuma, gave rise to much speculation about the truth of the rape allegation and the reasons why the alleged victim would make such claims.

There have been many suggestions, in the media, in shebeens, in organisations and at dinner parties, that these allegations are part of a broader conspiracy against Mr Zuma. A conspiracy which intends to further undermine his bid to become president of South Africa. Even those who do not support Mr Zuma, question the truthfulness of the claim made by the young woman in November last year. The fact that the allegations have been

investigated by the South African Police Services and that the National Prosecuting Authority has elected to prosecute Mr Zuma for rape, does not appear to have persuaded many that she may be telling the truth.

Questioning the motives of a woman who claims she has been raped is common. In the ongoing public discourse about rape allegations, few people appear to consider the implications of making such accusations on the life of the victim. Few question why, if the rape did not occur, she would willingly choose to subject herself to the many indignities, and even victimisation, that survivors of rape frequently suffer when they report the assault.

In the immediate aftermath of a rape, the survivor must navigate

various institutions and systems, including the police, health care services and the criminal justice system. In the months and even years afterwards, she may have to attend court and face her attacker on numerous occasions before she finally gives evidence against him. The trauma of the rape, along with fear and pain, will live with her for some time to come.

Those survivors who do choose to report rape and sexual assault often do so at police stations that have no facilities to protect their privacy. They must recount the details of the rape in the midst of a busy charge office, where their stories may be overheard by members of their communities and friends. Even in those police stations with proper facilities, rape survivors may face untrained and

unsympathetic police officers. It is not unusual for police to ask rape survivors what they were wearing or whether they had consumed any alcohol.

Many rape survivors are injured during the assault and have to seek medical care at public hospitals and clinics. Few of these facilities have specialised units to provide comprehensive care and support and many rape survivors will therefore spend several hours waiting in the casualty section to see a doctor. During this period, they will be unable to wash and will probably not get a cup of tea or something to eat. If they have a cell phone, they may be able to call a relative or friend. If they do not have access to a telephone, they will have to endure the long wait alone.

If the rape survivor is lucky, they may know about the risks of HIV transmission following rape. They may ask the health care worker, when they see one, about access to PEP. This is a short course of antiretroviral drugs that can reduce the risk of HIV transmission after sexual intercourse, if taken within 72 hours.

If they do not know about the HIV risk, or do not come across a sympathetic health worker, they will not know about PEP and they will not be offered it. Rape survivors who do have access to PEP may suffer side effects during the month that follows the rape. These can include vomiting, headaches and extreme tiredness. In addition to PEP, rape survivors will receive other medication that includes emergency contraception to prevent pregnancy and

antibiotics to prevent her from contracting any sexually transmitted infections.

Perhaps the most intrusive and emotionally exhausting experience following rape is the forensic examination. Again, if rape survivors are lucky, this examination will be conducted by an experienced and compassionate health care worker. If not, it will be conducted by a busy doctor who is ill equipped to provide adequate care and support to rape survivors.

Research conducted by an independent medico-legal unit revealed that many doctors who perform the forensic rape examination have received little or no training. The examination includes the gathering of specimens from the vagina, anus and mouth. Finger nails are scraped and hair, including pubic hair, is combed, to collect any skin and hair that the perpetrator may have left behind. Clothing may be confiscated. This examination must be conducted before the survivor is allowed to bath and clean her teeth.

In those cases where the perpetrators are located, arrested and charged with rape, survivors face the additional pressures of a trial, often without support. Many cases are prosecuted through the ordinary regional magistrates' courts by under-trained prosecutors who are already over worked.

Often rape survivors only meet the person who is to prosecute their case on the day of the trial. Few courts have separate waiting rooms for survivors of violence and many will have to face their

perpetrators in the passage as they wait for their case to be called. The conviction rate for rape cases is lower than for any other crime. Many survivors of rape will therefore undergo the stress of a trial, only to see their rapists walk free.

Few rape survivors have access to adequate psycho-social support and have to cope with the trauma on their own. They are often afraid to tell family and friends for fear of negative responses or for fear of being blamed for somehow inviting the rape.

In the face of all this, it is surprising that women report rape at all. In the case of the young woman who made the allegations against the second most powerful politician in the land, she will have to deal with many of the issues set out above in the full glare of the public eye. She has already been named by a Sunday newspaper and has had her HIV status revealed.

As the trial draws closer, no doubt her every move will be scrutinised and analysed. When she takes the stand to testify against Mr Zuma, he will be represented by an attorney and advocate. She will not be entitled to her own legal representation but will have to rely on the state prosecutor to protect her rights. No doubt every effort to undermine her credibility and integrity will be made by Mr Zuma's legal team. In the light of all of this, it is difficult to imagine why anyone would want to make up allegations of rape.

LB

Liesl Gerntoltz is executive director of the Tshwaranang Legal Advocacy Centre.