

Life Esidimeni

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We want what is owed to us

LAWYERS representing more than 100 families affected by the Life Esidimeni tragedy are planning to file a court application this week to force the Gauteng government to pay more than R70-million in outstanding compensation. Ulrich Roux and Associates represents 113 families of patients who have not yet received full payment, in accordance with an arbitration award handed down by former deputy chief justice Dikgang Moseneke in March 2018. Almost 1 600 psychiatric patients were caught up in the scandal when they were moved from Life Esidimeni centres to ill-equipped and underfunded NGOs in Gauteng in 2015, resulting in 144 deaths.

According to Gauteng premier David Makhura's office, the underspending was due to lockdown restrictions, which resulted in delays in the verification process of claimants. Roux said all of the families who his firm represents have been approved by the Gauteng premier as worthy claimants and are waiting for their payments from the office of the Gauteng premier.

Letters of demand He said letters of demand had been sent to Makhura and a round-table meeting was held with his office, but it still refused to act in accordance with the arbitration award.

According to court papers, 105 claimants are claiming R590 000 each, while seven are claiming R1,18-million each and another is claiming R600 000. Gauteng provincial spokesperson Thabo Masebe confirmed there were still 81 victims who were owed money. He said the Gauteng government paid financial compensation to all claimants that were party to the arbitration proceedings, in accordance with Justice Moseneke's arbitration award in 2018, but more claimants, who were not part of the arbitration proceedings, registered their new claims after the arbitration process was concluded.

Masebe said in February 2019 the Gauteng government and the claimants agreed that the compensation would be paid in two equal amounts - one half directly to the bank accounts of the claimants, the other into a trust account for the surviving mental healthcare users, in accordance with the Mental Health Care Act. He denied there had been unreasonable delays in the payment of claims. However, Roux disputed Masebe's statement, saying there was no legal basis for payments to be withheld.