

# Hope for closure

## ESIDIMENI: FAMILIES SAY INQUEST IS STEP CLOSER

» Inquiry will establish whether anyone will be held criminally accountable.

**Bernadette Wicks**

Five years after mental healthcare patient Virginia Machpelah died at the unlicensed nongovernmental organisation the Gauteng health department had placed her in, her sister Christine Nxumalo is still looking for closure.

But Nxumalo is hopeful the upcoming inquest into Machpelah's death – and the deaths of a further 143 victims of the Life Esidimeni tragedy – will bring her and all those who lost loved ones, a step closer.

The inquest is being presided over by Judge Mmonoa Teffo, whose task is to establish if anyone should be held criminally accountable – something Nxumalo says is vital for the families who were left behind.

“For the families, not having anybody held accountable would be nothing more than getting away with murder,” she said at a press briefing hosted by lobby group Section27, together with the South African Depression and Anxiety Group yesterday.

The inquest is set to begin on Monday and will examine the Gauteng health department's decision to terminate its long-standing contract with Life Esidimeni and transfer more than 1 000 patients to woefully ill-equipped facilities around the province – where many ended up dying as a result of neglect and starvation.


Even if the judge did find criminal charges should be instituted, further legal processes would still have to follow before any potential convictions.

But Nxumalo said the inquest was still a crucial step.

It comes three years after the Life Esidimeni arbitration chaired by retired Deputy Chief Justice Dikgang Moseneke

On 19 March, 2018, Moseneke ordered that the state pay common law damages of R180 000 for psychological injury and trauma to each claimant and R20 000 towards funeral expenses. He also ordered a memorial be set up in remembrance of the victims and that the state cover counselling for up to three family members of each of the deceased.

Each claimant was also award-

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**Christine Nxumalo**

ed R1 million in damages.

The executive director of Section 27, Umunyana Rugege, yesterday said an inquest was an entirely different process. She said through the arbitration, the constitutional violations which had been exacted had been recognised. “And the government had to feel the pain,” she added.

But despite the fact that the SA Police Service opened 46 inquest dockets a month after the arbitration award was handed down, there has to date never been any criminal prosecution of the high-ranking health officials involved.

Despite coming three years after the arbitration, the inquest will now make it clear whether criminal prosecutions will be instituted. Proceedings will be driven by the National Prosecuting Authority (NPA) but Section 27 is also representing 44 of the affected families.

Rugege said her office had been informed of about 30 witnesses the NPA intended calling. While they did not have a witness list – and could not confirm who would and wouldn't take the stand – they understand new evidence is going to be led.

“After the arbitration, the NPA actually did a lot of work,” said Rugege.

“They found new witnesses so there will be new information presented and some post mortem reports have also been made available.” – [bernadettew@citizen.co.za](mailto:bernadettew@citizen.co.za)