

Life Esidimeni Families on the NPA's Ongoing Delay in Prosecution Decision

19 August 2025, Johannesburg - The Life Esidimeni Families met yesterday, 18 August 2025, with the National Prosecuting Authority (NPA), represented by Acting Director of Public Prosecutions, Adv. Marika Jansen Van Vuuren. The meeting follows years of delays in the decision to prosecute those responsible for the deaths of 144 mental health care users.

At the meeting, the NPA informed the families that it has received a legal opinion that recommends prosecution of former Gauteng MEC for Health, Qedani Mahlangu, and former Director of Mental Health, Dr. Makgabo Manamela. However, the legal opinion recommends prosecutions for the deaths of only two people: **Mr. Terence Chaba and Ms. Virginia Machpelah**. The NPA informed the families that a team of prosecutors has now been formed to assess both the legal opinion and the extensive evidence already presented at the Inquest to make a final decision on prosecution.

A decision to criminally prosecute all those whose actions caused the torture and terrible deaths of our loved ones is what we have demanded all along. In this regard we feel vindicated and welcome the NPA's movement towards a decision. Qedani Mahlangu, the former Health MEC, whose callous disregard of our pleas and protests in 2015 and 2016, caused the deaths, deserves to be put on trial and found guilty.

However, almost 10 years after the deaths and over a year since the Inquest judgment, there is still no decision on prosecution, even following a legal opinion.

In addition, a decision to prosecute on the basis of only two out of 144 deaths angered and devastated the families present. We regard the NPA's position as inadequate, unjust, and a betrayal of the 144 lost lives. By limiting accountability to only two deaths, it feels like the NPA is sending a message that the other 142 deaths do not matter. We say this because we believe there is overwhelming evidence that has been presented in multiple formal processes, including:

- **The families' repeated calls (2015–2016 to present):** Since the tragedy unfolded, families have consistently demanded a comprehensive investigation and prosecution, making it clear that justice requires holding all responsible individuals accountable.
- **The Health Ombudsman's Report (2016/2017):** Exposed the gross human rights violations, unlawful transfers, and neglect that led to the tragedy. It validated the need for accountability and laid the foundation for further processes.
- **Arbitration presided over by Former Deputy Chief Justice Dikgang Moseneke:** Found that government acted unlawfully, recklessly, and with disregard for human life, and ordered compensation for families while affirming the State's liability.

- **The Inquest presided over by Judge Teffo:** Established that there is prima facie evidence linking Ms. Mahlangu and Dr. Manamela to multiple unlawful deaths, highlighting systemic negligence and criminal liability.

Taken together, these processes, combined with the unrelenting calls from and evidence provided by families over nearly a decade, constitute an undeniable body of evidence. We cannot accept the NPA turning a blind eye to this mountain of evidence.

When challenged with the evidence that appears to be being ignored, Adv. Jansen Van Vuuren stated that the NPA does not investigate and relies on SAPS investigations. **Unfortunately for the NPA, it cannot place the blame on SAPS this time. Had SAPS not done its job, we question how the presiding officers in the arbitration or the inquest could have come to the conclusions they reached. We have seen that the investigating officers worked diligently, and their evidence formed the backbone of both processes.**

The problem lies not with SAPS, but with the NPA's handling of the matter. From the very beginning, despite not having engaged with the full body of work from SAPS, the NPA has sought not to prosecute. Were it not for the fact that this case drew national and international attention, and constant pressure from families and our partners, the prosecutor would have quietly shut the matter down. This obstructive attitude continued throughout the inquest, further undermining confidence in the pursuit of justice.

We must be clear: **a failure to make a decision after all this time, and an indication that there may be prosecutions for two out of 144 deaths is not justice.** It reflects a failure to honour the pain of the families and the dignity of those who died. It amounts to protecting those responsible, rather than holding them fully accountable.

The families therefore:

1. Demand that the NPA immediately consider not only the inquest judgment and legal opinion but the mountain of evidence that forms part of the inquest record, including from the arbitration, and recognise the urgent need for a prosecution that reflects the full scale of the tragedy.
2. Call on SAPS to account for its investigations and explain why only two cases were deemed sufficient.
3. Reaffirm that we will not rest until justice is done for *all* 144 lives lost... not just two.

We remind the state that the Life Esidimeni tragedy represents one of the most shameful episodes of democratic South Africa. To limit accountability now is to repeat the very disregard for the lives of vulnerable people that caused this tragedy in the first place.

Justice delayed has already been justice denied. Justice reduced is justice destroyed.

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For background on the Life Esidimeni tragedy and portraits of the lives that we lost, see <https://www.lifeesidimeni.org.za/>