

MEMORANDUM OF DEMAND FOR JUSTICE AND ACCOUNTABILITY FOR LIFE ESIDIMENI VICTIMS

To: **Adv. Sibongile Mzinyathi**
Director of Public Prosecution
Gauteng Division, Pretoria

Date: 29 October 2024

RE: REQUEST FOR EXPEDITED PROSECUTION AND JUSTICE FOR LIFE ESIDIMENI VICTIMS

Background and Context

As we mark **October as Mental Health Awareness Month**, we are reminded of the critical need for justice for the victims of the Life Esidimeni tragedy. The events that unfolded have, over nearly a decade, highlighted the rights of individuals with mental health conditions and underscored the government's responsibility to protect those rights.

1. **October 2015:** The then-Gauteng MEC for Health, Qedani Mahlangu, announced the termination of the Gauteng Health Department's contract with Life Esidimeni, the private healthcare provider caring for thousands of mental healthcare users.
2. **April 2016 - October 2016:** Patients were transferred to unlicensed and ill-equipped NGOs, raising widespread concern among families, mental health professionals, and advocacy groups. By October 2016, it was evident that the care provided at these facilities was woefully inadequate, leading to reports of **malnutrition, neglect, and avoidable deaths**. In January 2017, Health Ombudsman Professor Malegapuru Makgoba's report, "*The Life Esidimeni Disaster*," revealed that 144 patients had died under inhumane conditions across unlicensed NGOs.
3. **October 2017 - March 2018:** Justice Dikgang Moseneke, appointed as arbitrator, presided over arbitration hearings that provided families a platform for redress. Justice Moseneke's ruling in March 2018 condemned the government's gross negligence and ordered the Gauteng Department of Health to compensate the families for constitutional damages, emotional trauma, and funeral costs.

4. **April 2022 - July 2024:** Nearly five years later, Pretoria High Court commenced a formal inquest to determine if deaths were unnatural and had been caused by the conduct of individuals involved in the tragedy. After thorough testimonies and deliberations, Judge Mmonoa Teffo delivered her judgment on **10 July 2024**, finding former Health MEC Qedani Mahlangu and Dr. Makgabo Manamela directly responsible for the deaths of nine patients within the broader context of the 144 lives lost.

Our Appeal for Expedited Action by the NPA

Despite the court's findings in July 2024 that Ms. Mahlangu and Dr Manamela's conduct brought about the unnatural deaths of nine vulnerable people, **close to four months have passed** without any indication from the NPA of its intention to prosecute. Families of the victims, who have already waited **eight long years for justice**, have submitted requests for updates, which remain unanswered. This lack of communication further exacerbates their trauma and contributes to growing public distrust in the accountability process.

Demand for Expedited Justice and Accountability

We, the families of the Life Esidimeni victims, in accordance with the constitutional mandate for accountability and justice, formally request that the National Prosecuting Authority (NPA):

1. **Expedite Prosecution Proceedings:** We urge the NPA to prioritise the prosecution of Ms. Qedani Mahlangu and Dr. Makgabo Manamela. Recognizing that eight years have passed since the initial events and that families have endured excessive delays, we urge that charges be formalised and brought before the court without further delay.
2. **Ensure Comprehensive Accountability:** The NPA is not limited to the prosecution of Ms. Mahlangu and Dr. Manamela, and we urge the NPA to consider charges against any additional culpable individuals, as appropriate. Full legal accountability for each involved official is paramount in affirming the rule of law and providing due recourse for the victims' families.
3. **Commit to Regular Legal Updates to Affected Families:** In keeping with principles of transparency and procedural fairness, we call upon the NPA to honour the families' right to regular and substantive updates on case progress. This request reflects both an ethical and legal obligation to keep victims informed of significant developments in the pursuit of justice.

Justice delayed is justice denied. Failure to act promptly constitutes a violation of the NPA's constitutional duty to prosecute crimes effectively and to protect public confidence in South Africa's legal system.

Closing Appeal

During this Mental Health Awareness Month, the Life Esidimeni families, advocates, and citizens stand united to demand justice. We trust the NPA will uphold its duty to the public and ensure that justice is served, including respecting the families' request for regular updates.

Justice delayed is justice denied.

Signatories:

On behalf of the Life Esidimeni families and supporting organizations

Cc:

SECTION27

South African Depression and Anxiety Group (SADAG)

Disability Sector