

## The Life Esidimeni tragedy: A decade later

The Life Esidimeni tragedy, also known as the Gauteng Mental Health Marathon Project, laid bare shocking ethical transgressions and grave human rights violations, among the most egregious in post-democratic South Africa (SA). Now, after nearly 10 years of delays and institutional resistance, the National Prosecuting Authority (NPA) has moved to prosecute those implicated in the deaths of at least 141 vulnerable psychiatric patients.<sup>[1]</sup> The decision follows years of investigation into the deaths of the patients, who were unlawfully transferred to unregistered, ill-equipped facilities between 2015 and 2016 because the Gauteng Department of Health (GDoH) terminated its contract with Life Esidimeni, a psychiatric care facility.

The 2017 Health Ombudsman's Report<sup>[2]</sup> found that the relocation decisions were taken without due diligence or adherence to healthcare standards. Although framed as deinstitutionalisation in line with World Health Organization guidelines, the process amounted to a warped application that stripped patients of safety and dignity. Critical failures included their placement in unlicensed non-governmental organisations, the absence of effective oversight, a lack of consultation with families and a bureaucratic disregard for medical advice and fundamental human rights. The deaths resulted from a lethal combination of negligence, starvation, neglect and the absence of basic medical care. This tragedy highlights the failure of domestic law and policy to uphold the frameworks intended to protect human dignity and human rights, as enshrined in the Constitution of SA, in particular sections 10 (right to dignity) and 11 (right to life).<sup>[3]</sup>

Former Deputy Chief Justice Dikgang Moseneke presided over the Life Esidimeni Arbitration, which commenced in 2017. The arbitration found the state liable for the violations, and affirmed that the rights to life and dignity had been breached, ordering the government to compensate the affected families accordingly.<sup>[4]</sup> Justice Moseneke's ruling went beyond financial redress; it sought to restore the dignity of the victims and to publicly acknowledge the profound harm caused. The award included monetary and constitutional damages, as well as a directive that government officials be held accountable for the harrowing treatment of mental healthcare users, which resulted in their deaths. The decision set a significant precedent for state accountability in healthcare, affirming that human rights violations may give rise to constitutional damages, and that vulnerable groups require judicial protection when administrative systems fail. In doing so, the case underscored the critical role of the courts and had far-reaching implications for mental healthcare governance and development in SA.<sup>[5]</sup>

The arbitration was followed by the inquest, and judgment was delivered in 2024. Presiding Judge Teffo concluded that several deaths were caused by negligence and systemic failures within the GDoH. In particular, Ms Mahlangu (former MEC for Health) and Dr Manamela (former Director of Mental Health) negligently caused the deaths of nine patients by creating circumstances in which the deaths were inevitable.<sup>[5]</sup> The inquest clears the way for the NPA to institute prosecution in this matter and to pursue culpable homicide charges. The latter is hailed by many<sup>[6]</sup> as representing a critical step towards justice for the >141 victims. In its press release on 13 April 2026, the NPA acknowledged that families of the deceased have endured prolonged delays in the pursuit of justice for nearly a decade, and have endured pain and frustration during this period. Reasons provided for

the delays included the complexity of the case, the scale of the evidence and the necessity of ensuring a thorough and legally sound process. The NPA's decision marks a long-overdue step towards accountability, tempered by the scale of the loss and the years of delay, considering how long justice has been denied. While the decision has been welcomed with relief by some who feel that the process is finally moving forward, and that the NPA will set a vital legal precedent for the entire SA public health system,<sup>[6]</sup> it must be seen against the backdrop of SA's notoriously slow and beleaguered criminal justice system. Between 2016 and 2023, the GDoH spent ~R77 million on legal costs on behalf of the former MEC and other implicated government officials. These costs were paid to private legal practitioners, despite the Office of the State Attorney's primary mandate to represent government officials in legal proceedings – an option that was notably not utilised. This expenditure represents one of the many continuing injustices arising from the Life Esidimeni tragedy. Similarly, key aspects of the arbitration awards remain unimplemented, including the construction of a memorial to honour and commemorate those who lost their lives.<sup>[3]</sup>

Critical questions therefore remain. How long will it take for charges to be formally instituted and prosecutions to proceed? Will justice be realised within a meaningful timeframe, or will it once again be deferred by procedural delays and institutional reluctance? Given SA's history of systemic impunity and persistent resistance to accountability and remediation, there is a justified concern that justice for the Life Esidimeni victims may be further postponed. For the families who have waited for nearly a decade, another prolonged delay would represent yet another profound failure of the justice system. True accountability requires not only the announcement of prosecutorial intent, but timely, decisive action that affirms the value of every life lost, and signals a decisive break from a culture of delay, denial and administrative indifference. Justice delayed is not only justice denied; in this case, it risks becoming justice abandoned.

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