



Psychiatrist not guilty on rape charges  
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**Pieter van der Westhuizen**

**A PSYCHIATRIST accused of raping one of his patients at his consulting rooms at Swakopmund near the end of 2015 is off the hook, after being found not guilty on all charges in the Windhoek High Court yesterday.**

At the end of the state's case in the trial of psychiatrist Pieter van der Westhuizen, there was no evidence before the court on which he could be convicted, judge Eileen Rakow concluded before discharging him on all five counts he had been facing.

Van der Westhuizen (64) was found not guilty two years after his trial started before Rakow with him denying guilt on all charges.

He was prosecuted on three counts of rape, a charge of indecent assault and a charge of attempted murder, alternatively using drugs to overpower a woman so that he could have unlawful intercourse with her. All of the charges originated from allegations that he raped one of his female patients on 7 November 2015.

Van der Westhuizen claimed in a lengthy plea statement that the complainant in the case acquired “a false memory of indecent assault and rape” as a result of a past experience of childhood sexual abuse, combined with the effect of medication which she took before and during her visit to his consulting rooms.

He also claimed in his plea explanation that he was suffering from erectile dysfunction at the time of the alleged incident and had not been able to have penetrative sexual intercourse since about 2010.

In her judgement yesterday, Rakow recounted that the complainant gave a graphic description of the events she said took place at Van der Westhuizen's consulting rooms, where she had an appointment to meet him on a Saturday morning for a supposed therapy session.

According to the complainant, he exposed his private parts to her, indecently assaulted her and raped her after she had taken medication prescribed by him. While doing his, Van der Westhuizen told her she should not talk about the event, as he would lose his medical practice if she did, she testified.

Rakow found there was no evidence that the dosage of the medication which Van der Westhuizen prescribed to the complainant had been lethal, and as a result found that the charge of attempted murder against him had not been proven.

On the charges of rape and indecent assault, the judge noted that according to two psychiatrists who testified during the trial, it was possible that the complainant's allegations against Van der Westhuizen could be the result of a false memory.

She further noted that in the opinion of a urologist who also testified during the trial, Van der Westhuizen had erectile dysfunction in 2015 and it was not possible for him to have penetrative intercourse at the time of the alleged incident.

Van der Westhuizen, represented by South African senior counsel Stephen Farrell and attorney Gerhard van der Merwe, applied for his discharge on all counts after the state closed its case in the trial in November last year.

The prosecution closed its case after the judge refused to allow it to present testimony from another woman who claimed to have been raped by Van der Westhuizen.

The state informed the court it wanted to present the woman's testimony to deal with Van der Westhuizen's claim that he suffered from erectile dysfunction. According to the state, the woman approached the police after the start of Van der Westhuizen's trial in 2019 and alleged he had raped her in July 2015.

However, after the defence objected to the woman's testimony, Rakow found that the state did not show Van der Westhuizen would not be prejudiced by her evidence and did not show that the value of her evidence would not be overshadowed by the danger of unfair prejudice to him.

Prosecutors Filistas Shikerete-Vendura and Palmer Kumalo represented the state during the trial.

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