

JOINT MEDIA STATEMENT ON THE OMOTOSO TRIAL BY THE PORTFOLIO COMMITTEE AND DEPARTMENT IN THE PRESIDENCY RESPONSIBLE FOR WOMEN

Parliament, Wednesday, 17 October 2018 – At its meeting this morning, the Portfolio Committee on the Department of Women in the Presidency chaired by Ms Thandi Memela, and the Department of Women led by the Minister Bathabile Dlamini – deliberated on matters facing Vote 13 in general, and gender inequality in particular.

Paramount on the agenda was the ongoing Trial against Timothy Omotoso, a senior pastor at the Jesus Dominion International Church.

We salute the bravery and fortitude of Cheryl Zondi! She is an inspiration to millions of young women who have broken the silence on sexual harassment.

Omotoso and his co-accused and alleged accomplices, Lusanda Solani, 36, of Durban, and Zukiswa Sitho, 28, of Port Elizabeth are facing 97 charges in total at the Easter Cape High Court. These include 63 charges in the main charge sheet, and 34 alternative charges. The charges include racketeering activities, sexual assault and rape.

The Committee and the Minister expressed outrage at the particularly brutally inhumane and unnecessary style of cross examination advanced by the Defence Council, Adv Peter Daubermann. They jointly agreed that although lawyers possess the obligation to act in their client's best interests, such burden is subject to the supreme duty of all legal practitioners to the criminal justice system and the court.

In line with this principle, Adv Daubermann is required to be fair and courteous towards every person during the exercise of his professional conduct, particularly the survivors of sexual violence.

The Committee and the Minister made note of Section 166 of the Criminal Procedures Act, which gives rights to the accused to cross examine witnesses. Such rights are limited, however, by the interpretative duty of the Defence to ensure that during cross-examination, the basic rights of witnesses are not encroached upon.

Furthermore, the Portfolio Committee and the Minister jointly recognised that the Criminal Procedures Act instructs the presiding officer, should he find any cross-examination to be "protracted unreasonably and thereby causing the proceedings to be delayed unreasonably", to impose reasonable limits on the examination.

The prosecution in the matter further carries an obligation to protect state witnesses by objecting to inappropriate and/or irrelevant lines of questioning.

"It is the behaviour of council such as Adv. Daubermann, and other insensitive officials of justice, that dissuades survivors of sexual violence from breaking their silence on this psychologically traumatising form of abuse," said the Committee and Minister jointly.

In anticipation of the tens of young women due to testify during this trial, the Committee and the Minister plead for an attitude of civility amongst all inside the courts and those observing from outside.

The Committee and the Minister further wish to convey their prayers and words of affirmation to Nombulelo Nokukhanya Cheryl Zondi, the first witness in the Trial. "It is unfortunate that you have had to endure secondary-victimisation and trauma during this experience. We encourage you to nonetheless take strength in the opportunity that this experience presents you, and the multitudes of women whose experience is similar to yours. At your tender age, God has given you the strength of warriors to fight the evil that has mounted your young life. We are proud of the courage you have shown. May you continue to stand for truth, and to lead even in your vulnerability. Through your experience, millions in the country now have a sense of the excruciating difficulties faced by victims of sexual violence in our justice system. Through you, millions of survivors have gained the voice and strength to speak out," they jointly stated.