

ONE IN NINE CAMPAIGN STATEMENT OF *STATE V. ZUMA* VERDICT – MEDIA RELEASE

May 8, 2006

Judgment in *State v. Zuma* Rape Case

The One in Nine Campaign is disappointed but not surprised by the verdict handed down by Judge Willem van der Merwe today in the *State v. Zuma* rape case. The handing down of the judgment comes some three months after the first court appearance and six months since the alleged rape took place. We have since the start of the case stated that we respect the rule of law and following from this we accept the judgment handed down in this case.

The One In Nine Campaign salutes the complainant for her courage and resilience in seeing this case through to the end despite tremendous pressure to do otherwise. Since the time of the rape charge being made public, Khwezi has had to endure hate speech, defamation of character, and media speculation by Zuma supporters and others.

She has had her freedom of movement curtailed as a consequence of being placed in protective custody. She has been kept out of the public domain and the court as a result of fears for her safety.

Inside the court, Kemp J. Kemp subjected Khwezi to a relentless and invasive cross-examination aimed at discrediting her as a witness and cast doubt on her ability to distinguish between consensual and non-consensual sex. Her personal writings and sexual history were deemed relevant to the case. Not only was she placed on trial to defend her allegation, behaviour and dress code for this case but also for previous experiences of sexual violence. Despite this, she has remained steadfast in her account and in her pursuit of justice.

Rape has one of the lowest conviction rates of all criminal offences. A report issued by the South African Law Reform Commission (Research Paper 18) stated only 7% of rape cases are successfully prosecuted in South Africa. This certainly should not be interpreted as meaning that the other 93% of cases that are unsuccessfully prosecuted are false claims.

Research also suggests that rape has one of the lowest number of false claims – less than 5% – as compared to other criminal offences.

Some of the reasons for cases not being successfully prosecuted include poor quality / insufficient evidence; withdrawal of cases (often due to intimidation of complainants or fear of secondary victimization); state officials not complying with protocols of treatment of survivors; prejudice and victim-blaming attitude of judicial officials and other service provider; insufficient knowledge of social context and emotional impact of sexual violence; legal definitions and provision relating to sexual violence as contained in the Criminal Procedures Act and Sexual Offences Act.

The above factors combine to not only further victimize rape complainants but also result in acquittals.

It is these verdicts and fear of experiencing secondary victimization and social stigmatization that often deter rape survivors from reporting their experiences. Only 11% of all rape survivors do speak out indicative of the impact these negative attitudes and practices; low conviction rates and fear for safety have on levels of reporting.

The One in Nine Campaign remains steadfast in actively supporting and demonstrating our solidarity with rape survivors who do speak out. We recognize the need for women survivors to be affirmed, their experiences acknowledged and to receive specialized gender-sensitive services.

The One in Nine Campaign will continue to fulfill its mandate through lobbying for appropriate provisions within the Sexual Offences Act and through showing solidarity with women survivors of sexual violence. Public awareness and education on changing beliefs and challenging the myths and misconceptions about sexual violence is a critical area of intervention for the Campaign. In the *Zuma* case we have witnessed many of these myths and misconceptions being used as part of the defense's strategy. We have heard these echoed outside the court and even in the media. It is critical that if we are to reduce levels of secondary victimization and violence and increase reporting and conviction rates that we challenge these myths and misconceptions. We need to remind South Africa a victim of a crime is never responsible for the actions of the perpetrator.

This case underlines the need for us as South Africans to interrogate our understanding of good leadership and the kind of accountability we expect from them. We pride ourselves on having structures – such as the South African National AIDS Council – to what extent do we interrogate the views of those we elect / appoint to those positions?

The One in Nine Campaign welcomes the decision from Cabinet to approve the Sexual Offences Bill for tabling before parliament. The move is long overdue. The improved protections and provisions of the new Sexual Offences Bill come too late for thousands of men, women and children who have had to deal with a less than fair legal system and with a law that was never adequate in protecting them or ensuring that justice was served. The One in Nine Campaign urges Parliament to ensure that it be enacted and implemented before the end of the year.

The One in Nine Campaign urges women who have experienced rape to continue to report cases of rape, to contact specialized gender violence organizations and remember that a acquittal does not mean that the rape didn't happen and that the accused is innocent.

For further comment on the One in Nine Campaign contact the following spokespeople:

One in Nine Campaign/ Sexual Violence / Judgment Commentary:

Carrie Shelver – 011 6424345 / 083 628 6996 – carrie@powa.co.za

Delphine Serumaga – 011 6424345 / 083 414 9949 – delphine@powa.co.za

Men's Involvement in the Campaign:

Dumisani Rebombo – 011 833 0505 / 073 595 8208 – drebombo@engenderhealth.org

HIV and AIDS:

Dawn Cavanagh – 083 278 7033 – dawn@gaf.org.za

Written for the One in Nine Campaign by Carrie Shelver.