

LIFE ESIDIMENI ARBITRATION

**HELD AT: EMOYENI CONFERENCE CENTER, 15 JUBILEE ROAD,
PARKTOWN, JOHANNESBURG**

DATE: 20th OCTOBER 2017 DAY 10

5 DAY 10 SESSION 1 – 3.

BEFORE ARBITRATOR – JUSTICE MOSENEKE

10 WITNESSES:

MS BOITUMELO MANGENA

MR PHUMZILE MOTSHEGWA

MS MARIA COLITZ

SINDILE ANNA MASOMBOKA

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SESSION 1

ARBITRATOR, JUSTICE MOSENEKE: You may be seated. Good morning Counsel.

5 **ADV ADILA HASSIM**: Good morning Justice Moseneke. Our first witness for today is Ms Boitumelo Mangena, and she is ready to take the stand.

ARBITRATOR, JUSTICE MOSENEKE: Ms Mangena witnesses stand please.

MS BOITUMELO MANGENA: Thank you.

ARBITRATOR, JUSTICE MOSENEKE: Your full names please?

10 **MS BOITUMELO MANGENA**: My name is Boitumelo Justine Mangena.

ARBITRATOR, JUSTICE MOSENEKE: Your last name is?

MS BOITUMELO MANGENA: Mangena.

ARBITRATOR, JUSTICE MOSENEKE: Mangena?

MS BOITUMELO MANGENA: Yes.

15 **ARBITRATOR, JUSTICE MOSENEKE**: In which language do you want to testify?

MS BOITUMELO MANGENA: In English.

ARBITRATOR, JUSTICE MOSENEKE: In English?

MS BOITUMELO MANGENA: Yes.

ARBITRATOR, JUSTICE MOSENEKE: Very well. You have an option to take the conventional oath or an affirmation oath.

MS BOITUMELO MANGENA: I will take the conventional oath Justice.

ARBITRATOR, JUSTICE MOSENEKE: Ms Mangena do you swear that the
5 evidence you are about to give will be the truth, nothing but the truth, and if so please raise your right hand and say “so help me God”?

MS BOITUMELO MANGENA: So help me God.

ARBITRATOR, JUSTICE MOSENEKE: Counsel.

ADV ADILA HASSIM: Thank you. Ms Mangena thank you for being here today.
10 Can you tell us what your, who is Resiba Ragab Mangena?

MS BOITUMELO MANGENA: Resiba was my mom.

ADV ADILA HASSIM: In front of you there is a photograph and it's numbered ELAH30. Is this s photograph of your mom?

MS BOITUMELO MANGENA: Yes it is.

15 **ADV ADILA HASSIM:** When as it taken?

MS BOITUMELO MANGENA: It was taken in between 2012 and 2013.

ADV ADILA HASSIM: Between 2012 and 2013?

MS BOITUMELO MANGENA: Yes.

ADV ADILA HASSIM: Where was it taken?

MS BOITUMELO MANGENA: At the Union buildings in Pretoria.

ADV ADILA HASSIM: And who took the photograph?

MS BOITUMELO MANGENA: I am not sure who she was with.

ADV ADILA HASSIM: Can you tell us when your mom passed away?

5 **MS BOITUMELO MANGENA:** On the 6th of June 2016.

ADV ADILA HASSIM: Was your mother at life [*inaudible*] Randfontein?

MS BOITUMELO MANGENA: Yes she was.

ADV ADILA HASSIM: When was she admitted?

MS BOITUMELO MANGENA: May 2015.

10 **ADV ADILA HASSIM:** And what was your mother's condition?

MS BOITUMELO MANGENA: She had vascular dementia.

ADV ADILA HASSIM: Can you tell us what that meant?

MS BOITUMELO MANGENA: So the Doctor said basically she had a series of mild strokes which had affected her vascular system. So the vascular system is what your brain uses to communicate with the rest of your body. It sends signals. Your body communicate with your brain through the vascular system. So it had damaged her vascular system, so her brain and her body as starting to lose certain parts of communication. So they said she'd lose her memory or her ability to speak, her ability to walk and it would deteriorate. But if she is on the right medication it would take a long period for it to deteriorate.

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ADV ADILA HASSIM: Was your mother on medication?

MS BOITUMELO MANGENA: Yes she was.

ADV ADILA HASSIM: What medication was she on?

MS BOITUMELO MANGENA: She was on hypertensive medication for her high
5 blood pressure and anti-psychotics for the dementia.

ADV ADILA HASSIM: Anti-psychotics and anti-hypertension?

MS BOITUMELO MANGENA: Yes.

ADV ADILA HASSIM: Can you tell us when your mother was admitted to Life
Esidimeni? Did you say May 2015?

10 **MS BOITUMELO MANGENA:** Yes.

ADV ADILA HASSIM: And how long was she there?

MS BOITUMELO MANGENA: For a year.

ADV ADILA HASSIM: And how was she while she was at Life Esidimeni? Did you
visit her?

15 **MS BOITUMELO MANGENA:** Yes, we would visit as much as we could at first
because I was staying with my sister in Cosmo, in Cosmo city. So we would try and
go every weekend, but it got too expensive so we started going every second
weekend to go visit her. And at first, when she first moved there her condition did
drop a bit, but the Doctors and the social worker there explained that because of the
20 new environment and because of her condition she struggles to get use to new

environments. But as she got used to it, her condition started to improve. They would say that during the week she would talk about us, she would remember us, she was mobile, so the only thing which they had to do was to feed and bath her, but the other stuff she was still able to do herself.

5 **ADV ADILA HASSIM**: Were they providing her medication at Life Esidimeni?

MS BOITUMELO MANGENA: Yes they were providing her medication, they were providing food, they were providing her clothing as well. Because when she first moved there we asked if we need to bring anything, because at the previous place she was at we had to provide the clothing and everything else. So when we
10 first arrived there with her bag full of clothing they told us that they don't need it as they provide clothing and food and everything else.

ADV ADILA HASSIM: And just tell us more about your mother's condition at Life Esidimeni when you visited her.

MS BOITUMELO MANGENA: She was very stable, she was very comfortable
15 around the nurses, you know she had developed a relationship with them and she was very comfortable around them and her condition wasn't, it was very stable. It was very stable and she wasn't deteriorating and we were very happy with how she was. Whenever we went she was clean, well taken care of. If anything happened they'd always inform us, because I think there was a time when she got an ear
20 infection ... [intervene]

ADV ADILA HASSIM: When she got what?

MS BOITUMELO MANGENA: An ear infection.

ADV ADILA HASSIM: An ear infection?

MS BOITUMELO MANGENA: Yes, and the Doctors from Life called us immediately and informed us that they were going to take her to Jo'burg Gen, they told us when they were going to take her, which Doctor is going to see her, when
5 she would be back, what procedures they would do, what meds they were going to put her on, we were always constantly informed, and she was always well taken care of. Whenever we went there, we were always satisfied with the service that she was getting. Even the treatment we would get, they were always understanding of how traumatic it was for us, especially because my mom had just recently been
10 diagnosed. She only got diagnosed end of 2014, December 2014. So it was something we were still getting used to. So they were very understanding of that and you know, the social workers would always call and check up on us to make sure of how we were coping. So she understood that it was something that was very extremely traumatic for us and that we were supporting not just her but
15 ourselves as well.

ARBITRATOR, JUSTICE MOSENEKE: At which facility was your mother?

MS BOITUMELO MANGENA: Life Esidimeni Randfontein.

ARBITRATOR, JUSTICE MOSENEKE: The Randfontein one, okay.

MS BOITUMELO MANGENA: Yes.

20 **ARBITRATOR, JUSTICE MOSENEKE:** Okay thank you.

ADV ADILA HASSIM: How many siblings do you have?

MS BOITUMELO MANGENA: There is four of us. I've got two brothers and then my sister and myself.

ADV ADILA HASSIM: And did you all visit your mother?

MS BOITUMELO MANGENA: Yes, yes we did. We would all visit and we would
5 alternate, so the weekend that my sister and I went and then someone would go the
next weekend just to make sure that every weekend she would have a visitor. If we
couldn't go our aunts would go, so we tried to make sure that every single weekend
she would have someone just to go and see her and check up on her.

ADV ADILA HASSIM: Were you informed that she would be moved from Life
10 Esidimeni?

MS BOITUMELO MANGENA: At one of the meetings that the family committee
and the Section 27 had held my sister went there and the nurses did, we were
informed of the move, but we were told that they were still in Court trying to fight the
whole process. So the first weekend of May 2016 my sister and I went to go visit
15 her, and when we were there the nurses said that they think that the move is going
to happen, but my mom was not going to be moved because she was considered a
critical patient. So all the critical patients would remain at Life Esidimeni and then
they would move all the other patients first to NGO's. So we were told that right
now, at that point in time she was not being considered for a move.

ADV ADILA HASSIM: And then, this was while you were at Life Esidimeni when
20 you were informed this?

MS BOITUMELO MANGENA: Yes.

ADV ADILA HASSIM: And then did you go back again to visit her?

MS BOITUMELO MANGENA: My sister went back the next weekend because there was another family committee meeting to discuss the entire move. After the move she ... after the meeting she asked if she could go see my mother. When she
5 got there the security called the ward and the ward told the security that they must tell my sister that she had already been moved.

ADV ADILA HASSIM: That your mother has already been moved?

MS BOITUMELO MANGENA: Yes. That she was not there anymore. So we saw her the Saturday ... [intervene]

10 **ADV ADILA HASSIM:** Did they tell you where she had been moved to?

MS BOITUMELO MANGENA: They said that the transport that came had either gone to Takalani or Pretoria, there was a NGO in Pretoria. So, but they said chances are that they had taken her to the Takalani one and we must try contact Takalani and find out if she is there. They said that the social workers from
15 Takalani were supposed to have contacted us already but we haven't received any communication. So the first that we heard of her being moved was when my sister went to go visit her and she was told that she is not there anymore.

ADV ADILA HASSIM: So there was nobody from the Department who contacted you?

20 **MS BOITUMELO MANGENA:** No.

ADV ADILA HASSIM: Before the move, and did anybody contact you after she had been moved to Takalani?

MS BOITUMELO MANGENA: They called us but after we had already been there to visit.

5 **ADV ADILA HASSIM:** So tell us about that. You established then that she had been moved to Takalani?

MS BOITUMELO MANGENA: Yes. So my sister went to see her the weekend that she went to see her and then found out that she wasn't there, and then she informed the rest of us that she had been moved. The following Saturday my
10 brother went to Takalani and that's how we found her basically.

ADV ADILA HASSIM: And how, when was this?

MS BOITUMELO MANGENA: This was the third week of May.

ADV ADILA HASSIM: The third week of May 2016?

MS BOITUMELO MANGENA: Yes, the third last week of May.

15 **ADV ADILA HASSIM:** And what was her condition when you visited her at Takalani?

MS BOITUMELO MANGENA: When, firstly, when he first got there, he asked to see her, he gave them his name, I mean her name I am sorry. And they looked for her, the nurses that were there went in and looked for her and they brought him
20 someone else. So he said "no this is not my mother" but she had my mother's name tag on.

ADV ADILA HASSIM: But it was not your mother?

MS BOITUMELO MANGENA: It was not her. So they told him “okay well they are all in the hall so you can go through and look for her in the hall” and he says the circumstances there were extremely devastating. The place was over crowded, some was sitting on the chairs, but because there wasn’t enough space some was sitting on the floor, everyone was still in the uniform they had been brought in from Life Esidimeni. He said he couldn’t even recognise my mom at first, he actually walked passed her, on the second round that is when he noticed that she was there, due to the amount of weight that she had lost. She wasn’t wearing any socks, she wasn’t wearing any jersey, she was sitting in a corner without a jersey, shivering, and this was like just before winter. He asked the nurses, he told the nurses okay this is the person he was looking for, but he asked “how are you taking care of her if you don’t know who she is?” because when my mom got diagnosed, we were told that she has to be on the right medication. Should she not be on the right medication her condition will deteriorate very quickly. So he asked “if you don’t know who she is, how are you giving her the right medication?” and her feet were swollen, she was extremely hungry, so he found her a jersey. He went out to go and buy her a jersey. The nurses he asked them what we can bring, what are we allowed to bring, why are they in these conditions? How are they just, some are sitting on the floor, some are sitting on chairs, without jerseys, when we are approaching winter? And the lady that was there told him that well she doesn’t know anything, that she had actually just started working there, and she was even asking him if he could help her find accommodation. Because she was saying she

just moved to the area, and basically how they got people was that if you had been working previously and you had a friend, they would come in and say “here is a job”. They had no training, they had no skills, they had no experience, and she was saying she was looking for accommodation for herself and her sister who was
5 coming the next weekend.

ADV ADILA HASSIM: Also to work there at Takalani?

MS BOITUMELO MANGENA: At Takalani yes.

ARBITRATOR, JUSTICE MOSENEKE: Tell me about Takalani? What you know about it. Where is it located, geographically?

10 **MS BOITUMELO MANGENA**: It is located in Soweto in Diepkloof. My knowledge of Takalani, when my sister first called me letting me know that she had been moved to Takalani, because I was in the Vaal at school. I study at North West University in the Vaal, and this was during my exams so I couldn't come home. So the best I did is I went on Google, and the first four pages on Google all had
15 negative reports about Takalani. They'd been closed multiple times, there'd been stories of malnutrition, children not being fed, children you know, dying. There was the first four pages on Google had nothing positive. Changing of board members, changing of directors, and I panicked. I was literally so scared because if this place has such negative history, how is it now suddenly fit to take care of extra people, of
20 an extra influx of people when they were already struggling with what they had? And if me, just doing my research on Google could see that this place isn't fit

enough, how had the Government found this place fit enough to take care of these people?

ARBITRATOR, JUSTICE MOSENEKE: So your first thought of this was Google?

MS BOITUMELO MANGENA: It was google ja.

5 **ARBITRATOR, JUSTICE MOSENEKE**: You are really part of the new generation aren't you?

[Parties laughing]

MS BOITUMELO MANGENA: That was the best thing I could do, because I couldn't go home because of my exams.

10 **ADV ADILA HASSIM**: Did you, did you, what did you do when you discovered these negative reviews on Google?

MS BOITUMELO MANGENA: I called my sister, and it was just after she had gone to see her, and the first thing she said to me was "come home right after your exams". So I knew something was wrong. [witness crying]

15 **ADV ADILA HASSIM**: When did you go home?

MS BOITUMELO MANGENA: She passed away during my exams, I was on my way to write my paper when I got the call.

ADV ADILA HASSIM: When you received the call, from whom?

MS BOITUMELO MANGENA: From my brother.

20 **ADV ADILA HASSIM**: Is your brother here today?

MS BOITUMELO MANGENA: Yes, he is over there. So it was the morning of my economics, my major, when I received the call.

ARBITRATOR, JUSTICE MOSENEKE: What date was that?

MS BOITUMELO MANGENA: On the 6th of June 2016.

5 **ARBITRATOR, JUSTICE MOSENEKE:** How long had she been at Takalani?

MS BOITUMELO MANGENA: Around three weeks.

ADV ADILA HASSIM: Was she receiving her medication while she was at Takalani?

10 **MS BOITUMELO MANGENA:** My brother says when he got there, because of how bad the conditions were, he spend the entire day with her so that he could feed her and make sure that she is properly taken care of for the day. And around 12h00 the nurses came out with three boxes of medication, and each patient was getting a pill from each box. So basically all the patients were getting the same medication.

ADV ADILA HASSIM: Do you know what medication that was?

15 **MS BOITUMELO MANGENA:** No I don't.

ARBITRATOR, JUSTICE MOSENEKE: Each pill for each patient from each box?

MS BOITUMELO MANGENA: Not for each patient because he said it was a matter of the patients who could walk themselves to where the nurses were would get the medication.

ARBITRATOR, JUSTICE MOSENEKE: There were also disabled patients that could not move or not mobile?

MS BOITUMELO MANGENA: I think because of my mom's condition, they'd said that she could also lose the ability of her legs, so when we found her she could not walk. So patients like that who couldn't, who were not mobile, who weren't able to talk, were not, basically if you can't speak for yourself or get yourself to that place, you would not get the medication.

ARBITRATOR, JUSTICE MOSENEKE: What place are you talking about?

MS BOITUMELO MANGENA: At Takalani. If you cannot get to the station where the nurses were standing ... [intervene]

ARBITRATOR, JUSTICE MOSENEKE: To the station where the medicine were dispensed?

MS BOITUMELO MANGENA: Yes, and even with the food. He said they were all put on one table, so the patients who could walk to the plate would have to go get a plate. So he had to go and get a plate to go and feed my mom.

ADV ADILA HASSIM: You said how many people he thought were there?

MS BOITUMELO MANGENA: Around a hundred. He said there were around one hundred.

ADV ADILA HASSIM: A hundred patients, and that was at Takalani?

MS BOITUMELO MANGENA: And that was including the Life patients and those patients who had been there prior.

ADV ADILA HASSIM: And did he observe her sleeping quarters?

MS BOITUMELO MANGENA: After the meds, he said they gave him the meds first at around 12h00, and they ate later at around 16h00, that is when they got food. And after that he refused to leave without seeing where she is going to sleep.

5 So when they moved them all into the ward where they were all sleeping, there were a few beds, but those beds had pictures on top of them of, and these were the beds of the people who had been there before and he could see that these are the pictures of their loved ones. And around the ward there were benches going around the entire ward, so the patients from Life Esidimeni would sleep on the
10 benches. So would all just sit upright on the benches, and those who couldn't find space on the benches would sleep on the floor.

ADV ADILA HASSIM: Were there mattresses on the floor?

MS BOITUMELO MANGENA: No. And those who were there prior would then go to their beds, but because he refused to leave, they took my mom to a bed, but
15 he could see that it was not her bed because it had the other patient's pictures on the wall.

ADV ADILA HASSIM: Where was that patient?

MS BOITUMELO MANGENA: She doesn't know.

ADV ADILA HASSIM: Were there blankets?

20 **MS BOITUMELO MANGENA:** No. So you would sit on the chair and sleep how you were dressed. Or if you didn't make it in the bench in time you would sleep on

the floor with what you were dressed in. the only people that had blankets were the patients that had beds.

ADV ADILA HASSIM: And were there bathroom facilities?

MS BOITUMELO MANGENA: He didn't see the bathroom facilities, but you
5 could tell that she hadn't bathed in a while.

ADV ADILA HASSIM: How could you tell?

MS BOITUMELO MANGENA: From the smell and from the clothing. The
clothing looked very dirty and it was the same outfit that she had been moved in.
And even when my sister went there the next day to ask if we are allowed to bring
10 clothing? Are we allowed to bring food? What are the visiting hours? How often
are we allowed to visit? The nurse said that she doesn't know anything because
she had just started working there. So she doesn't know how everything works.

ADV ADILA HASSIM: From the photograph in ELAH30, your mother looks like
somebody that took pride in her appearance?

15 **MS BOITUMELO MANGENA**: Very much, she loved dressing up, she took care
of herself very well, always made sure that she presented herself properly, she
really did.

ADV ADILA HASSIM: Can you tell us who called you to inform you that your
mother had passed away?

20 **MS BOITUMELO MANGENA**: We were called by a lady called Magwadi
Christina from Takalani. She is the head nurse from Takalani, and they called my

brother, she said that she had tried to contact my sister but they had entered her information incorrectly on the system, so that is why they couldn't get hold of her, so they called my brother and they said that she had passed away the night before. They told us that she had passed away the night before and she passed away at
5 Jabulani Hospital. We were not told that she had been moved to a hospital, and they reason they said for not calling us was that she passed away at around 21h00 on the 5th.

ADV ADILA HASSIM: On the?

MS BOITUMELO MANGENA: On the 5th of June 2016.

10 **ADV ADILA HASSIM**: Not the 6th?

MS BOITUMELO MANGENA: No. It was on the 6th I am sorry, they let us know on the 7th. They said the reason why they didn't call us on the 6th was because the head nurse who had admitted her wasn't there, she had already knocked off at 18h00. So they can't make any calls for any patients that she admitted, so they had
15 to wait until the next day when she came back in, before they could call family members. That is the reason we were told why we were only told the next day.

ADV ADILA HASSIM: And what was, what happened? How did your mother die?

MS BOITUMELO MANGENA: They, on the B16, when we got there the B16 had been filled out, her death certificate had been fetched, we didn't even go to the
20 hospital, we went to Takalani to meet with the manager of Takalani, and when we got there he said that we would have to wait for Ms Christina ...[intervene]

ADV ADILA HASSIM: What was the name of the manager of Takalani?

MS BOITUMELO MANGENA: Michael.

ADV ADILA HASSIM: Michael?

MS BOITUMELO MANGENA: And he said that we will have to wait for the
5 manager, for the head nurse Christina, and we were there for most of the day and
they kept saying they can't ... [intervene]

ADV ADILA HASSIM: What was the date on which you were there?

MS BOITUMELO MANGENA: The 7th.

ADV ADILA HASSIM: The 7th?

10 **MS BOITUMELO MANGENA:** Ja. So we were there for most of the day and
they said that they can't reach her, she is at the Police Station... [intervene]

ADV ADILA HASSIM: So you travelled back? That was the day you were taking
your exam?

MS BOITUMELO MANGENA: Yes, I had to go back home, but I didn't go right
15 back.

ADV ADILA HASSIM: Ok, so you were there at Takalani on the 7th?

MS BOITUMELO MANGENA: On the 7th it was my sister and my brother and my
dad, because when I got there they'd already left. So they got to Soweto at around
12h00 and they waited. They said this lady was at the Diepkloof Police station.
20 They went to the Police station, when they got there they called her and she said

she's already left and is back at Takalani. They went back to Takalani and she wasn't there. She only got there at around 16h0. And at 16h00 when she finally got there she took them to the funeral parlour. She had already been moved from the hospital to a funeral parlour.

5 **ADV ADILA HASSIM**: Without your consent?

MS BOITUMELO MANGENA: Yes.

ADV ADILA HASSIM: Which funeral parlour?

MS BOITUMELO MANGENA: Fusana funeral parlour in Diepkloof. Even with the B16 forms , it was already filled out for us but this lady, the death certificate

10[intervene]

ARBITRATOR, JUSTICE MOSENEKE: What are the B16 forms?

MS BOITUMELO MANGENA: B16 forms are the forms indicating place of death, cause of death, yes.

ADV ADILA HASSIM: And what was written as the cause of death?

15 **MS BOITUMELO MANGENA**: The cause of death was cardiac arrest and epileptic fits, but my mom has never been epileptic. She's never had epilepsy and when I went for my interviews at the Ombudsman he said that someone who does not understand vascular dementia will take a mild stroke which they get when they are not on proper medication as an epileptic fit. So it's a sign of not being on proper
20 medication, and that's why they thought that she was having epileptic fits

throughout the week when it was actually her having mild strokes, as a sign of not being on the right medication, and her condition therefor deteriorated.

ADV ADILA HASSIM: And did you, you spoke about the funeral parlour.

MS BOITUMELO MANGENA: When they got to the funeral parlour they were
5 told to wait again because they said they had to prepare the body before they could
allow them to see it. So that was another hour wait, and they were finally allowed to
see and identify her.

ADV ADILA HASSIM: Who paid for the costs for the undertaker and the funeral
service?

10 **MS BOITUMELO MANGENA**: We did.

ADV ADILA HASSIM: You did?

MS BOITUMELO MANGENA: Yes.

ADV ADILA HASSIM: And what was the cost?

MS BOITUMELO MANGENA: I am not sure of the exact amount but we paid
15 from, we paid all of the funeral expenses. So they were finally allowed to go and
identify her, and that is when the funeral proceedings started.

ADV ADILA HASSIM: Who identified her?

MS BOITUMELO MANGENA: My brother and my sister and my father. They
went in to go identify her. Because we wanted to make sure that it was her,
20 because when they first went there to go and visit they couldn't identify her, and
how were we to be sure that it was her who had passed away? So after that they

went back to Takalani and the Christina lady pulled out my mother's file, so that she could give us her I.D document and the death certificate.

ADV ADILA HASSIM: Just to clarify, you say that your mother was taken to which hospital?

5 **MS BOITUMELO MANGENA:** They say Jabulani hospital, but we have never been to the hospital, we have never received a call from the hospital.

ADV ADILA HASSIM: So there was no one with your mother at the hospital? From the family?

MS BOITUMELO MANGENA: No, we weren't informed when she was moved to
10 the hospital, and when we were already informed of her passing they said that they'd already moved her to a funeral parlour. So we have never been to the hospital. We just know that she was at Jabulani hospital, that is the name we were given. So we have never been to the hospital, we never met any nurse from the hospital. So from Takalani they were taken directly to the funeral parlour.

15 **ADV ADILA HASSIM:** And you say that you are one of four siblings?

MS BOITUMELO MANGENA: Yes.

ADV ADILA HASSIM: And what is the impact of this on you and your family?

MS BOITUMELO MANGENA: It's been, it's been very hard. Because for us she
20 was our mother, you know? We've all grown up having a normal, loving mother who were there at school award nights, who were there to make your school lunch in the morning, who was with me on my first day at varsity, helped me move, helped

me pack you know? We've all had, she was out mother. So at a point where we were just starting to accept that she was not the woman we know, that we were used to, we lost her. At a point where we were just starting to accept her loss we then found out of the way in which she died. Because for us, we just thought it was the cardiac arrests that we had been told of. So, February this year, at the Ombudsman especially, we found out that our mother had been starved and dehydrated to death.

ARBITRATOR, JUSTICE MOSENEKE: How did you find that out?

MS BOITUMELO MANGENA: At the press release, at the Ombudsman's press release, February of this year, 2017. So ... [intervene]

ADV ADILA HASSIM: Sorry, I do not mean to interrupt you, but when your brother visited your mother at Takalani, he could barely recognise her you said. Did you as a family consider taking her out?

MS BOITUMELO MANGENA: We did. We asked if we could move her. At first, the reason why we even considered putting her into the public system was when we first started noticing that she was getting sick, we noticed that she was very paranoid, she would hallucinate, so when we first noticed that, we took her to Vista in Centurion. It is a depression clinic. So we just thought that she would have to go through psychology, get vitamin B12 and she would be back home. And when the Doctor told us, the Doctor, the Psychiatrist call us in for a family meeting and explained to us that after all the tests which was run, she can conclude that my mom has vascular dementia. And with that she explained that she would have to

be in the public system because they give the best long-term mental health care. So she advised us that we take her, we move her from Vista, and we take her, we admit her into the public system, because they give the best long-term medical, long-term mental health care, and they would take better care of her than being at a private hospital. Because at private clinics they only deal with your depression and your anxiety, they don't deal with such cases. They don't have the resources and the skills to deal with such cases. So, that is when we took her to Charlotte Maxeke here and from there she was moved to Tara, and from Tara she was moved to Life Esidimeni. And we were told that we would never be able to take care of her on our own. All the social workers at each institution, at Vista, at Charlotte, at Tara, all told us that we will not be able to take care of her because someone with vascular dementia needs to be taking the correct medication at all times, and when her condition changes, so does her medication. So we would not be able to identify when she would need a change of medication. So we would, and she also said that it will also be emotionally draining to have her in the house. So they all did not recommend us taking care of her because they said we are all too young and we would not mentally be able to cope with having her in the house, emotionally as well. So that is why we went into this thinking this was the best. This is the best option we had because at all the different institutions where we took her to, they said this is the best. This is the best kind of care for this condition. And we were told we still have a long time with her you know? So even hearing that you, even though she is not in our lives anymore, you continue to make plans with, you know,

with her, with her in mind. I mean we would go visit and we talked about my graduation and that she was going to be there and, you know ...[witness crying].

So it was very hard and it has been very hard because this was someone we still thought we'd have in our lives for a long time to come. So, just as we were starting
5 to deal with the fact that she is not the mother we are used to, we lost her. And we lost her with thinking that this is the best place she could be and we still have time. so it has been very hard to accept, and it has been very hard to move on. It's had, it's taken a physical toll on all of us, an emotional toll on all of us.

ARBITRATOR, JUSTICE MOSENEKE: How is your father coping?

10 **MS BOITUMELO MANGENA**: Not too well as well. He is actually in Limpopo now, but he also recently almost had a stroke. I also almost had a stroke and I am on muscle relaxers as well. So it has taken a very physical and emotional toll on all of us.

ARBITRATOR, JUSTICE MOSENEKE: How old are you?

15 **MS BOITUMELO MANGENA**: I am 24.

ADV ADILA HASSIM: You said that it had a physical toll on you, you have seen a Doctor?

MS BOITUMELO MANGENA: Soon after the funeral, we buried her on a Friday, on the Tuesday night I couldn't sleep, I had these sharp pains running up and down
20 my entire left side and I couldn't sleep. In the morning I went to the Doctor and he said I was having a panic attack so extreme that I almost had a stroke, hence the

sharp pains. And they had to run tests to check whether it had an effect on my heart and anything else, and that is why they put me on the muscle relaxers and on the sleeping tablets as well. I haven't been able to sleep, because on, when we went to go view her body, because of the strokes that she had, her face had collapsed on the one side, so I wasn't aware of this. So when we went to go view her body, when I saw it literally ran out because it was that bad. She had lost so much weight and the collapse of her face it looked that scary that I actually ran out. So I have been having nightmares ever sense then [witness very emotional].

ADV ADILA HASSIM: And your siblings?

10 **MS BOITUMELO MANGENA**: They all, after the funeral, they all had to go to Doctors. We are all on different kinds of medication.

ADV ADILA HASSIM: All of your sibling?

15 **MS BOITUMELO MANGENA**: All of us. My brother was also put on the same medication as I was, and my sister they said that the stress, they said her stress areas is her shoulders, it was so much that it started to bend her spine, so she is on medication and she has to on physio. So it has been very hard on us, it's been extremely hard on us and we came into this entire process thinking we would gain healing, thinking that we will get answers that will make us understand and would make things clearer for us, and we haven't.

20 **ARBITRATOR, JUSTICE MOSENEKE**: But you know now from the Ombudsman report that they said to you that Takalani was not licenced when your mother was there. That there had been no preparation in the proper selection of patients which

were to be placed at Takalani. The report tells us that there are no proper medical records that would facilitate prescription and medication of patients. And we know from the report that Takalani was hopelessly overcrowded. And that in fact it was a death trap.

5 **MS BOITUMELO MANGENA:** Justice, in terms of the files, when we went there, when my siblings went there after her passing, this Christina, when she gave them the death certificate she had my mother's file, and it was her file from Charlotte, from when she first got admitted.

ARBITRATOR, JUSTICE MOSENEKE: Is that Charlotte Maxeke hospital?

10 **MS BOITUMELO MANGENA:** Yes. Because the file travels with the patients as they move, and the file even had her picture on it. So they had her entire medical records from the beginning.

ARBITRATOR, JUSTICE MOSENEKE: That included the Life Esidimeni one?

MS BOITUMELO MANGENA: Yes.

15 **ARBITRATOR, JUSTICE MOSENEKE:** Yes.

MS BOITUMELO MANGENA: So they, in terms of her medical records, they had everything. Because even in terms of contacts, they said that how they'd found us, because our contacts were on her file.

ARBITRATOR, JUSTICE MOSENEKE: So you are really saying had they been
20 trained and had they been diligent, they'd have the means to know what, on what medication she was.

MS BOITUMELO MANGENA: On what medication she was on. They had the means to know what she had, what medication she was on. And if they were properly trained, then they would have noticed what the different changes meant for her condition, and it could have been prevented if it was someone who had the
5 relevant background.

ARBITRATOR, JUSTICE MOSENEKE: The state tells us that they concede, they agree that their wrongful and unlawful and negligent conduct caused the death of your mother. What does that do for you? Does it help in any way?

MS BOITUMELO MANGENA: It doesn't [witness very emotional]. Because, I
10 say it doesn't help because they agree but the way in which they've treated the families afterwards, it's almost as if they agreed to save faith, but they still don't realise or haven't fathomed the amount of damage and hurt that they've caused. Because we went to a prayer session in December last year, held by the Premier.

ADV ADILA HASSIM: Where was that?

15 **MS BOITUMELO MANGENA:** At a church here in town, in Jo'burg. And one of the ministers with the MC said "we are here today because you have chosen to throw your people away. Had you not thrown your people away ...[intervene]"

ADV ADILA HASSIM: Who is you?

20 **MS BOITUMELO MANGENA:** He was referring to the families. "Had you not thrown your people away, the Government wouldn't have had to take care of them, they wouldn't have died." So it's almost as if they have this perception that because these people were mentally ill they didn't have families who cared for them. We

cared for these people. These are our people. We cared for them. We did as much as we could. We went over and beyond in terms of going to visit, in terms of anything that they wanted. I mean at Tara, when she was at Tara, they would always call if they were short of anything, and we would go buy and bring.

5 Whatever they needed, we would provide. Whatever they were short of, we would help. So for them it's almost as if, because they were in these institutions, their families didn't care about them, so why should they. Why are they making a big deal of these deaths because they had thrown their people away.

ARBITRATOR, JUSTICE MOSENEKE: Do you remember the name of the

10 minister you are talking about?

MS BOITUMELO MANGENA: I don't remember the name, but he was the MC.

ARBITRATOR, JUSTICE MOSENEKE: Was it a male? The MC.

MS BOITUMELO MANGENA: Yes, and they had another healing session as well this year in Pretoria, and the MC again ...[intervene]

15 **ADV ADILA HASSIM:** Was it the same MC?

MS BOITUMELO MANGENA: No, it was a different one, and she said "people die all the time, so why are you crying?" We understand that people die all the time. our problem is the manner in which they died in. these people was send to their death and they died in the most painful way possible. They were tortured to a point

20 of death.

ARBITRATOR, JUSTICE MOSENEKE: At the prayer meetings, did anybody from the State tell you why they send your families to a place like Takalani? Which on all accounts, if you look at the Ombudsman report, Takalani is amongst the five worst places that they could have been sent to? In other words, death was almost
5 assured at Takalani. Did anyone of these officials at these prayer sessions tell you why they made this decision, to move your family members in this way?

MS BOITUMELO MANGENA: We have never been told Justice. We have never been told why this decision was made. We have never been told why those people were kept there for so long, even when people first stated dying no changes were
10 being made. We have never had any explanations, and that is why I am saying, for me personally, I came into the entire process hoping to get answers, thinking we would get answers so that we can start to heal. So that we can start to comprehend all that happened, and we haven't. because following the arbitration everyone has been called in who was supposed to have some sort of answers, don't want to take
15 responsibility and it is all "I don't know". Nobody wants to be held liable for the damage which they've caused.

ADV ADILA HASSIM: Who do you think is responsible?

MS BOITUMELO MANGENA: I think there were quite a few people responsible, and I think everyone now is using Katani as escape coat, because she is not here to
20 answer for herself.

ARBITRATOR, JUSTICE MOSENEKE: Katani Mahlangu is the MC?

MS BOITUMELO MANGENA: Of health yes. She was.

ARBITRATOR, JUSTICE MOSENEKE: She was the MC of health, okay.

MS BOITUMELO MANGENA: and I think ...[intervene]

ARBITRATOR, JUSTICE MOSENEKE: You know that many other people are going to read this record, so this is why we need to identify who we are talking
5 about, okay.

MS BOITUMELO MANGENA: And they are all using her as escape coat because she is not here to answer for herself, but she is not the only one at fault. Yes, she might have called this entire thing into action but as a person you have a moral obligation to say no. As a manager at the NGO, as the nurses at a NGO,
10 when you go a day without having fed these patients. When you are dressed in your warm clothes and these patients are there without clothes, are the getting the right medication? Are they getting food? You have the moral obligation for these people. You can't just sit back and watch and then say "well I was told to do so", a gun wasn't held to your head. You could at a certain point have said that this is
15 wrong, let's change it, that this is wrong, let's get help. When families came in to visit, you could have said "we are not coping", bring this, help with this.

ADV ADILA HASSIM: There was more than a moral obligation certainly on the Government... [intervene]

MS BOITUMELO MANGENA: Because they took oaths.

20 **ADV ADILA HASSIM:** And because we have a Constitution, where we have gone through, you talk about our people as your families, your people, but they are all of our people, and they are specifically in the care of the Government, and the

Government has constitutional obligations with regard to not just how the govern but how they treat people of this country, our people.

MS BOITUMELO MANGENA: Ja, and they have let them down, and they continue to let us down in the manner in which they treat us as families. Because
5 there is still a complete disregards for the families and ... [intervene]

ADV ADILA HASSIM: Even now?

MS BOITUMELO MANGENA: Yes, even attending any Government related events I dread going to any Government events, because there is bound to be one person who is going to throw an insult, who is going to make it seem as though we
10 didn't care. Or, you know, why is it such a big thing? Why are you crying? You know, and even when you are there it's, the events are very contrasending. They are very contracending in the sense that it's all very, you know "ag, we made a mistake, let's hold hands, kumbaya" you know? I would say it is almost as if we are the stars of the show because you get to an event and they sell you this whole
15 forgive ...[intervene]

ARBITRATOR, JUSTICE MOSENEKE: What event would that be?

MS BOITUMELO MANGENA: The healing sessions that they have.

ARBITRATOR, JUSTICE MOSENEKE: The healing sessions? Who typically would preside at the healing sessions?

20 **MS BOITUMELO MANGENA:** They usually have different entities at each event.

ARBITRATOR, JUSTICE MOSENEKE: And which state officials would come out to the events?

MS BOITUMELO MANGENA: There comes, different officials would come, different state officials would come to events. The one person who has been to all
5 events and has been consistent is David Kura. He has been ...[intervene]

ARBITRATOR, JUSTICE MOSENEKE: Is that the Premier?

MS BOITUMELO MANGENA: That is the Premier of Gauteng, he's been consistent, but at each event there is always a different state official. And there is always this part where they say "this person wasn't here last time, come and tell
10 your story of why you are crying" you know, like the families must now come and justify, and hence I say, we are the stars of the show because it is like we are the acts and we must now come and parade our pain. And even after that they still don't get it.

ARBITRATOR, JUSTICE MOSENEKE: Ja, I do get the point, and I do get your
15 concern and the pain. It must be said that, isn't it so that the response of Government here is different from many other instances where death had ensued as a result of the conduct of State isn't it?

MS BOITUMELO MANGENA: That I definitely agree to. It has been, in terms of that they have taken full responsibility.

20 **ARBITRATOR, JUSTICE MOSENEKE:** Yes.

MS BOITUMELO MANGENA: It has been.

ARBITRATOR, JUSTICE MOSENEKE: Sure, and they must be given that credit because, think about similar proceedings, but in relation to Marikana, do you remember?

MS BOITUMELO MANGENA: Yes.

5 **ARBITRATOR, JUSTICE MOSENEKE:** Remember the state officials were on their high legs in fighting back that they had done nothing wrong, do you remember?

MS BOITUMELO MANGENA: I do Justice.

10 **ARBITRATOR, JUSTICE MOSENEKE:** And so we have a situation where, in all fairness to the Premier and the National Magister, they have come out to say their officials, public service were wrong, and expressed preparedness to find redress for the families. So there is a difference in positioning isn't it?

MS BOITUMELO MANGENA: There is Justice. I think for us, there needs to be a sincerity with all of that. There needs to be a level of sympathy. There is no point
15 in me saying "I am sorry I have wronged you" but coming back again and sort of mocking you for your pain.

ARBITRATOR, JUSTICE MOSENEKE: So I will tell you a little light story.

MS BOITUMELO MANGENA: Yes sir.

20 **ARBITRATOR, JUSTICE MOSENEKE:** There is no need for me to tell you a bedtime story [people laughing]. When I was young, and I found it in a little book, I have written down here, there was a bully in my neighbourhood, and he would beat

you up and then he finds reason to say sorry. Then he says to me “Dikgang I am sorry” and I am still crying, and he says “I am sorry” and I still go crying, and then he goes “hey, I said I am sorry” and if I proceeded he would say he is going to beat me up again unless you accept my apology [parties laughing] okay. So you find regular

5 township bullies who want to beat you up and they even compel you to accept their apology. You see what I mean? And I hope we are not there, you know, where we are compelled to “I said I am sorry, did you hear me?” [parties laughing]. So I write apologies up to be compassionate or to be honest or to be caring, and you cannot beat people into submission to accept your apology. You must hope that they might

10 at best. So you have got a point here. And the other side of the scale of course is we have a contrived state here. We have a state that are remorseful, that acknowledges the wrong, and it is a little step better than the past.

MS BOITUMELO MANGENA: It is.

ARBITRATOR, JUSTICE MOSENEKE: You are young enough. I can tell about

15 Sharpeville. People were shot, they died, they laid there. Nobody had said sorry, you know? So there are a little difference now, and I hope that it will add a little bit to the healing. You are welcome to respond if you feel like it. That was a little bedtime story I told you, okay.

MS BOITUMELO MANGENA: It is, I definitely feel that there has been an effort

20 that has been made, I definitely can't deny that and we do appreciate those efforts but as I was saying, it needs to come with a level of honesty, as you have said. You don't do it for the sake of it has to be done, but do it because you genuinely want to do it, and you genuinely want to do right and make right.

ADV ADILA HASSIM: Ms Mangena...oh sorry Justice.

ARBITRATOR, JUSTICE MOSENEKE: No, go ahead.

ADV ADILA HASSIM: is an apology sufficient? I understand what Justice Moseneke was putting to you and it is, this is a different process to past painful
5 experiences in this country, before 1994 and after. I would like to know whether you believe that an apology is sufficient. Even if it is sincere. What would you want? Other than that, what would you want to hear or see from our Government, democratically elected, other than an apology?

MS BOITUMELO MANGENA: An apology on its own would not be enough.
10 Because I we were saying it is not good enough to just say sorry, and then come bullying again later on, you know? There needs to be certain steps and I can again give them credit for that, with making sure that those patients who were still in those remaining NGO's have been moved. But, as well now, not just to apologise to the families as I have said, but make it right with all the pain and trauma that they've
15 now had to endure because of this. So, a sincere apology is necessary yes, from the relevant people. But as well, you need to make right by the families for all the hurt and trauma that they've had to endure. The physical and emotional and mental pain that they had to endure because of this entire process.

ARBITRATOR, JUSTICE MOSENEKE: Including no doubt compensation. It is an
20 acknowledgement that wrong has been committed, isn't it?

MS BOITUMELO MANGENA: Yes it is.

ARBITRATOR, JUSTICE MOSENEKE: Yes. There are softer emotional issues, I call them softer, I am wrong, there are other issues, but there is also place for money as a compensation, as acknowledgment that wrong has occurred, isn't it?

5 **MS BOITUMELO MANGENA:** It is necessary and I think that is one of my biggest fears. I feel I hope that because of past interactions, I am scared they might let us down again. As I am saying, with ...[intervene]

ARBITRATOR, JUSTICE MOSENEKE: Who are they?

10 **MS BOITUMELO MANGENA:** The Government. As with the past healing sessions that we have been to, where we came in as families with the hope that things would be different, that we would get treated differently, and we were let down. So I hope that this process will be different from the previous treatment that we had received as families and because this is basically the final process, and as families we will never get another opportunity to be done right by. So I hope that they take this with the seriousness that it carries and they will follow through.

15 **ARBITRATOR, JUSTICE MOSENEKE:** Well, of course we should also hope that the Public Service Commission or those in charge of that would want to see that proper steps are being taken to hold those responsible to account, isn't it?

MS BOITUMELO MANGENA: Yes.

20 **ARBITRATOR, JUSTICE MOSENEKE:** Over and above what the arbitration is doing, isn't it so?

MS BOITUMELO MANGENA: The families want that by all means, we would like to see criminal cases being perused. And hopefully that will further highlight the seriousness of this entire matter, so that it doesn't happen again, so we don't find ourselves 10 years down the line in a similar position. So that we don't find
5 ourselves with this happening again because I think we need to get to a point where we realise that mental health, especially in the current age that I am in, is very rough you know? The pressure starts from now in an earlier age, so we need to start taking mental health extremely seriously, and just because someone has a mental condition it does not make them less of a human. It does not make them
10 any less deserving of treatment or of care. So we as people, I feel, must get to that point where just because you have a mental health condition that doesn't make you less human. And I hope that that is what, as a country, can take from this. That people with mental health issues are people, and they are as deserving of rights as any one of us. They are as deserving of proper health care as any other one of us.
15 Just because they can't speak up for themselves, or can't defend themselves doesn't mean they don't deserve or need it. And it doesn't make them any less human.

ADV ADILA HASSIM: Ms Mangena I know how afraid you were and scared you were of this process, but you have been very brave to come and speak here on
20 behalf of the family. Is there anything else you would like to say? You don't have to, I am just inviting you if there is.

MS BOITUMELO MANGENA: Nothing, I think I have shared all that I wanted to share and I am glad that this process is taking place and like I said, I hope that we

will start getting taken seriously as the families who has loved their loved ones. Because these weren't patients, you know, this is not just the 7th person who passed away, these are our loved ones, this is my mother, this is someone who raised me, who has taken care of me you know? I haven't lost a patient, I haven't
5 lost a number, I have lost a mother.

ADV ADILA HASSIM: Thank you Ms Mangena. I am very sorry for your loss.

MS BOITUMELO MANGENA: Thank you.

ARBITRATOR, JUSTICE MOSENEKE: Thank you Counsel. Advocate Crouse?

ADV LILLA CROUSE: Thank you Justice. Ms Mangena I am acting for the
10 people that are still alive, that survived this process. I have said it before in this hearing that there was a similar process in the Eastern Cape with the frail care patients. Luckily those people did not die because the Court stopped it. But the one thing that was also recurring was the one that you have now picked up on, about you dumping your family. That was actually the political head of the
15 Department of Social Development that actually had a press statement to that effect in the Eastern Cape saying "You are rich people, this is not Ubuntu in our culture, we care for our frail people or our ...", how do you feel about firstly, as a family, when something like that is said?

MS BOITUMELO MANGENA: It is hurtful. It's hurtful because we go the length
20 that we went for our mother. You know, she would go to any length for us. She always went out of her way to make sure that we had what we need, what we wanted. And we made sure that at a time when she needed us we did exactly what

she would have done for us. So, it is angering to a certain point that someone who doesn't even know the situation or understand what we have been through as families can come and say that.

ADV LILLA CROUSE: And secondly, from our perspective, could you assist us perhaps on how can we make sure that this type of political statements aren't put out there? Have you got an answer perhaps to assist us?

MS BOITUMELO MANGENA: I don't, because I mean, it's very hard to control what someone else says and the reason why such statements are still being said is because like I said, these people aren't seen as people. So it is almost as if why would a family care about a mental health patient? Obviously they would throw them away, you know? So it is about changing how, as I have said, we as people see people with mental conditions. The moment that we realise that these are people just as you and I are people, then such statements will change. Because there is no way that I am sure your family would throw you away. So why would it be any different if you have a mental health condition?

ADV LILLA CROUSE: Or perhaps if we acquit money instead of seeing a vulnerable person? Don't you agree?

MS BOITUMELO MANGENA: Exactly, it is as, because maybe they won't bring economic value so they don't have value.

ADV LILLA CROUSE: And as a society we should be caring for the vulnerable more than we have done up to now. Do you agree?

MS BOITUMELO MANGENA: I agree with that.

ADV LILLA CROUSE: Thank you Justice Moseneke.

ARBITRATOR, JUSTICE MOSENEKE: Thank you.

ADV DIRK GREONEWALD: Thank you Justice. Ma'am I only have one question for you. Have you been called to testify at the Tribunal in respect of the
5 Ombudsman's findings of Takalani?

MS BOITUMELO MANGENA: No we haven't.

ADV DIRK GREONEWALD: Not. Thank you.

ARBITRATOR, JUSTICE MOSENEKE: Did I understand the question? Had she been called for what?

10 **ADV DIRK GREONEWALD:** To testify at the Tribunal Justice. To provide the evidence as to what they found there.

ARBITRATOR, JUSTICE MOSENEKE: At the Tribunal or during the investigation of the Ombud?

ADV DIRK GREONEWALD: No, no, no, no. The Tribunal that has now been
15 conducted in respect of the Ombudsman's report by Takalani.

ARBITRATOR, JUSTICE MOSENEKE: I see. And the answer is no?

MS BOITUMELO MANGENA: No, we haven't.

ARBITRATOR, JUSTICE MOSENEKE: Counsel?

ADV PATRICK NGUTSHANA: No questions Justice.

20 **ARBITRATOR, JUSTICE MOSENEKE:** No questions. Counsel for the State?

ADV TEBOGO HUTAMO: Thank you Justice. There are no questions to the witness, but through you Justice, if we can just be allowed to make some submissions from what we have heard?

5 Firstly, Ms Mangena, we do regret the passing of your mother. As Government we understand fully well how hard it is for one to lose a mother and a wife. And you have made mention of the fact that there are statements made by... [Intervene]

ARBITRATOR, JUSTICE MOSENEKE: Well, the submissions of the State must make propositions to the witness. Would you stop in between so that she can respond, isn't it? We are at examination stage, so the proposition must be put and
10 she must say "I agree" or "I don't agree". She is entitled to respond at this stage. Distinct from your submissions from the end, isn't it?

ADV TEBOGO HUTAMO: Justice, we just want to acknowledge the loss of a parent ... [intervene]

ARBITRATOR, JUSTICE MOSENEKE: Yes, without inviting the witness to
15 comment?

ADV TEBOGO HUTAMO: From the Government's side, indeed.

ARBITRATOR, JUSTICE MOSENEKE: Yes.

ADV TEBOGO HUTAMO: Yes, what we wanted to assure, that the witness, other family members and the nation, is that we take this chargery very serious and the
20 Government is willing to take measures to ensure that there is no repeat to this situation. And with regard to the fear that you have about being let down, the

Government had engaged itself, committed itself, to engage through this process which we are in now, in order to assist everyone else who has been affected by the chargery. We are sincerely sorry about the event, the loss of your mother and we will take measures to help you, your family to deal with the situation. And thank you
5 for making the time to give an account of your story.

ARBITRATOR, JUSTICE MOSENEKE: You are entitled to respond.

MS BOITUMELO MANGENA: No. Thank you for that, we appreciate it.

ARBITRATOR, JUSTICE MOSENEKE: One thing I struggle with still is that part of
[inaudible] redress that might assume the form of counselling, psychological or
10 psychiatric intervention, what do you want to say about that? The arbitration
agreement anticipates that as part of the redress. Is there anything you want to say
about that?

MS BOITUMELO MANGENA: On, at the event, at the different healing sessions
that they've had, they have had social workers from Social Development there and
15 at each event we were told that the social workers had been given our contact
details and that there are supposed to follow through. We were supposed to
already have been receiving counselling, but we have never received calls from any
of those social worker. In fact, the most recent session we had was with the
psychiatrist that the Section 27 had organised for us. But in terms of anyone from
20 the Government we haven't received any sort of communication.

ARBITRATOR, JUSTICE MOSENEKE: So counselling was promised but it was
not forthcoming?

MS BOITUMELO MANGENA: Yes. Because we were told that each family had been allocated a social worker and that the social worker was supposed to communicate with us and start sessions, but we haven't received any communication.

5 **ARBITRATOR, JUSTICE MOSENEKE:** Should I be in the end ordering that counselling ought to be made mandatory? Counselling funded by the State, ought to be made compulsory?

MS BOITUMELO MANGENA: I think so. I think from hearing the different stories of what the other families had been through and from my personal experience as well, I feel that counselling is necessary because this entire situation, if I can call it
10 that, has left us very scared and has left us very traumatised and counselling is needed for the families because otherwise it will just filter down and further stress the families.

ARBITRATOR, JUSTICE MOSENEKE: [*Inaudible*] is there anything else you
15 would like to say before we relieve you from the stand?

MS BOITUMELO MANGENA: No there isn't Justice.

ARBITRATOR, JUSTICE MOSENEKE: No. You've had your day in Court as they often say, but it was a moment also, it was a very important moment to allow you to grieve and to say it. I've also with great pride talked about some of the traditional
20 practices around death. You know how it goes. You go to a family and they repeat to everyone who comes to mourn how it happened. And you know that healing impact, she was alive and well, doing well, he went to work, he had a pain in the

side of his head, and then people repeat it to almost everybody who comes to
mourn, and the beneficial effect of it on the grieving family member is obvious, isn't
it? The more you say, the more accepting, the more you look into the mirror and
confront the pain. So there is a little session like that ja, and thanks for coming out
5 and sharing it with us.

MS BOITUMELO MANGENA: Thank you. I would like to thank you as a family
for agreeing to have this entire process, and we are very thankful for that some sort
of effort has been made to ensure that families get answers and get the justice they
deserve. So we are very appreciative.

10 **ARBITRATOR, JUSTICE MOSENEKE:** Okay [vernacular 01:17:14]

MS BOITUMELO MANGENA: [vernacular]

ARBITRATOR, JUSTICE MOSENEKE: Counsel?

ADV ADILA HASSIM: Justice, our second witness is ready, Ms Phumzile
Motshegwa.

15 **ARBITRATOR, JUSTICE MOSENEKE:** I think let's go for it. You have 30 minutes
in which to lead her, and if there is ... we will adjourn at 11h30, and then we can
continue after the tea break.

ADV ADILA HASSIM: As the Justice pleases.

ARBITRATOR, JUSTICE MOSENEKE: Very well.

20 **ADV ADILA HASSIM:** Justice Moseneke, my colleague Ms Stein will be leading
the evidence of this witness.

ARBITRATOR, JUSTICE MOSENEKE: Yes. [Vernacular 01:18:38]

MS PHUMZILE MOTSHEGWA: [Vernacular]

ARBITRATOR, JUSTICE MOSENEKE: [Vernacular]

MS PHUMZILE MOTSHEGWA: [Vernacular]

5 **ARBITRATOR, JUSTICE MOSENEKE**: [Vernacular]

MS PHUMZILE MOTSHEGWA: [Vernacular]

ARBITRATOR, JUSTICE MOSENEKE: [Vernacular]

MS PHUMZILE MOTSHEGWA: [Vernacular]

ARBITRATOR, JUSTICE MOSENEKE: [Vernacular]

10 **MS PHUMZILE MOTSHEGWA**: Yes.

ARBITRATOR, JUSTICE MOSENEKE: Which language do you want to use ma?

MS PHUMZILE MOTSHEGWA: isiZulu.

ARBITRATOR, JUSTICE MOSENEKE: isiZulu. We do have a Zulu interpreter do we? Okay, can we, let's start the interpreter this time. will you put your full names

15 on record after Ms Motshegwa? Just put your full names please?

INTERPRETER: [*Inaudible*]

MS PHUMZILE MOTSHEGWA: Phumzile Miriam Motshegwa. [Vernacular].

INTERPRETER: I am Phumzile Miriam Motshegwa. I am married to the surname of Motshegwa.

ARBITRATOR, JUSTICE MOSENEKE: Please inform the witness that we are about to swear her in?

INTERPRETER: [Vernacular]. Yes she is ready.

ARBITRATOR, JUSTICE MOSENEKE: And she is entitled to do it conventionally
5 and say “so help me God” at the end, or she could simply affirm that her evidence will be truthful. So which option would she prefer?

INTERPRETER: [Vernacular]

MS PHUMZILE MOTSHEGWA: [Vernacular]

INTERPRETER: She will take the conventional oath.

10 **ARBITRATOR, JUSTICE MOSENEKE:** Okay. Would you swear that the evidence you are about to give will be the truth and nothing but the truth? And if so, please raise your right hand and say “so help me God”.

INTERPRETER: [Vernacular]

MS PHUMZILE MOTSHEGWA: [Vernacular 01:20:30]

15 **INTERPRETER:** So help me God.

ARBITRATOR, JUSTICE MOSENEKE: Counsel? Ms Stein?

ADV NIKKI STEIN: Thank you Justice. Okay. Thank you Justice, and good morning Ms Motshegwa.

MS PHUMZILE MOTSHEGWA: Thank you.

ADV NIKKI STEIN: I would like to thank you very much for coming to testify at this important hearing today.

INTERPRETER: [Vernacular]

ADV NIKKI STEIN: Ms Motshegwa, you are the sister of the late Nathaniel
5 Motshegwa, or affectionately known as Solly?

INTERPRETER: [Vernacular]

MS PHUMZILE MOTSHEGWA: [Vernacular]

INTERPRETER: Yes.

ARBITRATOR, JUSTICE MOSENEKE: How do you write the last name of your
10 brother?

INTERPRETER: [Vernacular]

MS PHUMZILE MOTSHEGWA: [Vernacular]

ADV NIKKI STEIN: Justice his surname is M-a-s-h-e-g-o.

ARBITRATOR, JUSTICE MOSENEKE: Thank you.

15 **ADV NIKKI STEIN**: Ms Motshegwa, there is a photograph in front of you, marked ELAH28.

INTERPRETER: [Vernacular]

ADV NIKKI STEIN: Is that Solly?

INTERPRETER: [Vernacular]

MS PHUMZILE MOTSHEGWA: [Vernacular]

INTERPRETER: Yes it is.

ADV NIKKI STEIN: When was the photograph taken?

INTERPRETER: [Vernacular]

5 **MS PHUMZILE MOTSHEGWA:** [Vernacular]

INTERPRETER: It was taken on the 2nd of June.

ADV NIKKI STEIN: In which year?

INTERPRETER: [Vernacular]

MS PHUMZILE MOTSHEGWA: 2016

10 **INTERPRETER:** 2016

ADV NIKKI STEIN: And where was this photograph taken?

INTERPRETER: [Vernacular]

MS PHUMZILE MOTSHEGWA: [Vernacular]

INTERPRETER: It was taken at Life Esidimeni

15 **ADV NIKKI STEIN:** And do you remember who took the photograph?

INTERPRETER: [Vernacular]

MS PHUMZILE MOTSHEGWA: [Vernacular]

INTERPRETER: I was the one who took the picture because it was his birthday.

ADV NIKKI STEIN: Thank you. Ms Motshegwa can you tell us a little bit about Solly? What was he like as a person?

INTERPRETER: [Vernacular]

MS PHUMZILE MOTSHEGWA: [Vernacular 01:23:00]

5 **INTERPRETER:** He was the first born of my mom. He was my big brother.

MS PHUMZILE MOTSHEGWA: [Vernacular]

INTERPRETER: He was the one taking care of us as kids.

MS PHUMZILE MOTSHEGWA: [Vernacular]

INTERPRETER: Before he got involved in the accident

10 **ADV NIKKI STEIN:** When did he get involved in an accident?

INTERPRETER: [Vernacular]

MS PHUMZILE MOTSHEGWA: I remember on 19, I think it was 1989

INTERPRETER: I think it was the 19th in the year 1989.

MS PHUMZILE MOTSHEGWA: [Vernacular]

15 **INTERPRETER:** He was from work going to Mamelodi.

MS PHUMZILE MOTSHEGWA: [Vernacular]

INTERPRETER: He was going to visit his girlfriend/

MS PHUMZILE MOTSHEGWA: [Vernacular]

INTERPRETER: When he got there, we heard that there was a war between the Ingatla when he was going to the hostel.

MS PHUMZILE MOTSHEGWA: [Vernacular]

INTERPRETER: He was hit by an axe in his head.

5 **MS PHUMZILE MOTSHEGWA:** [Vernacular]

INTERPRETER: When he got off the train.

ARBITRATOR, JUSTICE MOSENEKE: He was hit by what?

INTERPRETER: An axe.

ARBITRATOR, JUSTICE MOSENEKE: An axe?

10 **INTERPRETER:** Yes.

MS PHUMZILE MOTSHEGWA: [Vernacular]

INTERPRETER: We were searching for Solly for 2 years, we didn't know where he was.

MS PHUMZILE MOTSHEGWA: Then on 1990

15 **INTERPRETER:** In 1990

MS PHUMZILE MOTSHEGWA: [Vernacular]

INTERPRETER: We found him at Galofong hospital.

MS PHUMZILE MOTSHEGWA: [Vernacular]

INTERPRETER: He had an operation done in his head. I think it was steel that was inserted in his head, I am not sure.

ADV NIKKI STEIN: And Ms Motshegwa did Solly stay at Life, did Solly ever live at Life Esidimeni?

5 **INTERPRETER:** [Vernacular]

MS PHUMZILE MOTSHEGWA: [Vernacular]

INTERPRETER: He stayed at Galafong and then he was taken to Weskoppies and then he went to Life Esidimeni.

ADV NIKKI STEIN: When did he go to Life Esidimeni?

10 **INTERPRETER:** [Vernacular]

MS PHUMZILE MOTSHEGWA: [Vernacular]

INTERPRETER: He went there in 2003.

ADV NIKKI STEIN: And which facility was he in?

INTERPRETER: [Vernacular]

15 **MS PHUMZILE MOTSHEGWA:** [Vernacular]

INTERPRETER: He was somewhere around in Jo'burg.

ADV NIKKI STEIN: Okay, okay. Ms Motshegwa, and Solly was in Life Esidimeni because of his head injury, is that correct?

INTERPRETER: [Vernacular]

MS PHUMZILE MOTSHEGWA: [Vernacular]

INTERPRETER: Yes that's true.

ADV NIKKI STEIN: Did he need help bathing?

INTERPRETER: [Vernacular]

5 **MS PHUMZILE MOTSHEGWA:** [Vernacular]

INTERPRETER: At Weskoppies the Doctors told us that Solly couldn't do anything for himself, so he needed that help.

ADV NIKKI STEIN: And he needed help eating?

INTERPRETER: [Vernacular]

10 **MS PHUMZILE MOTSHEGWA:** [Vernacular]

INTERPRETER: Yes.

ADV NIKKI STEIN: And did he need help dressing?

INTERPRETER: [Vernacular]

MS PHUMZILE MOTSHEGWA: [Vernacular]

15 **INTERPRETER:** Yes.

ADV NIKKI STEIN: And did he need help going to the toilet?

INTERPRETER: [Vernacular 01:27:12]

MS PHUMZILE MOTSHEGWA: [Vernacular]

INTERPRETER: Yes.

ADV NIKKI STEIN: And how did he do at Life Esidimeni? What was the care like?

INTERPRETER: [Vernacular]

MS PHUMZILE MOTSHEGWA: [Vernacular]

INTERPRETER: Life Esidimeni was the best hospital I have ever seen in my life,
5 because whenever we went there to visit Solly he was happy and he was always
clean.

MS PHUMZILE MOTSHEGWA: [Vernacular]

ARBITRATOR, JUSTICE MOSENEKE: [Vernacular]

MS PHUMZILE MOTSHEGWA: [Vernacular]

10 **ARBITRATOR, JUSTICE MOSENEKE**: [Vernacular]

MS PHUMZILE MOTSHEGWA: [Vernacular]

ARBITRATOR, JUSTICE MOSENEKE: [Vernacular]

MS PHUMZILE MOTSHEGWA: [Vernacular]

INTERPRETER: Solly usually referred to the nurses at Life Esidimeni as teachers,
15 so whenever we would come to visit him he would say to the nurses “my teachers, I
am going to see my family now” and he remembers her very well.

ADV NIKKI STEIN: How often did you go visit Solly at Life Esidimeni?

INTERPRETER: [Vernacular]

MS PHUMZILE MOTSHEGWA: [Vernacular]

INTERPRETER: We went to visit Solly twice because we live in Atteridge Ville and we no longer had a mother and our father was in jail for 15 years, and my sister had passed on so I would take taxis to Germiston and then I would connect the taxis there and visit Solly.

- 5 **ADV NIKKI STEIN:** Ms Motshegwa just to clarify, when you say you visited Solly twice, do you mean twice while he was at Life Esidimeni, twice a year, twice a month?

INTERPRETER: [Vernacular]

MS PHUMZILE MOTSHEGWA: [Vernacular]

- 10 **INTERPRETER:** Twice a month.

ADV NIKKI STEIN: Thank you. When did you find out that Life Esidimeni was going to close?

INTERPRETER: [Vernacular]

MS PHUMZILE MOTSHEGWA: On April.

- 15 **ADV NIKKI STEIN:** Of which year?

MS PHUMZILE MOTSHEGWA: 2016

ADV NIKKI STEIN: How did you find out?

INTERPRETER: [Vernacular]

MS PHUMZILE MOTSHEGWA: [Vernacular]

INTERPRETER: We went there with my father to visit Solly and when we got there we got Sister Mahlangu. She called the social workers to come see us.

MS PHUMZILE MOTSHEGWA: [Vernacular 01;31;19]

INTERPRETER: And they told us that the hospital was going to be closed.

5 **ADV NIKKI STEIN:** And did you make any requests as to where Solly should be placed? What should happen to him?

INTERPRETER: [Vernacular]

MS PHUMZILE MOTSHEGWA: [Vernacular]

INTERPRETER: We cried because his side was no longer working or functioning.

10 **MS PHUMZILE MOTSHEGWA:** [Vernacular]

INTERPRETER: We asked because we are in Pretoria that he should be located or transferred to Weskoppies.

ARBITRATOR, JUSTICE MOSENEKE: Sorry, I got distracted. I missed the part about the transfer, from Life Esidimeni to the new NGO

15 **ADV NIKKI STEIN:** He hasn't yet been transferred Justice.

ARBITRATOR, JUSTICE MOSENEKE: Oh. What was she crying about? It was when they were informed that there is a pending transfer?

ADV NIKKI STEIN: That's correct Justice.

ARBITRATOR, JUSTICE MOSENEKE: Okay.

ADV NIKKI STEIN: And can you tell us Ms Motshegwa, you said that his side wasn't working, what happened to cause that?

INTERPRETER: [Vernacular]

MS PHUMZILE MOTSHEGWA: [Vernacular]

5 **INTERPRETER:** The Doctor on the year 2015 called us and told us that Solly had slipped when he was taking a bath and his side was affected because of that.

ADV NIKKI STEIN: And you said they you've asked that Solly be transferred to Weskoppies?

INTERPRETER: [Vernacular]

10 **MS PHUMZILE MOTSHEGWA:** [Vernacular]

INTERPRETER: Yes.

ADV NIKKI STEIN: Did the Department respond, or did the people at Life Esidimeni respond to that request?

INTERPRETER: [Vernacular]

15 **MS PHUMZILE MOTSHEGWA:** [Vernacular]

INTERPRETER: They said they were going to call us.

ADV NIKKI STEIN: And did they ever call you?

INTERPRETER: [Vernacular]

MS PHUMZILE MOTSHEGWA: [Vernacular]

INTERPRETER: No.

ADV NIKKI STEIN: So how did you find out where Solly Was?

INTERPRETER: [Vernacular]

MS PHUMZILE MOTSHEGWA: [Vernacular]

5 **INTERPRETER:** We went there in June, again Sister Mahlangu, she took us to the dining room to talk with Solly and then she said that they had given them another three months.

MS PHUMZILE MOTSHEGWA: [Vernacular]

INTERPRETER: And I repeated and told her again that I would like Solly to be
10 transferred to Weskoppies. And then she assured me that if Solly is going to be transferred she is going to call me.

ADV NIKKI STEIN: And did Sister Mahlangu call you when Solly was transferred?

MS PHUMZILE MOTSHEGWA: [Vernacular]

INTERPRETER: No.

15 **ADV NIKKI STEIN:** Did anybody call you when Solly was transferred?

INTERPRETER: [Vernacular]

MS PHUMZILE MOTSHEGWA: [Vernacular]

INTERPRETER: No.

ADV NIKKI STEIN: Where was he transferred to?

INTERPRETER: [Vernacular 01:34:54]

MS PHUMZILE MOTSHEGWA: [Vernacular]

INTERPRETER: He was dead when we finally traced him.

ADV NIKKI STEIN: Ms Motshegwa I know this is difficult for you, but can you tell
5 us about the day that you found out that Solly had passed away?

INTERPRETER: [Vernacular]

MS PHUMZILE MOTSHEGWA: [Vernacular]

INTERPRETER: I was at my office when I received a call from one of my
neighbours who was informing me that there were two ladies, Mngthubi and Sophie
10 and they are requesting to see us. That is when I had to drive to Atteridge Ville. It
was on the 9th of September.

ARBITRATOR, JUSTICE MOSENEKE: [Vernacular]

INTERPRETER: They went to your house?

MS PHUMZILE MOTSHEGWA: [Vernacular]

15 **INTERPRETER:** No, it is my birthplace where I was born at my home.

ADV NIKKI STEIN: And what happened when you met them there?

INTERPRETER: [Vernacular]

MS PHUMZILE MOTSHEGWA: [Vernacular]

INTERPRETER: I went in, I found them there, the two ladies.

MS PHUMZILE MOTSHEGWA: [Vernacular]

ARBITRATOR, JUSTICE MOSENEKE: [Vernacular]

INTERPRETER: Please can you tell us the name of the NGO again?

MS PHUMZILE MOTSHEGWA: [Vernacular]

5 **ADV NIKKI STEIN:** Was it Precious Angles?

MS PHUMZILE MOTSHEGWA: Ja.

INTERPRETER: Ja, it was Precious Angles. She says that when she got home, there were two ladies. The one who talked was Sophie Legwaba, she thinks that's her surname, but she was her mother's neighbour back in Atteridge Ville where my
10 mother was, and she was, and she said they are there to tell them about Solly's condition, because he was moved, and that happened on the 12th of June. And then she showed her, Ethel Nthubi, who was the owner of Precious Angles NGO ...
[intervene]

ADV NIKKI STEIN: Before you carry on Ms Motshegwa, was it Sophie Legwabe
15 who was there with Ms Mnthubi?

INTERPRETER: [Vernacular]

MS PHUMZILE MOTSHEGWA: Yes.

ADV NIKKI STEIN: Okay, and so they said that they would like to tell you about Solly's condition? Can you continue from there?

20 **INTERPRETER:** [Vernacular]

MS PHUMZILE MOTSHEGWA: [Vernacular]

INTERPRETER: She told us that Solly was moved from Life Esidimeni to Danville on the 12th of June, and she asked that “why wasn’t I informed because Danville is my neighbouring township?” or my neighbouring facility or it is next to where I live.

5 **MS PHUMZILE MOTSHEGWA:** [Vernacular]

INTERPRETER: She says that Sophie told her that Ethel is the one who took the patients herself from Life Esidimeni and she was the owner of NGO Precious Angles, and the owner of another Angle in Mosana street in Atteridge Ville.

ADV NIKKI STEIN: And did Ethel, sorry, did Ms Mnghube confirm that?

10 **INTERPRETER:** [Vernacular]

MS PHUMZILE MOTSHEGWA: [Vernacular]

INTERPRETER: Yes she confirmed that she was the owner and she had a diary and when she took out her diary. And she said when she asked about Solly’s condition she said that she will show her pictures of Solly, how Solly was doing but she never did, and she started crying because of that situation.

15

ADV NIKKI STEIN: At that stage ...[intervene]

ARBITRATOR, JUSTICE MOSENEKE: The witness started crying?

INTERPRETER: [Vernacular]

MS PHUMZILE MOTSHEGWA: [Vernacular]

20 **INTERPRETER:** Yes, she was with her sister as well, and they started crying.

ADV NIKKI STEIN: When Ms Mnghube said she will show you pictures of Solly, was Solly still alive at that stage?

INTERPRETER: [Vernacular]

MS PHUMZILE MOTSHEGWA: No.

5 **INTERPRETER:** No.

ADV NIKKI STEIN: When did Solly pass away?

INTERPRETER: [Vernacular]

MS PHUMZILE MOTSHEGWA: [Vernacular]

INTERPRETER: Ethel said Solly passed on the 6th of August.

10 **ADV NIKKI STEIN:** Did you ask her why it took so long to inform you of Solly's death?

INTERPRETER: [Vernacular]

MS PHUMZILE MOTSHEGWA: [Vernacular]

INTERPRETER: She said Solly, on that day they struggled to find them because
15 Solly didn't have a file from Life Esidimeni, it's only Sophie that helped her to trace the family where they are so that is why she came and told them.

ADV NIKKI STEIN: And this was the 9th of September 2016?

MS PHUMZILE MOTSHEGWA: Yes, it was on Friday.

INTERPRETER: Yes, it was on a Friday.

ADV NIKKI STEIN: Ms Motshegwa did anybody tell you how Solly had died?

INTERPRETER: [Vernacular]

MS PHUMZILE MOTSHEGWA: [Vernacular]

INTERPRETER: I asked Ethel and she said Solly was sleeping when he died.

5 **ADV NIKKI STEIN**: And what happened next?

INTERPRETER: [Vernacular]

MS PHUMZILE MOTSHEGWA: [Vernacular]

INTERPRETER: I told her I think we are not talking about the same person here.

MS PHUMZILE MOTSHEGWA: [Vernacular]

10 **INTERPRETER**: I asked to see Solly's corpse.

MS PHUMZILE MOTSHEGWA: [Vernacular]

INTERPRETER: And she said it is okay she will take us there.

MS PHUMZILE MOTSHEGWA: [Vernacular]

15 **INTERPRETER**: And I said before she take us there I want to call my uncle. I called my uncle. So from there Sophie just stood and went away because she knows my uncle.

MS PHUMZILE MOTSHEGWA: [Vernacular]

INTERPRETER: My uncle came in, and we explained to my uncle that this lady that was here, she came in with Sophie and that Solly was no longer with us.

ADV NIKKI STEIN: Justice we are about to start on a new path, and I see that it is about 11h30, is it a good time to take the adjournment?

ARBITRATOR, JUSTICE MOSENEKE: Yes, not until I have asked the witness
[Vernacular 01:44:46]

5 **INTERPRETER**: Where is your home in Atteridge Ville?

MS PHUMZILE MOTSHEGWA: Number 23 Pakanjana street.

ARBITRATOR, JUSTICE MOSENEKE: [Vernacular]

INTERPRETER: You know where my home is?

MS PHUMZILE MOTSHEGWA: [Vernacular]

10 **INTERPRETER**: I think you are my neighbour because my home is at Mkabeni street.

ARBITRATOR, JUSTICE MOSENEKE: Ja [Vernacular]

INTERPRETER: But now I have to tell you that me and you are neighbours.

ARBITRATOR, JUSTICE MOSENEKE: [Vernacular]

15 **MS PHUMZILE MOTSHEGWA**: [Vernacular]

ARBITRATOR, JUSTICE MOSENEKE: [Vernacular]

MS PHUMZILE MOTSHEGWA: Yes [laughing]

ARBITRATOR, JUSTICE MOSENEKE: Patience is saying that she is more than a neighbour because she grew up under me. So all of you know, we adjourn until 12h00.

5 **ADJOURNEMENT**

10

15

SESSION 2

20 OCTOBER 2017

SESSION 2 – PART 3

INTERPRETER: Esidimeni was going to be shut down and I decided to resign
5 from my job.

MS PHUMZILE MOTSHEGWA: [Vernacular]

INTERPRETER: My DG called me in.

ARBITRATOR, JUSTICE MOSENEKE: [Vernacular]

INTERPRETER: Where did you work at that time?

10 **MS PHUMZILE MOTSHEGWA:** [Vernacular]

INTERPRETER: Department of Home Affairs.

MS PHUMZILE MOTSHEGWA: [Vernacular]

ARBITRATOR, JUSTICE MOSENEKE: [Vernacular]

MS PHUMZILE MOTSHEGWA: [Vernacular]

15 **INTERPRETER:** They took me to counselling.

MS PHUMZILE MOTSHEGWA: [Vernacular]

INTERPRETER: To check if I was fit enough to look after Solly.

MS PHUMZILE MOTSHEGWA: [Vernacular]

INTERPRETER: I said to them I am going to take Solly in.

MS PHUMZILE MOTSHEGWA: [Vernacular]

INTERPRETER: I will try and take him to Weskoppies.

MS PHUMZILE MOTSHEGWA: [Vernacular]

5 **INTERPRETER:** So that he can get better treatment there.

MS PHUMZILE MOTSHEGWA: [Vernacular]

INTERPRETER: Because I know I am not a nurse.

MS PHUMZILE MOTSHEGWA: [Vernacular]

INTERPRETER: And they will look after Solly as long as Solly is in Pretoria's
10 facility.

MS PHUMZILE MOTSHEGWA: [Vernacular]

INTERPRETER: I loved Solly.

MS PHUMZILE MOTSHEGWA: [Vernacular]

INTERPRETER: I remember my father said, 'Why did God give me three girls
15 and one boy'.

MS PHUMZILE MOTSHEGWA: [Vernacular]

INTERPRETER: Why Phumzile, why didn't God make you a male.

MS PHUMZILE MOTSHEGWA: [Vernacular]

INTERPRETER: So that you would help Solly.

MS PHUMZILE MOTSHEGWA: [Vernacular]

INTERPRETER: I felt and understood what my father was saying.

MS PHUMZILE MOTSHEGWA: [Vernacular]

INTERPRETER: Before he passed on in March.

5 **MS PHUMZILE MOTSHEGWA:** [Vernacular]

INTERPRETER: We went to Life Esidimeni with my father.

MS PHUMZILE MOTSHEGWA: [Vernacular]

INTERPRETER: I remember my father saying to Solly.

MS PHUMZILE MOTSHEGWA: [Vernacular]

10 **INTERPRETER:** I didn't know my father was already clear on his path

MS PHUMZILE MOTSHEGWA: [Vernacular]

INTERPRETER: And he said to Solly please don't bother your sisters.

MS PHUMZILE MOTSHEGWA: [Vernacular]

15 **INTERPRETER:** And then he said no Baba, no dad I will not bother Miemie because. Because he used to call me Miemie.

MS PHUMZILE MOTSHEGWA: [Vernacular]

INTERPRETER: He said I will not bother her because she comes and visit me.

MS PHUMZILE MOTSHEGWA: [Vernacular]

INTERPRETER: I want to go back home and my father said, no come home until we do your things properly.

MS PHUMZILE MOTSHEGWA: [Vernacular]

INTERPRETER: It was then when my father died.

5 **ARBITRATOR, JUSTICE MOSENEKE:** [Vernacular]

INTERPRETER: We heard you and thank you very much for you being here.

ARBITRATOR, JUSTICE MOSENEKE: [Vernacular]

INTERPRETER: As I said we are trying to make everything right.

ARBITRATOR, JUSTICE MOSENEKE: [Vernacular]

10 **INTERPRETER:** So that there will not be many cases like Solly from moving forward.

ARBITRATOR, JUSTICE MOSENEKE: [Vernacular]

INTERPRETER: We will try and wipe your tears. What is left is what is from God

PHUMZILE MOTSHEGWA: Okay.

15 **ARBITRATOR, JUSTICE MOSENEKE:** Counsel?

ADV NIKKI STEIN: No questions.

ARBITRATOR, JUSTICE MOSENEKE: Counsel?

ADV DIRK GROENEWALD: Thank you Justice, no question.

ADV PATRICK NGUTSHANA: No questions, Justice.

ARBITRATOR, JUSTICE MOSENEKE: Advocate Hutamo?

ADV TEBOGO HUTAMO: No questions thank you Justice.

ARBITRATOR, JUSTICE MOSENEKE: Have you seen the pictures?

ADV TEBOGO HUTAMO: Indeed so Justice. They are quite horrible and it is just
5 an unfortunate situation of what has happened.

INTERPRETER: [Vernacular]

MS PHUMZILE MOTSHEGWA: [Vernacular]

INTERPRETER: I want to talk about the corruption of ID's as well.

MS PHUMZILE MOTSHEGWA: [Vernacular]

10 **INTERPRETER:** Because when we buried Solly, we found that Solly had two
ID's.

ARBITRATOR, JUSTICE MOSENEKE: [Vernacular]

INTERPRETER: How did that happen?

MS PHUMZILE MOTSHEGWA: [Vernacular]

15 **ARBITRATOR, JUSTICE MOSENEKE:** [Vernacular]

INTERPRETER: Maybe because you are from Home Affairs then you would
know.

MS PHUMZILE MOTSHEGWA: [Vernacular]

INTERPRETER: Yes. Ethel gave us another ID and we had a different ID from that one.

MS PHUMZILE MOTSHEGWA: [Vernacular]

INTERPRETER: Solly was born in the year 1961 then Ethel give us ID that
5 stipulated 1962 as the year of birth

MS PHUMZILE MOTSHEGWA: [Vernacular]

INTERPRETER: She gives us death certificate and everything.

MS PHUMZILE MOTSHEGWA: [Vernacular]

INTERPRETER: When we went to Home Affairs to do Solly's papers. I went to
10 DG so that I can cancel the other ID.

ARBITRATOR, JUSTICE MOSENEKE: DG means what? Director General of Home Affairs?

MS PHUMZILE MOTSHEGWA: Yes. [Vernacular]

INTERPRETER: Because I worked there, it was easy for me to do that.

15 **ARBITRATOR, JUSTICE MOSENEKE:** So is that the way it seems to be. Ms Ncube was able to acquire ID's and produce death certificate. Is it what you mean?

INTERPRETER: [Vernacular]

MS PHUMZILE MOTSHEGWA: [Vernacular]

INTERPRETER: Because she said to us at Life Esidimeni they didn't give anything regarding Solly's file, but we were surprise when she had Solly's ID.

MS PHUMZILE MOTSHEGWA: [Vernacular]

INTERPRETER: I speak for those who don't work at Home Affairs, who have to
5 travel this journey.

MS PHUMZILE MOTSHEGWA: [Vernacular]

INTERPRETER: The people you find that they have two ID's but it is the same person and they can't find help. They are struggling to bury their loved ones.

MS PHUMZILE MOTSHEGWA: [Vernacular]

10 **INTERPRETER:** Because they use the ID to open up policies.

ARBITRATOR, JUSTICE MASENEKE: When we asked if she taken any policies on your brother and other of her patience, she said she did not.

MS PHUMZILE MOTSHEGWA: [Vernacular]

INTERPRETER: That is what she said.

15 **ARBITRATOR, JUSTICE MOSENEKE:** [Vernacular] You are allowed to leave the witness stand.

MS PHUMZILE MOTSHEGWA: Okay thanks.

SESSION 2

20 OCTOBER 2017

SESSION 2 – PART 4

ADV LILLY CROUSE: Thank you for being here and to be willing to testify at
5 these hearings. Can you tell us who is Frederick Colitz?

MS MARIA COLITZ: It is my husband.

ADV LILLY CROUSE: Was Frederick a patient at Life Esidimeni?

MS MARIA COLITZ: Yes he was a patient at Life Esidimeni from 2013 until
the end of December 2015.

10 **ARBITRATOR, JUSTICE MOSENEKE:** Until when?

MS MARIA COLITZ: 2013 August till the end of December 2015.

ADV LILLY CROUSE: Why was Frederick admitted to Life Esidimeni?

MS MARIA COLITZ: He got depression maybe for 20 years long.

ADV LILLY CROUSE: And had he been in any other facility before Life
15 Esidimeni?

MS MARIA COLITZ: Yes, he was in De Deer but it wasn't good there so I take
him out there and I take him back to the house, because they beaten him up in De
Deer so I took him out and decide to bring him back home. So he was staying and
the he get worse and I take him to Kopelong Hospital. From Kopelong Hospital they
20 sent him to Life Esidimeni.

ADV LILLY CROUSE: And how was he doing at Life Esidimeni?

MS MARIA COLITZ: Good very good. He was in a very good health. He was always happy when we come there and tell us stories how they treat him. And the sisters and nurses were very good there. Even when he was sick, they phone me
5 and tell me Freddie is sick but don't worry to come through, we will phone you the next morning. They report back to me, he is doing good. He had a stomach virus so they always phone me and tell me he is good or he is that condition or that condition.

ADV LILLY CROUSE: Was he on medication?

10 **MS MARIA COLITZ:** Yes, all the years.

ADV LILLY CROUSE: What medication?

MS MARIA COLITZ: I don't know all the names, but from the beginning he started depression, they put him on tablets until he go over to Life Esidimeni with the tablets from Kopelong that they put him on.

15 **ADV LILLY CROUSE:** And where they providing medication for him at Life Esidimeni?

MS MARIA COLITZ: Yes, when he coming home he always get the tablets. I will take him home maybe for a week, the tablets was with Freddie.

ADV LILLY CROUSE: You visited Frederick?

20 **MS MARIA COLITZ:** Yes every month I was there and bring all his stuff that he need, what he asking for. Every month.

ADV LILLY CROUSE: And you, you just mentioned that you would take him home. When would you take Frederick home and for how long?

MS MARIA COLITZ: Always on Christmas, maybe before the 24th. And then I take him back on the 26th, 27th because then I start working again. There was
5 nobody at home who could look after him. So that is why I always take him...the longest I take him is when I'm on leave. Maybe for a week. And then Christmas time, every Christmas I take him home.

ADV LILLY CROUSE: And would he continue to take his medication when you took him home?

10 **MS MARIA COLITZ:** Yes from Life Esidimeni, yes.

ADV LILLY CROUSE: And what was his condition otherwise? Was he well fed, was...[interjects]

MS MARIA COLITZ: Yes the food was very nice and the people by Life Esidimeni, you can say Freddie was very, very happy. Even the people at the gate
15 will always say 'kiss your wife, kiss your wife'. It was a big joke for them. Because he was a person to joke. He was quiet but he was friends all over with everybody.

ADV LILLY CROUSE: Did you...were you informed that he was going to be moved from Life Esidimeni?

MS MARIA COLITZ: Yes, when I phone to tell I am going to take Freddie
20 home for Christmas they just tell me when Freddie coming back they going to place him in another...put him in another place. But I say okay, but I didn't know where

he was going to go. I said okay I bring him back on the 26th / 27th. We took him back to Life Esidimeni, me and my oldest son. So we drop him there. When I phone again...[interjects]

ADV LILLY CROUSE: When was this?

5 **MS MARIA COLITZ:** January.

ADV LILLY CROUSE: Sorry you took him back on the 26th/27th December 2015?

MS MARIA COLITZ: 2015.

ADV LILLY CROUSE: Okay.

10 **MS MARIA COLITZ:** En when I, he sent me an SMS with the address. Freddie was already in Krugersdorp, I didn't know. So when I phoned Freddie on the Sunday, the first Sunday in January...[interject]

ADV LILLY CROUSE: Sorry. Just stop for a second Ms Colitz. You say, who sent you an SMS?

15 **MS MARIA COLITZ:** Life Esidimeni. When I phone and said is Freddie still there. They said no, they have already moved Freddie. They will send me the SMS with the address where Freddie is.

ADV LILLY CROUSE: Okay they didn't inform you before they moved him. They informed you after...[interject]

MS MARIA COLITZ: They only tell me they going to move them, but I didn't know when. So when I take him before Christmas they tell me they going to move him in January 2016.

ADV LILLY CROUSE: So you received an SMS saying that he was in
5 Krugersdorp?

MS MARIA COLITZ: After I phoned she said, she will send me an SMS know with the address where Freddie is.

ADV LILLY CROUSE: And where was he?

MS MARIA COLITZ: In Krugersdorp, Mosega Home.

10 **ADV LILLY CROUSE:** Mosega Home.

MS MARIA COLITZ: Mosega Home.

ADV LILLY CROUSE: Did you visit every month?

MS MARIA COLITZ: Yes and I phoned every Sunday. I phone him and I talk with him, but the last month I can't talk to Freddie because they tell me he is
15 sleeping or he is busy to eat and at 3 o'clock he already sleep and they said yes.

ARBITRATOR, JUSTICE MOSENEKE: [*Inaudible*] quick for me there. When were you SMS that he is now at Masego in Krugersdorp.

MS MARIA COLITZ: After I phoned in January.

ARBITRATOR, JUSTICE MOSENEKE: In January?

20 **MS MARIA COLITZ:** Yes the first week in January.

ARBITRATOR, JUSTICE MOSENEKE: Thank you.

MS MARIA COLITZ: He was already moved to Krugersdorp.

ADV LILLY CROUSE: January 2016?

MS MARIA COLITZ: Yes.

5 **ADV LILLY CROUSE:** And when did Freddie die?

MS MARIA COLITZ: On the 7th of August 2016.

ADV LILLY CROUSE: I am sorry you were talking about your visits.

MS MARIA COLITZ: My visit was on that day. I get a call inside from a worker and she tell me if you want to see Freddie, you better come and see him
10 because he is not lekker. I said what is wrong with him. He said, Marie you better come. I said, okay I will come on Women's Day. She said no, it is going to be too late. I was shocked. She put the phone down and she phoned me again after that. In 20 minutes...[interject]

ADV LILLY CROUSE: Who's this that called you?

15 **MS MARIA COLITZ:** The worker inside at Masego Home. So she phoned me again and said, please Marie you must go before Women's Day. Because I was working every second Sunday, I was working. I said, okay will arrange so I can go.

ARBITRATOR, JUSTICE MOSENEKE: Where were you working then?

MS MARIA COLITZ: Pick a Pay Meyerton.

20 **ARBITRATOR, JUSTICE MOSENEKE:** Pick a Pay where?

MS MARIA COLITZ: Meyerton.

ARBITRATOR, JUSTICE MOSENEKE: Meyerton, okay thank you.

MS MARIA COLITZ: And I said okay I will arrange to get of the Sunday to come. She phoned me back again. She said you must get your cell ready, I am not
5 going to give you information with what is going on there, but he got marks on his forehead, just look and take pictures, but don't phone them and tell them you are going that side. Just go, don't phone. So the Sunday morning we go, me and my oldest son and the younger son. We are going through...[interject].

ADV LILLY CROUSE: And this was the 7th of August 2016?

10 **MS MARIA COLITZ:** Yes. When we arrived there they already running around to put for the first time for us chairs on the stoop. For the first time. The other day we were standing. There was no room for you to go and sit with your family or nothing. So the guy tell me you must sit. The Supervisor, whatever he is. I said no, I don't want to sit, I want to see my husband. He said, ja but just sit and
15 relax we will bring him now. Another hour is passed and I asked, 'why you take so long'? He said no he send Freddie back. I say why? He said because he is not dressed well. So and when Freddie coming out...[interject]

ARBITRATOR, JUSTICE MOSENEKE: But did they confirm that he was in that house? In that facility.

20 **MS MARIA COLITZ:** Yes. So when they bring Freddie...[interject]

ADV LILLY CROUSE: Sorry, just to clarify, Ms Colitz. You have visited him at that facility before 7th August 2016?

MS MARIA COLITZ: Yes, but that day. That one was like a... what you name it? Where the sick people are keeping in. So he was across the street, but he was
5 in another house 114. That's where they keeps the people who gets sick. So he was in that house. So they bring him out to the second house on the stoop. He can't walk anymore. They dragged him to the stoop. Two of the people. We was shocked when we see him. My oldest son jumped up what the hell is going on here. Because at the back of his ankles he had big marks like that. It is not shoe
10 marks. It looks like they drag him where he want to because he can't walk anymore. He got marks on his fore head and on his nose. When I asked where is the marks coming from. They said he fell. I asked why he was weak. No they don't know. I said please put him in the hospital. Why is he not in hospital? They said no because he was two weeks in the hospital before. I said okay, bring the medical
15 records so that we can see if it is high blood pressure or low blood pressure. What was wrong with Freddie? Because the month before I see Freddie he was healthy he was running out here is my wife. The next moment you get a call, your husband is busy to die. I was shocked when I see Freddie in this condition. Even my sons.

ADV LILLY CROUSE: Ms Colitz you can speak through the interpreter, if it
20 would make it easier. I just reminding you. It is entirely up to you. I am just reminding you. There is some photographs in front of you.

MS MARIA COLITZ: Yes.

ADV LILLY CROUSE: There are two photographs. The first page ELAH 31A.
Who is that a picture of?

MS MARIA COLITZ: Freddie Colitz

ADV LILLY CROUSE: When was this taken?

5 **MS MARIA COLITZ:** Dit was five six years ago at my oldest son's wedding.

ADV LILLY CROUSE: And then ELAH31B?

MS MARIA COLITZ: That's the day when he passed away on there on the
stoop...[interject]

ADV LILLY CROUSE: Who is this a picture of?

10 **MS MARIA COLITZ:** Freddie Colitz.

ADV LILLY CROUSE: When was this photograph taken?

MS MARIA COLITZ: The day, two hours before he passed away.

ADV LILLY CROUSE: And ELAH31C?

ARBITRATOR, JUSTICE MOSENEKE: Sorry I have missed that ELAH...[interject]

15 **ADV LILLY CROUSE:** The first one, 31A.

ARBITRATOR, JUSTICE MOSENEKE: This was taken in Sasolburg in
2012. Is that right? According to the evidence.

ADV LILLY CROUSE: That's correct.

ARBITRATOR, JUSTICE MOSENEKE: Yes, thank you. And the next one?

ADV LILLY CROUSE: Is ELAH31B, taken of Freddie Colitz on 7th August 2016 at the Mosego Home.

ARBITRATOR, JUSTICE MOSENEKE: Yes.

ADV LILLY CROUSE: And then 31C are two photographs. And still this is
5 Freddie Colitz?

MS MARIA COLITZ: Yes.

ADV LILLY CROUSE: Taken when?

MS MARIA COLITZ: The same day he passed away, the 7th of August 2016.

ADV LILLY CROUSE: Also at Masego Home?

10 **MS MARIA COLITZ:** Yes.

ARBITRATOR, JUSTICE MOSENEKE: But he lost a lot of weight, wasn't he?

MS MARIA COLITZ: Ja in a months' time. And when I asked the sister is this
man eating, she said yes, he eats jungle oats and brown bread. But I bring him that
day custard and jelly from Pick a Pay, he can't eat it. Everything was running out
15 when we was try to feed him. He can't drink he can't eat anything anymore.

ADV LILLY CROUSE: Ms Colitz on the page that is marked ELAH21C, there on
the photograph on the top it appears to be an injury on Mr Colitz's nose.

MS MARIA COLITZ: Yes.

ADV LILLY CROUSE: Do you know what caused that injury?

MS MARIA COLITZ: I asked them, they say he was falling, because he is weak and I asked why he is weak and they cannot answer me. And they cannot give me medical records for two week that he was in hospital. But there was a video clip out from Network 24, where she talked to the patience and the patience said, 5 they only eat brown bread and jungle oats. And Freddie was sitting two weeks in a corner busy to die and she don't phone me. She don't tell me my husband is busy, there is something wrong with him. No medical records, what was wrong with him? Why don't she phone me, I've got two cells and I got a work telephone. She never phoned, that is how I get my husband on the 7th of August and he passed away. 10 We was gone maybe 3o'clock half past and then he passed away 5 o'clock.

ADV LILLY CROUSE: Did you speak to Freddie on the 7th?

MS MARIA COLITZ: He can't speak that day. All what he can ask me is kiss me goodbye, because Freddie was known he was busy to die.

ADV LILLY CROUSE: He didn't say anything else to you, about...[interjects]

15 **MS MARIA COLITZ:** He can't speak anymore. That all what he get out.

ADV LILLY CROUSE: Was he able to speak to you?

SESSION 3

20 OCTOBER 2017

ARBITRATOR, JUSTICE MOSENEKE: Thank you, you may be seated. U is nogsteeds onder u vorige Eed.

5 **INTERPRETER**: You are still under oath.

ARBITRATOR, JUSTICE MOSENEKE: Yes. Counsel.

ADV LILLA CROUSE: Thank you Justice. Ms Colitz you said. We left of with you talking about your visit to see Mr Colitz on the 7th of August 2016. He was alive when you left, and then what happened?

10 **INTERPRETER**: Mev Colitz ons het laas gepraat oor u besoek aan Mnr Colitz op die 7de Augustus 2016. Hy was toe nog lewendig. Kan u ons vertel wat daarna gebeur het?

MS MARIA COLITZ: Ons het omtrent so 15h15, 15h30 gery want my kinders kon nie meer die pyn vat om te sien hoe hulle pa ly nie en vir my gesê ons moet
15 hom maar net los en wag tot Maandag toe. Ons moet toe maar in die kar ag in die motor klim en ry en ons het gery. Ek het by die huis gekom, my seun wat in Sasol bly is toe huis toe en ek het omtrent 5.30 ek het op my horlosie gekyk, ek het 5.30 hulle weer gebel en gehuil en gevra asseblief kry hom net in 'n hospitaal, waarop die werker, seker die Supervisor vir my gesê het ek moenie worry nie hy slaap, hy is
20 rustig. Maar hy het laat val op 'n punt. Askuus.

INTERPRETER: We left at 3.15 to 3.30. I left with my children because they couldn't stand to see him in pain any longer. They said to me that we should just leave it until Monday, so we left. We went home. My son left for Sasolburg. At 5.30 I phoned again. I said, please can you take him to the hospital. The caretakers told
5 me not to worry, he is peaceful he is just sleeping.

MS MARIA COLITZ: Waar hy ook op toe ek nog met hom gepraat het, het hy iets gesê van 'he passed' and he said 'no sorry he is sleeping'. So dit lyk vir my hy het geweet hy was alreeds dood, want volgens wat ek gehoor het is hy glo al 17h00 die middag dood en hy was reeds by AVBOB gewees.

10 **INTERPRETER:** Okay so, the person told me that he was just sleeping and not to worry, but it seems to me that he was already dead by that time. I think that he passed away at five o'clock because he was at AVBOB at that stage already.

MS MARIA COLITZ: Die Maandagoggend het my seun gebel omtrent 09h00 vir Suster Mavis hoekom drink my man nie meer sy depressie pille nie en kan sy
15 hom nie asseblief in 'n hospitaal kry nie. Waarop sy geantwoord het, het hulle jou nie gesê jou pa is alreeds dood nie?

INTERPRETER: On the Monday morning at nine o'clock, I phoned and I spoke to Suster Mavis. I asked her, she asked me why was he not taking his medication and why was he not taken to hospital and then she said to me, don't you know that
20 your father passed away already? Oh your husband.

MS MARIA COLITZ: Sy het toe die telefoon in my oudste seun se oor neer gegooi. Waarop hy haar terug gebel het op haar cell. Toe sê hy vir haar sy moenie

die foon in sy oor neergooi nie, waarop sy geantwoord het, ek het gehuil omdat jou pa dood is. Toe sê hy vir haar hoe kan jy huil oor my pa wat dood is maar jy kon nie na hom gekyk het nie.

INTERPRETER: So she dropped the phone in my son's ear, after which he
5 phoned her again on her cell phone. He asked her and tell her, don't drop the phone in my ear. She said well I was crying about your dad. So, he asked her, why do you cry about my father but you couldn't have looked after him properly.

MS MARIA COLITZ: Toe het ons sy lyk gaan haal die Maandagoggend.
Volgens die vrou van AVBOB was hulle al daar 05h00 om sy lyk te verwyder van
10 Krugersdorp af, waarop niemand geteken het dat hy na AVBOB gestuur moes word nie.

INTERPRETER: We went to collect the corps on Monday morning, after which we were told that he is already been taken to AVBOB in Krugersdorp, but nobody signed for him to be released to the undertaker.

15 **MS MARIA COLITZ:** Die begrafnisondernemer waarmee ons gereel het om sy begrafnis te doen het voor haar huis gestop om te hoor waar is sy lyk toe het Suster Mavis vertel hy le in AVBOB. Ek het gesit by die begrafnisondernemer, waar ek gehoor het hy sê die lyk is nie by die huis nie dit is glo by AVBOB. So hy moes AVBOB in Krugersdorp gery het om die lyk te gaan verwyder daar.

20 **INTERPRETER:** I spoke to the undertaker and I overheard them saying that the corps was not at home and that Sister Mavis had said that it has been taken to

AVBOB. I don't know why it he was taken there and she said that he was taken to Krugersdorp.

ARBITRATOR: JUSTICE MOSENEKE: Wie se keuse was AVBOB?

INTERPRETER: Who's choice was AVBOB?

5 **MS MARIA COLITZ:** Sister Mavis. Want Ekhuleni, Meyerton, my begrafnis boekie was by hulle maar ek moes nog een maand want hulle sê die verjaarsdag date was, dan kon ek hom begrawe het op daai een want dit was 'n nuwe boekie. So hy was nog nie geldig nie.

INTERPRETER: I made use of a policy and I still had to pay one month because
10 they said he could be buried on his birthday if I had paid that last instalment. It wasn't his birthday yet.

MS MARIA COLITZ: No, dit moet sewe maande wees voordat dit geldig is.

INTERPRETER: Oh, you have to pay seven months before it is valid and yet the seven months haven't passed yet.

15 **ARBITRATOR, JUSTICE MOSENEKE:** And did Sister Mavis tell you why she chose AVBOB for you?

INTERPRETER: Het Sister Mavis ...

MS MARIA COLITZ: Ek het nog nooit weer met haar inverbinding getree nie. Ek het nie met haar gepraat nie want ek wou nie. Dit was haar eie keuse gewees
20 seker om hom AVBOB toe te stuur.

INTERPRETER: I haven't spoken to her yet and since and it must have been her own choice sending him to AVBOB.

ADV LILLA CROUSE: And then he went to AVBOB, when was the funeral?

INTERPRETER: Wanneer was die begrafnis?

5 **MS MARIA COLITZ:** Die 15de Augustus.

INTERPRETER: The 15th of August.

ADV LILLA CROUSE: 15 August?

MS MARIA COLITZ: Yes

Swart vrou: And who paid for the funeral expenses?

10 **INTERPRETER:** Wie het betaal vir die begrafnis?

MS MARIA COLITZ: Ons het geld geleen vir sy begrafnis, ek en my oudste seun.

INTERPRETER: My eldest son and I borrowed money for the funeral.

ADV LILLA CROUSE: What did it costs?

15 **INTERPRETER:** Wat het dit gekos?

MS MARIA COLITZ: Ek weet nie want dit was heen en weer wat ons moet betaal het. Blomme apart en alles apart.

INTERPRETER: I can't recall because we made several payments for flowers and everything separately.

ADV LILLA CROUSE: Why do you think, what do you think was the cause of Mr Colitz death?

INTERPRETER: Wat dink u was die oorsaak van Mnr Colitz se dood?

MS MARIA COLITZ: Sonder kos, sonder water. Hy was verwaarloos. Daar
5 was nie agter hom gekyk nie.

INTERPRETER: Without food, without water. He was neglected. Nobody took care of him.

MS MARIA COLITZ: En sonder medisyne.

INTERPRETER: And without his medication.

10 **ADV LILLA CROUSE:** Can you tell us as and I know it is hard for your Ms Colitz, what the impact was on you and your family.

INTERPRETER: Ek weet dit is moeilik maar kan u vir ons verduidelik wat die impak van sy dood op u en u familie was.

MS MARIA COLITZ: Nogsteeds kan ek nie oor sy dood kom nie.

15 **INTERPRETER:** I still can't get over his death.

MS MARIA COLITZ: Because, ons was nege en dertig jaar getroud.

INTERPRETER: We were married for thirty nine years.

MS MARIA COLITZ: En ons was 'n gesin wat baie gelukkig was toe hy 'n normale lewe gely het.

20 **INTERPRETER:** We were closeness family before he got sick.

MS MARIA COLITZ: En met my kinders is dit moeilik, because why ek is baie aggresief want ek kan nie sy dood aanvaar, hoe hy dood is nie. Dat hy so dood moes gesterf het nie.

INTERPRETER: With my children, it is difficult because I am aggressive at this
5 stage because I can't seem to get over his death.

MS MARIA COLITZ: En met my werk is dit dieselfde, dis is moeilik om te werk.

INTERPRETER: With my work situation, it is the same. I find it difficult to work.

MS MARIA COLITZ: Maar ek prober maar die beste maak want ek moet werk
10 vir 'n lewe. Dis al inkomste wat ek het.

INTERPRETER: I try to make the most of it because I need to work, because this is the only income I have.

ADV LILLA CROUSE: Are you still working at Pick a Pay?

INTERPRETER: Werk u steeds by Pick a Pay?

MS MARIA COLITZ: Ja ek werk al sestien jaar daar.
15

INTERPRETER: Yes, I have been working there for sixteen years.

ADV LILLA CROUSE: Ms Colitz you have heard a lot of the testimony that has come in these hearings. You have heard from officials as well. Is there anything further that you would like to say?

MS MARIA COLITZ: Dis net dat hulle vir hom 'n geel, toe ek vir hulle vra gee hulle vir hom sy medikasie, waarop sy vir my geantwoord het, 'watse medikasie drink hy'? Toe se ek, maar ek is nie 'n dokter nie, julle moet mos weet hy is mos onder julle toesig.

5 **INTERPRETER:** It is just that when I asked them, do you give him his medication? They asked me, what medication? So, I said I am not the doctor you are supposed to know which medication he is supposed to take.

MS MARIA COLITZ: Sy het terug gehardloop na die plek waarin hy blykbaar le. Ek kon nie ingaan by die plek nie want hulle het om gesleep tot op die stoep.

10 **INTERPRETER:** She took him, she ran back into the place where they kept him. I was prohibited of going in there, I was restricted of going in there because they dragged him onto the stoop where I could see him.

MS MARIA COLITZ: En sy het terug gehardloop gekom met 'n geel tablet in 'n plastiese houer.

15 **INTERPRETER:** She ran back with a yellow tablet in a plastic container.

MS MARIA COLITZ: Ek weet nie wat die pille is nie want ek is nie 'n dokter nie.

INTERPRETER: I don't know what the medication is because I am not a doctor myself.

20 **ADV LILLA CROUSE:** And the impact on your children directly. I understand that they accompanied you to visit their father, is that correct?

INTERPRETER: Die impak op u kinders, ek het verstaan hulle het saam met u gegaan as u u man besoek het, wat was die impak op hulle direk?

MS MARIA COLITZ: Baie erg. Soos my oudste seun het dadelik hy kon nie meer vat dat sy pa nie meer kon eet laat ek probeer het om hom te voer nie.

5 **INTERPRETER:** My eldest son took it badly. He couldn't bear see I tried to feed my husband but he was unable to eat.

MARIA COLITZ: En my jongste seun ook. Hulle kon dit nie meer vat nie want ons het maar begin huil en tekere gegaan om hom in 'n hospitaal te kry maar hulle het ons net geweier.

10 **INTERPRETER:** The same for my youngest son he couldn't take bear watching his father in that condition. We started crying and we just pleaded to get him into a hospital.

MS MARIA COLITZ: En ek sukkel op die oomblik met die jongste een want hy kan nie, sy gedragsprobleme, hy is baie aggressief en ook depressive.

15 **INTERPRETER:** I suffer because my youngest son now has behaviour problems and he also suffer from depression.

ADV LILLA CROUSE: Thank you Ms Colitz.

INTERPRETER: Dankie Mev Colitz.

ADV LILLA CROUSE: Thank you for being having the curious to speaking at this
20 hearings and I am very sorry for your loss. I have no further questions for the witness.

ARBITRATOR, JUSTICE MOSENEKE: So, what can you tell us about Bosigo. What kind of place is this?

INTERPRETER: Watse soort plek is dit. Wat kan u vir ons daarvan vertel?

ARBITRATOR, JUSTICE MOSENEKE: Is it a home is it hospital. Can you
5 just describe its physical characteristics.

INTERPRETER: Kan u fisies vir ons beskryf hoe die plek gelyk het, hoe dit werk daar.

MS MARIA COLITZ: Kyk in vier strate het sy agt huise. Weerskante vier, vier.

INTERPRETER: She's got eight houses in a street.

10 **ARBITRATOR, JUSTICE MOSENEKE:** Who is she?

MS MARIA COLITZ: Sister Mavis.

INTERPRETER: Sister Mavis. She's got eight houses in a street. Four-four on each side of the road.

ARBITRATOR, JUSTICE MOSENEKE: Where these residential homes
15 before?

INTERPRETER: Was dit gewone woonhuise voor die tyd?

MS MARIA COLITZ: Dit lyk vir my so.

INTERPRETER: It seems to me.

ARBITRATOR, JUSTICE MOSENEKE: And are these houses fenced
20 together?

INTERPRETER: Is hierdie huise saam omhein?

MS MARIA COLITZ: Ek het nou nie so opgelet nie. Dit lyk of party van die huise wel, die ander huise kan jy deurloop van die een yard na die ander maar nie almal nie.

5 **INTERPRETER:** Some of them you can reach from one house to the other. I am not sure how it is fenced around.

ARBITRATOR, JUSTICE MOSENEKE: How many people if you know were held at Mosego?

INTERPRETER: Hoeveel mense is ongeveer in Mosego Home gehuisves?

10 **MS MARIA COLITZ:** Ek het gebel voor sy verjaarsdag want ek het koek laat bak vir sy verjaarsdag toe het ek gevra hoeveel mense is daar wat saam met Freddie in die huis is, toe het hulle vir my genoem ses en dertig.

INTERPRETER: I phoned before his birthday because I baked them a cake and I and they said there are about thirty six people in a house.

15 **ARBITRATOR, JUSTICE MOSENEKE:** Repeat the number again.

INTERPRETER: Thirty six.

ARBITRATOR, JUSTICE MOSENEKE: Thirty six. Thirty six in any house or in all eight houses?

MS MARIA COLITZ: In a house

20 **ARBITRATOR, JUSTICE MOSENEKE:** Were all the patients male?

INTERPRETER: Was dit almal manlike pasiente?

MS MARIA COLITZ: Ja

INTERPRETER: Yes

ARBITRATOR, JUSTICE MOSENEKE: Could you even manage to find the
5 facilities there? You said your husband appear to have been dragged or pull every
time to be moved from the one place to the other. But what facilities where there.
Could you see [*inaudible*] facilities, toilet facilities, dining facilities?

INTERPRETER: Kon u agterkom hoe die fasiliteit gewerk het want u het gese u
man is gesleep van een plek na 'n ander. Het u enige fasiliteite gesien soos,
10 toiletgeriewe, ablusie, eetkamer gedeeltes?

MS MARIA COLITZ: Nee ons is glad nie toegelaat nie. Hy is van een huis
van die yard uitgekome tot die volgende huis waar ons op die stoep gesit het en
gewag het vir hom.

INTERPRETER: We were not allowed to enter where he was kept. He was
15 dragged from the house through the yard to the place where we waited for him if we
wanted to see him.

ARBITRATOR, JUSTICE MOSENEKE: I see that you have talked to the
Ombud before he compiled his report.

INTERPRETER: Ek sien u het met die Ombudsman gepraat voordat hy sy
20 verslag saamgestel het.

MS MARIA COLITZ: Ja.

INTERPRETER: That is right.

ARBITRATOR, JUSTICE MOSENEKE: And you told him how you found your husband, having lost a lot of weight and you believe that he was dehydrated.

INTERPRETER: U het vir hom vertel in watter toestand u u man gevind het end
5 at u gevoel het hy is gedehidreer.

MS MARIA COLITZ: Ja defenitief want hy kon niks meer inkry of wat jy probeer voer of iets wat jy vir hom gegee het om te drink, hy kon dit nie inhou nie.

INTERPRETER: Yes, definitely because he was unable to take in anything food or drink at that stage.

10 **ARBITRATOR, JUSTICE MOSENEKE:** And why was that was it because he was ill, had he a running tummy, [inaudible] or what was the problem?

INTERPRETER: Was dit omdat hy dalk siek was? Het hy 'n maagvirus gehad, wat was die probleem?

MS MARIA COLITZ: Dis wat ek hulle gevra het. Hulle het gese hy was twee
15 weke in die hospitaal. Ek wil die mediese verslae he om te weet hoekom lyk hy so, hoekom het hy sy maer geword?

INTERPRETER: That is what I asked them. I wanted the medical reports to get to know why he lost such a lot of weight.

ARBITRATOR, JUSTICE MOSENEKE: The report sides Mosego as one of
20 the top seven worse NPO's that people were sent to.

INTERPRETER: Mosego home word gereken as een van die 7de op die lys van die 10 ergste waarheen mense gestuur is.

MS MARIA COLITZ: Ek het so gesien ja.

INTERPRETER: I saw that.

5 **ARBITRATOR, JUSTICE MOSENEKE:** For instance, clothing. Where did the clothing come from?

INTERPRETER: Klere, waar het hy klere gekry?

MS MARIA COLITZ: Ek het vir hom gevat, dan het hulle my geantwoord dit is nie nodig nie, want hulle kry klere. Maar ekself het ook van sy klere gevat.

10 **INTERPRETER:** I took him some clothes. They told me that it wasn't necessary and they did get clothing for the people, but I did took some of his own clothes.

MS MARIA COLITZ: Hy het ook baie keer vir ons gevra, asseblief ek soek onderklere en skoene wat ons gevat het maar dit het net gedisappear.

15 **INTERPRETER:** He often asked us to bring him underwear and shoes, which we did but it just disappear.

ARBITRATOR, JUSTICE MOSENEKE: He, your husband was there for quite some time. From January to the time of his passing on.

INTERPRETER: U man was nogal lank daar. Dit was van Januarie tot die dag van sy afsterwe.

20 **MS MARIA COLITZ:** Ja dis reg.

INTERPRETER: Yes, that's correct.

ARBITRATOR, JUSTICE MOSENEKE: I understand from your evidence is that it looked like his initial stay there he was pretty normal. Or did I misunderstand you?

5 **INTERPRETER:** Ek weet nie of ek u reg verstaan het nie, maar ek het afgely vanuit u getuienis dat hy aanvanklik by hierdie Instelling wel gelukkig was.

MS MARIA COLITZ: Nee nie by Krugersdorp nie maar wel by Life Esidimeni.

INTERPRETER: No not at this institution, but he was happy at Esidimeng.

ARBITRATOR, JUSTICE MOSENEKE: So the six months that he was there,
10 almost eight months, what was going on? Did you go and visit?

INTERPRETER: Wat het in hierdie agt maande gebeur terwyl hy daar was, het u hom besoek?

MS MARIA COLITZ: Ja elke maand, elke einde van die maand het ek sy goed gevat. Lekkernye, koekies en sweeties en alles en skoene ook.

15 **INTERPRETER:** Yes, I have visited him every month. I took him sweets and nice things to eat as well as shoes.

ARBITRATOR, JUSTICE MOSENEKE: There was nothing that appear like life threatening then. Was there?

INTERPRETER: Het niks toe vir u lewensbedryging gelyk nie?

MS MARIA COLITZ: Nee want die eerste paar maande het hy gelukkig gelyk. Maar die laaste drie maande het ek gevra daarop, hoekom word hy so maer. Eet hy?

INTERPRETER: The first three months was fine but as from then, I started
5 asking questions because he was losing weight and I did ask about that.

MS MARIA COLITZ: Waarop hulle my geantwoord het, hy eet goed.

INTERPRETER: They just answered and said he was eating well.

MS MARIA COLITZ: Wat ek ook gevra het is daar nie dalk iets fout omdat hy so baie gewig verloor nie, waarop hulle vir my gese het nee.

10 **INTERPRETER:** I also asked then why is he losing such a lot of weight, is there something else wrong and they just replied 'no'.

ARBITRATOR, JUSTICE MOSENEKE: You know now that Masego never had a licence at all.

INTERPRETER: U weet nou dat Masego glad nie 'n lisensie gehad het nie.

15 **ARBITRATOR, JUSTICE MOSENEKE:** Ek het dit nou eers uitgevind met al hierdie stories.

INTERPRETER: Yes, I only now found out about that.

ARBITRATOR, JUSTICE MOSENEKE: You know now that they never had any qualified staff, from the report it tells us that there is no qualified staff to look
20 after your husband.

INTERPRETER: U weet nou dat die verslag verskyn het dat hulle ook nie geregistreeerde personeel, gekwalifiseerde personeel gehad het nie.

MS MARIA COLITZ: Ek het dit begin agterkom die dag toe hy dood is, want hulle kon nie my vrae beantwoord wat ek gevra het nie. Ek het dit agter gekom
5 maar hulle het elke skoot gese wag vir Sister Mavis, Maandag. So hulle kon nie vir my se hoekom het hy nie pille gekry nie en al daai goed.

INTERPRETER: I realized on the day of his death because the questions I asked, they were unable to answer and they would just say wait for Sister Mavis. They really didn't know.

10 **ARBITRATOR, JUSTICE MOSENEKE:** How far did you have to travel from your home, your normal residence to get to the new place.

INTERPRETER: Hoe ver was die nuwe instelling van u huis af. Hoe ver moes julle ry om daar te kom?

MS MARIA COLITZ: Ek weet nie hoeveel kilos nie, maar dis van Meyerton tot
15 Krugersdorp.

INTERPRETER: I don't know exactly how many kilometres but it is from Meyerton to Krugersdorp.

ARBITRATOR, JUSTICE MOSENEKE: Was Masego also known as Takalani?

20 **INTERPRETER:** Het Masego ook as Takalani bekend gestaan?

MS MARIA COLITZ: Ek was nie seker nie want ek het hom net geken as Masego.

INTERPRETER: I don't know, I only know it as Masego.

ARBITRATOR, JUSTICE MOSENEKE: You see Masego, Ms Colitz is
5 recorded here by the Ombud as a place where it ranks number 5 as a place of death. As a place where patients were transferred from Esidimeni died.

INTERPRETER: Volgens die Ombudsman se verslag is hierdie Masego tehuis die plek wat nommer vyf staan op die lys van die plek van die dood waar mense wat van Esidimeni oor geplaas is, gesterf het.

10 **MS MARIA COLITZ:** Ja ek het dit in sy report gesien.

INTERPRETER: Yes I have seen that in the report.

ARBITRATOR, JUSTICE MOSENEKE: Adv Crouse.

ADV LILLY CROUSE: No questions, thank you Justice Moseneke.

INTERPRETER: Geen verdere vrae nie.

15 **ARBITRATOR, JUSTICE MOSENEKE:** Advokaat.

ADV DIRK GROENEWALD: No questions, thank you Justice.

INTERPRETER: Geen verdere vrae nie.

ADV PATRICK NGUTSHANA: No questions thank you Justice Moseneke.

INTERPRETER: Geen verdere vrae nie.

ARBITRATOR, JUSTICE MOSENEKE: Counsel for the state?

INTERPETER: Raad vir die Staat?

ADV TEBOGO HUTAMO: Justice, I have no questions to the witness. Can we just say that we are really sorry the situation in which Mr Colitz found himself and
5 just want to thank Ms Colitz the curious that she has taken to come before these proceedings in an attempt to find closure to this regrettable tragedy. We thank you for your time.

ARBITRATOR, JUSTICE MOSENEKE: Did you see the photo of Mr Colitz?

INTERPRETER: Het u die foto van Mnr Colitz gesien?

10 **ARBITRATOR, JUSTICE MOSENEKE:** Where he was, in comparison with his photo when he was died?

INTERPRETER: In vergelyking met die foto toe hy oorlede is.

ADV TEBOGO HUTAMO: I did Justice. It is the kind of state affairs that it should never be repeated in the Country and indeed it is a situation that we should have
15 been avoided, but with the Government's effort things will have to be attended in order to ensure the people who deserve most care is looked after. This are not very instances which the whole Nation has to endure and on that note all effort and this process are part of that process of wanting to ensure that things are uncovered, appropriate measures are taken so that it can actually be seen that indeed the
20 Government is actually not shutting its eyes to the realities of what people go

through and wrongs have to be corrected and we thank this process to assist finding that conclusion.

ARBITRATOR, JUSTICE MOSENEKE: Yes, thanks Counsel. Have you, I mean I looked at him as a full body man, big as my size or bigger when this picture
5 was taken and he was a tiny little broken man when he died, with scars on his forehead, on his face. I can just see that sharp induration in a human been. [inaudible] looked at the pictures and see what journey he must have gone through at the time he died. He looks obviously dehydrated and weak and he was not able to walk on his own. Its straying its very straying. I know you can't do anything or
10 you can't explain it, but you have to look in the mirror and confront the truth and it is not pleasant.

ADV TEBOGO HUTAMO: Indeed Justice. These are incidents that no person will be able to have any justification and it is on that basis that the Government has acknowledge the content of what the report had said in relation to this Institutions.

15 **ARBITRATOR, JUSTICE MOSENEKE:** Eight houses with about thirty six people in each and there is one Sister who goes away for a weekend and patients have to wait until she comes back on a Monday and predictably Mr Colitz died. This is just very challenging.

ADV TEBOGO HUTAMO: Indeed Justice the situation is quite unfortunate
20 and unacceptable. It can't be justified and on that basis this is a lesson that like the Government will really have to take inconsideration and ensure that something of this nature never repeats itself in the history and that being realise that all effort on

the part of Government will be taken to ensure that the situation is addressed. We all know that unfortunately when life is lost there is not much that you can do. It is quite unfortunate and regrettable. We are sorry about the experiences that the people had to endure. The loss of one life is more than enough and we all know
5 what has happened and everything will be taken in consideration and we really thank Ms Colitz for having taken the courage and on that note, I must say that the Government is actually listening about the experiences that the people have endured and things will be attended to.

ARBITRATOR, JUSTICE MOSENEKE: Thank you. What is Sister Mavis's
10 full names?

INTERPRETER: Wat is Sister Mavis se volle name?

MS MARIA COLITZ: Ek weet glad nie, ek ken haar net as Sister Mavis.

INTERPRETER: I don't know, I only know her as Sister Mavis.

ARBITRATOR, JUSTICE MOSENEKE: Is she the owner of this Masego?

15 **INTERPRETER:** En is sy die eienaar?

MS MARIA COLITZ: Ek weet glad nie ek ken haar net as ek het altyd op 'n Sondag gegaan so ek het net oor 'n telefoon met haar kontak gehad waar sy baie ongeskik was. Sy het sommer die telefoon voor jy klaar gepraat het.

INTERPRETER: I never saw her personally because we went to visit on
20 Sundays mostly and I only spoken to her over the telephone and she was really very rude at times. She would easily drop the phone in your ear.

ARBITRATOR, JUSTICE MOSENEKE: Counsel, Evidence leader given the numbers of death by looking at this schedules that happened at Masego Home, why have nobody having the owner of this place come here. We must be making efforts to get her to come here.

5 **ADV PATRICK NGUTSHANA:** Yeah, I have discussed that with my colleagues. I think of what appears, there is a need that she must come and explain and outside of that the other issues that cropped up also with Takalani as well. We are taking steps to reach both of them to come and clear out of what has come out.

ARBITRATOR, JUSTICE MOSENEKE: The owner of the place in
10 Hammanskraal.

ADV PATRICK NGUTSHANA: That is correct Justice, I have discussed that with my colleagues already.

ARBITRATOR, JUSTICE MOSENEKE: How could [*inaudible*] agreed to have tens and tens of men and leave them there unwatched and kept.

15 **ADV PATRICK NGUTSHANA:** Yes Justice it is quite troubling.

ARBITRATOR, JUSTICE MOSENEKE: [*Inaudible*] name it. In story after story, I mean we have these people who pretend who said they were NGO's to look after people. To listen to each of the tales it is harrowing. They should at least come here and tell us for their part. What were they doing?

20 **ADV PATRICK NGUTSHANA:** Yes, we agree Justice, that we have noted as well.

ARBITRATOR, JUSTICE MOSENEKE: Porridge and bread, Matabele every day. Is that it? Was it Jungle Oats and bread?

INTERPRETER: Yes.

ARBITRATOR, JUSTICE MOSENEKE: So, we need to get those people to
5 come here and tell us exactly what they were doing. Cause if you look at the statistics on the schedule the few of those places were killing fields there is no doubt. Numbers of people died.

ADV PATRICK NGUTSHANA: It is true Justice.

ARBITRATOR, JUSTICE MOSENEKE: Very well. It is the opportunity to say
10 whatever you would like to say last before we release you Ms Colitz.

INTERPRETER: U het die geleentheid om enige iets verder te sê as u sou wou.

MS MARIA COLITZ: Ek wil net vir die Staat sê, vir julle was hulle miskien 'n nommer, maar vir ons was dit ons geliefdes wat ons moes afstaan aan die dood op so wrede manier.

15 **INTERPRETER:** I just want to say to the State that maybe these were numbers to you, but to us these were loved ones and this is a cruel way to die.

MS MARIA COLITZ: Julle het 'n stuk goud uit my hart uit gevat wat ek baie lief was voor.

INTERPRETER: You removed a piece of gold from my heart, who I loved very
20 much.

MS MARIA COLITZ: Wat ek graag saam oud geword het, maar ek is nie die geleentheid gegee om dit te doen nie.

INTERPRETER: I wanted to age with this person but I was not granted the opportunity.

5 **MS MARIA COLITZ:** Hy het al die jare tax betaal maar dis hoe julle hom versorg het. Is dit regverdig teenoor mense wat al die jare tax betaal het aan julle en dit is hoe hulle behandel word as hulle julle hulp vra.

INTERPRETER: He is being paying his taxes all these years and now this is the treatment he gets. Is this the way you treat people who pay their taxes?

10 **MS MARIA COLITZ:** Dis defenitief nie 'n natural death nie.

INTERPRETER: This was definitely not a natural death.

MS MARIA COLITZ: That's all.

INTERPRETER: That's all I want to say.

ARBITRATOR, JUSTICE MOSENEKE: Have the police been to you ever?

15 **INTERPRETER:** Het die polisie u ooit besoek?

MS MARIA COLITZ: Nee.

INTERPRETER: No.

ARBITRATOR, JUSTICE MOSENEKE: Have you had any counselling?

INTERPRETER: Het u enige berading ontvang?

MS MARIA COLITZ: Nee.

INTERPRETER: No.

ARBITRATOR, JUSTICE MOSENEKE: Would you want to have counselling if funded by the State?

5 **INTERPRETER:** Sal u berading oorweeg as dit deur die Staat befonds word?

MS MARIA COLITZ: Nee.

INTERPRETER: No.

MS MARIA COLITZ: Ek is nie snaaks nie maar ek het op die oomblik geen trust in die staat meer nie.

10 **INTERPRETER:** I am sorry but at this moment I don't have any trust in the Government at all.

ARBITRATOR, JUSTICE MOSENEKE: Of course, we could arrange that you make the choice and the State pays.

INTERPRETER: Ons kan ook reel dat u 'n keuse maak van 'n berader en die Staat dan daarvoor laat betaal.

MS MARIA COLITZ: Ja ek sal dit aanvaar maar op die oomblik het ek nie vertrou in die Staat nie.

INTERPRETER: Yes, I would accept an offer like that it is just that I don't trust the State at this stage.

20 **ARBITRATOR, JUSTICE MOSENEKE:** Dankie Mevrouw u is verskoon.

INTERPRETER: Thank you, you are excused.

MS MARIA COLITZ: Dankie.

ARBITRATOR, JUSTICE MOSENEKE: Counsel, I think we have caught up a stray. We have worked hard the whole week. I think it is okay to take a break.
5 Let's talk a little about the new week. Do you want to talk about it now or in chambers? As you can see [*inaudible*] to adjourn now.

ADV LILLA CROUSE: I see that Justice and stand...

ARBITRATOR, JUSTICE MOSENEKE: It's been a very heavy day in many ways and emotionally I am fine to adjourn now, but tell me whether you want to talk
10 to me about next week now or?

ADV LILLA CROUSE: Perhaps we can discuss it in chambers. Our witnesses will continue to testify over the next few days. That's the plan for now. But we can give you more details as to whom will come and on which days in chambers. But a take the point that it's been a long and hard day and perhaps better that we don't sit
15 through another round.

ARBITRATOR, JUSTICE MOSENEKE: Will the witnesses be available on Monday. We are not inconveniencing the witness?

ADV LILLA CROUSE: We would have to consult with her.

ARBITRATOR, JUSTICE MOSENEKE: We might be making a decision and
20 she is not available, then we go on.

ADV NIKKI STEIN: Justice Moseneke, the next witness was to be Ms Masomboka. She is a domestic worker and she works in Pretoria. She took leave for today in order to give her testimony she says she will not be able to return next week.

5 **ARBITRATOR, JUSTICE MOSENEKE:** No problem. She comes first. I think we should take her evidence. Let's continue.

ADV NIKKIE STEIN: Thank you Justice.

ARBITRATOR, JUSTICE MOSENEKE: I have tried gentleman and ladies.
[Vernacular]

10 **SINDILE ANNA MASOMBOKA:** [Vernacular]

ARBITRATOR, JUSTICE MOSENEKE: I'll be swearing the witness in. Will you put your full names on record first Mam?

INTERPRETER: [Vernacular]

SINDILE ANNA MASOMBOKA: Sindile Anna Masomboka.

15 **ARBITRATOR, JUSTICE MOSENEKE:** [Vernacular]

INTERPRETER: [Vernacular]

ARBITRATOR, JUSTICE MOSENEKE: Do you swear that the evidence you are about to give will be the truth, nothing but the truth and if so, raise your right hand and say 'so help me God'.

20 **INTERPRETER:** [Vernacular]

SINDILE ANNA MASOMBOKA: [Vernacular]

ARBITRATOR, JUSTICE MOSENEKE: Counsel.

ADV ADILA HASSIM: Thank you. Ms Stein will take it from here.

ARBITRATOR, JUSTICE MOSENEKE: Thank you Ms Stein.

5 **ADV NIKKI STEIN:** Thank you Justice.

ARBITRATOR, JUSTICE MOSENEKE: Adv Stein is can speak Zulu she just seabona Mamma.

INTERPRETER: [Vernacular]

ADV NIKKI STEIN: Ms Masomboka you are the mother of the late Sweetie
10 Khuzwale. Is that correct?

INTERPRETER: [Vernacular]

SINDILE ANNA MASOMBOKA: [Vernacular]

INTERPRETER: Yes I am.

ADV NIKKI STEIN: Was Sweet a patient at Life Esidimeni?

15 **INTERPRETER:** [Vernacular]

SINDILE ANNA MASOMBOKA: [Vernacular]

INTERPRETER: Yes he was a patient there in Randfontein.

ADV NIKKI STEIN: At the Randfontein facility?

INTERPRETER: [Vernacular]

SINDILE ANNA MASOMBOKA: [Vernacular]

INTERPRETER: Yes.

ADV NIKKI STEIN: And how long was she there?

INTERPRETER: [Vernacular]

5 **SINDILE ANNA MASOMBOKA:** [Vernacular]

INTERPRETER: It's been more than twenty years she was living there.

ADV NIKKI STEIN: What was Ms Sweet's medical condition?

INTERPRETER: [Vernacular]

SINDILE ANNA MASOMBOKA: [Vernacular]

10 **INTERPRETER:** Okay. His problem was that he would go away from home for a very long time and disappear, but when he came back home his hand was closed up like a fist, he couldn't use his hand anymore and my employees wanted to assist me in order to find a rightful place for him.

ADV NIKKI STEIN: And where was that place that you sent Ms Sweet?

15 **INTERPRETER:** [Vernacular]

SINDILE ANNA MASOMBOKA: [Vernacular]

INTERPRETER: My employers helped me to phone around and find a rightful place for MA sweetie and first they said he would be in Pretoria and then he would be transferred to Randfontein. So, they find a place for him for a week in Pretoria

20 West and he was then transferred to Randfontein.

ADV NIKKI STEIN: And was she well...[interjects]

ARBITRATOR, JUSTICE MOSENEKE: Sorry Ms Stein [Vernacular]

INTERPRETER: How old was she?

SINDILE ANNA MASOMBOKA: [Vernacular]

5 **INTERPRETER:** [Vernacular]

ARBITRATOR, JUSTICE MOSENEKE: [Vernacular]

SINDILE ANNA MASOMBOKA: [Vernacular]

INTERPRETER: He was...[interject]

SINDILE ANNA MASOMBOKA: [Vernacular]

10 **INTERPRETER:** He was still young but he was old enough when we took him to the rightful passage of manhood, so he was young but matured.

ARBITRATOR, JUSTICE MOSENEKE: [Vernacular]

INTERPRETER: [Vernacular]

SINDILE ANNA MASOMBOKA: [Vernacular]

15 **INTERPRETER:** She was a girl.

ARBITRATOR, JUSTICE MOSENEKE: [Vernacular]

INTERPRETER: She couldn't be a boy.

ARBITRATOR, JUSTICE MOSENEKE: [Vernacular]

INTERPRETER: Oh she was a girl.

ADV NIKKI STEIN: Thank you Justice. Was MA sweet well [*inaudible*] when she was at Life Esidimeni?

INTERPRETER: [Vernacular]

SINDILE ANNA MASOMBOKA: [Vernacular]

5 **INTERPRETER**: The treatment was very good...[interject]

SINDILE ANNA MASOMBOKA: [Vernacular]

INTERPRETER: He was very happy there and he was very well looked after there and he would be happy each time he saw me. When she saw me, she would say 'Mamma one day I will go back home with you'.

10 **ADV NIKKI STEIN**: How often did you visit her?

INTERPRETER: [Vernacular]

SINDILE ANNA MASOMBOKA: [Vernacular]

INTERPRETER: I would go on month end. My employers would there with me or sometimes my brothers will have accompanied me to Randfontein.

15 **ADV NIKKI STEIN**: When did you find out that they are closing Life Esidimeni?

INTERPRETER: [Vernacular]

SINDILE ANNA MASOMBOKA: [Vernacular]

INTERPRETER: It was on one visit when they informed me that the place is going to be closed down, but they said when they are going to transfer her they would inform me, but they didn't tell me when they transfer her to Takalani.

20

ADV NIKKI STEIN: How did you found out that she was going to be transferred to Takalani?

INTERPRETER: [Vernacular]

SINDILE ANNA MASOMBOKA: [Vernacular]

5 **INTERPRETER:** Eventually they did inform me.

ADV NIKKI STEIN: How did they inform you?

INTERPRETER: [Vernacular]

SINDILE ANNA MASOMBOKA: [Vernacular]

10 **INTERPRETER:** They told me. I don't know whether they got my details their book or her files, but they did told me that it was a month since my daughter was there and they were looking for my family and I did say I am MA sweetie's mother.

ADV NIKKI STEIN: Ms Masomboka we heard last week about a Court case involving Takalani in which some of the family members tried to stop their loved ones to be send to Takalani. When we asked during that Court case why the family members were being sent to Takalani, the Department of Health said they were ready to be discharged, they were ready to go home but they didn't have families to go home to and that is why they are going to Takalani. Can you comment on that please?

INTERPRETER: [Vernacular] Could you repeat that question?

20 **ADV NIKKI STEIN:** Sure, I didn't follow where you got up to.

INTERPRETER: You can begin from the start.

ADV NIKKI STEIN: We heard last week about a Court case during which families trying to stop the Department of Health from sending their loved ones to Takalani.

INTERPRETER: [Vernacular]

5 **ADV NIKKI STEIN:** When the Department of Health answered the case in Court they said these people are ready to go home but they don't have families to go home to.

INTERPRETER: [Vernacular]

ADV NIKKI STEIN: What is your comment on that?

10 **INTERPRETER:** [Vernacular]

SINDILE ANNA MASOMBOKA: She don't know how to respond because she don't know if it was her people or other people.

ADV NIKKI STEIN: Would you have been able to look after MA sweet at home?

15 **INTERPRETER:** [Vernacular]

SINDILE ANNA MASOMBOKA: [Vernacular]

INTERPRETER: There was not choice I would have looked after MA sweetie or I would have hired someone to look after her when it came to that.

ADV NIKKI STEIN: Did you ever visit MA sweet after she moved to
20 Takalani?

INTERPRETER: [Vernacular]

SINDILE ANNA MASOMBOKA: [Vernacular]

INTERPRETER: Yes, I did visit her after a month she was transferred to Takalani, but they then told me that she was moved to Baragwaneth hospital.

5 When I arrived there, she couldn't answered me, she could talk to me. She couldn't do anything.

ADV NIKKI STEIN: Could she talk while she was at Life Esidimeni?

INTERPRETER: [Vernacular]

SINDILE ANNA MASOMBOKA: [Vernacular]

10 **INTERPRETER:** Yes, she did.

ADV NIKKI STEIN: When did she stop to be able to talk?

INTERPRETER: [Vernacular]

SINDILE ANNA MASOMBOKA: [Vernacular]

15 **INTERPRETER:** When she was transferred to Takalani, she couldn't talked to me but when I went with my sister you could see by her face she was happy to see them, she couldn't talk.

ADV NIKKI STEIN: Do you know why she was in Chris Hani Baragwaneth Hospital?

INTERPRETER: [Vernacular]

20 **SINDILE ANNA MASOMBOKA:** [Vernacular]

INTERPRETER: She says, MA sweetie had wounds on her body and she couldn't even raise her hand because of those wounds. She thinks that's the reason she was admitted to Baragwaneth Hospital.

ADV NIKKI STEIN: Did anybody ever explain to you why she was admitted?

5 **INTERPRETER:** [Vernacular]

SINDILE ANNA MASOMBOKA: [Vernacular]

INTERPRETER: That's the only reason they saw the wounds and they couldn't understand why it appeared. That is why they took her to the hospital.

ADV NIKKI STEIN: Did MA sweet recover?

10 **INTERPRETER:** [Vernacular]

SINDILE ANNA MASOMBOKA: [Vernacular]

INTERPRETER: No, she didn't.

ADV NIKKI STEIN: When did she passed away?

INTERPRETER: [Vernacular]

15 **SINDILE ANNA MASOMBOKA:** [Vernacular]

INTERPRETER: She doesn't know the exact date but she knows it was on a Thursday, because they informed her sister instead of her.

ADV NIKKI STEIN: Can you tell us how you find out that she died?

INTERPRETER: [Vernacular]

SINDILE ANNA MASOMBOKA: [Vernacular]

INTERPRETER: They only told my sister, because of the shock I got, but u I couldn't go back to the hospital. It was only my sister and my brother who went to the hospital and my employee said that I go back home and take a break.

5 **SINDILE ANNA MASOMBOKA:** [Vernacular]

INTERPRETER: She say that she died at Takalani, because they were waiting for the ambulance and she died while they waiting for the ambulance to come fetch her at Takalani.

ARBITRATOR, JUSTICE MOSENEKE: To take her where? To
10 Baragwaneth?

INTERPRETER: Yes, Chris Hani is Baragwaneth. I'm sorry.

INTERPRETER: [Vernacular]

SINDILE ANNA MASOMBOKA: [Vernacular]

INTERPRETER: Yes.

15 **ARBITRATOR, JUSTICE MOSENEKE:** So was she ever at Chris Hani Baragwaneth Hospital?

INTERPRETER: [Vernacular]

SINDILE ANNA MASOMBOKA: [Vernacular]

INTERPRETER: She says, she went to Chris Hani Baragwaneth Hospital and she stayed there two weeks and then she was discharged and Takalani personnel took her back to Takalani that is when she passed.

ADV NIKKI STEIN: While they were waiting for the ambulance to take her
5 back to Chris Hani Baragwaneth .

INTERPRETER: [Vernacular]

SINDILE ANNA MASOMBOKA: [Vernacular]

INTERPRETER: Yes, while they were waiting for the ambulance.

ADV NIKKI STEIN: Okay, if I could ask you just to, I think there is a file in
10 front of you labelled number 11 and to turn to page 3959.

INTERPRETER: [Vernacular]

SINDILE ANNA MASOMBOKA: [Vernacular]

INTERPRETER: Oh, she says she didn't go to school so she will not be able
to...[interjects]

15 **ADV NIKKI STEIN:** Oh okay. It was actually just to provide the justice with
the reference to her death certificate and the dated of death is the 17th of November
2016.

ARBITRATOR, JUSTICE MOSENEKE: Yes thank you.

ADV. NIKKI STEIN: Ms Masembuko how has MA sweet's death affected you
20 and your family?

INTERPRETER: [Vernacular]

SINDILE ANNA MASOMBOKA: [Vernacular]

INTERPRETER: We were very hurt.

SINDILE ANNA MASOMBOKA: [Vernacular]

5 **INTERPRETER:** I don't have words to even try and explain how I felt. It's too painful even when now.

ADV NIKKI STEIN: Do you have other children?

INTERPRETER: [Vernacular]

SINDILE ANNA MASOMBOKA: [Vernacular]

10 **INTERPRETER:** Yes I have three children but two already passed on so I am left one.

ADV NIKKI STEIN: When did you bury MA sweet?

INTERPRETER: [Vernacular]

SINDILE ANNA MASOMBOKA: [Vernacular]

15 **INTERPRETER:** I don't know the exact day.

SINDILE ANNA MASOMBOKA: [Vernacular]

INTERPRETER: But we took her body back to our Mortuary in Lichtenburg.

ADV NIKKI STEIN: And who paid for the funeral?

INTERPRETER: [Vernacular]

SINDILE ANNA MASOMBOKA: [Vernacular]

INTERPRETER: It was my employers and me.

ADV NIKKI STEIN: Do you remember how much the funeral cost?

INTERPRETER: [Vernacular]

5 **SINDILE ANNA MASOMBOKA:** [Vernacular]

INTERPRETER: We paid for everything but since I didn't go to school I don't know the exact money that we spend, but we paid everything for ourselves, from the mortuary to the grave side.

ADV NIKKI STEIN: Did you ever hear anything from the people at Takalani after

10 MA sweet passed away?

INTERPRETER: [Vernacular]

SINDILE ANNA MASOMBOKA: [Vernacular]

INTERPRETER: Only one person phoned me and he is sorry for MA sweet's passing.

15 **ADV NIKKI STEIN:** Who was that person?

INTERPRETER: [Vernacular]

SINDILE ANNA MASOMBOKA: [Vernacular]

INTERPRETER: I don't know the name.

ADV NIKKI STEIN: Did you hear anything from the Department of Health?

INTERPRETER: [Vernacular]

SINDILE ANNA MASOMBOKA: [Vernacular]

INTERPRETER: No one contacted me.

ADV NIKKI STEIN: Have you being receiving counselling?

5 **INTERPRETER:** [Vernacular]

SINDILE ANNA MASOMBOKA: [Vernacular]

INTERPRETER: No I didn't receive any counselling.

ADV NIKKI STEIN; Ms Masokboka, this is really a very difficult story and we really appreciate that you have come to tell your story to everybody here. I am
10 going to give you the opportunity now to say anything else that you want to say about your story or if there is anything you want to say to the Government.

ARBITRATOR, JUSTICE MOSENEKE: Before you do Counsel, I am just trying to track the dates, you referred us to 3959, which helps a lot because it placed date of death. Date of birth I am trying to find out.

15 **ADV NIKKI STEIN:** Justice, the date of birth actually appears on that document as well.

ARBITRATOR, JUSTICE MOSENEKE: Yes 14 July 1970.

ADV NIKKI STEIN: That's correct.

ARBITRATOR, JUSTICE MOSENEKE: And then if you go to 3961. No that
20 tells us nothing. 3962. I'm a little puzzled that she was admitted to Life Esidimeni

only in June 1996. Is that correct. Is my understanding of the paperwork, right? It is very close to the end of the marathon project.

ADV NIKKI STEIN: Justice she was admitted in June 1996, which was about 20 years...I think the witness testified that she was in Life Esidimeni for about 20
5 years.

ARBITRATOR, JUSTICE MOSENEKE: So what does the admission letter mean?

ADV NIKKI STEIN: Are you looking at the bottom of the page, Justice?

ARBITRATOR, JUSTICE MOSENEKE: 3962.

10 **ADV NIKKI STEIN:** Yes 13th of June 1996. Not 2016

ARBITRATOR, JUSTICE MOSENEKE: Yeah late in the day. 13 June 1996. It makes around 20 years, when the big move started.

ADV NIKKI STEIN: That's correct.

ARBITRATOR, JUSTICE MOSENEKE: Thank you that helps me. For some
15 reason I kept looking at it and reading it as 206, 2016 sorry.

ADV. NIKKING STEIN: We also likes dates and number.

ARBITRATOR, JUSTICE MOSENEKE: And then on page 3960 again you see that ugly [inaudible] of the two ID documents. Does this witness knows anything about that? Will she be able to help us?

20 **ADV NIKKI STEIN:** We can ask the witness if she knows anything.

ARBITRATOR, JUSTICE MOSENEKE: Ja please go ahead.

ADV NIKKI STEIN: Ms Masomboka did MA sweet had an ID document?

INTERPRETER: [Vernacular]

SINDILE ANNA MASOMBOKA: [Vernacular]

5 **INTERPRETER:** Yes she did had an ID book but when we got to the mortuary they said she has two ID books, but since then I didn't receive the ID book.

ADV NIKKI STEIN: Do you know why she had two ID books?

INTERPRETER: [Vernacular]

SINDILE ANNA MASOMBOKA: [Vernacular]

10 **INTERPRETER:** I don't know where the second one comes from. I only know one ID book that she had.

ADV NIKKI STEIN: And you don't know when she got the second ID book?

INTERPRETER: [Vernacular]

SINDILE ANNA MASOMBOKA: [Vernacular]

15 **INTERPRETER:** No I don't know the second one.

SINDILE ANNA MASOMBOKA: [Vernacular]

INTERPRETER: she says, she was only notified by the people of the mortuary that MA sweetie had two ID books, so they couldn't help her because of the papers, but they said someone will assist in filling in all the necessary documents.

ADV NIKKI STEIN: Did she received a SASSA grand?

INTERPRETER: [Vernacular]

SINDILE ANNA MASOMBOKA: [Vernacular]

INTERPRETER: Yes she did had a SASSA grand.

5 **ADV NIKKI STEIN:** And was that grand being paid to you or to Takalani?

INTERPRETER: [Vernacular]

SINDILE ANNA MASOMBOKA: [Vernacular]

INTERPRETER: Yes, the Takalani people received the grand money as well as since from Randfontein they did take her grand.

10 **ADV NIKKI STEIN:** And did you get MA sweet SASSA card back after she passed away?

INTERPRETER: [Vernacular]

SINDILE ANNA MASOMBOKA: [Vernacular]

INTERPRETER: No I didn't.

15 **ARBITRATOR, JUSTICE MOSENEKE:** MA sweet was buried by [inaudible] funeral services from Lichtenburg and certification of the ID was done in Burgersfort. Why is that so? Where is your home?

INTERPRETER: [Vernacular]

SINDILE ANNA MASOMBOKA: [Vernacular]

INTERPRETER: Okay lived closely to each other. The Burgersfort they said the people at Lichtenburg don't continue with every documentation that was needed.

ARBITRATOR, JUSTICE MOSENEKE: Yes but ... [interject]

INTERPRETER: [Vernacular]

5 **SINDILE ANNA MASOMBOKA:** [Vernacular]

INTERPRETER: She is from Stofberg.

SINDILE ANNA MASOMBOKA: [Vernacular]

ARBITRATOR: JUSTICE MOSENEKE: [Vernacular]

INTERPRETER: Its far from Stofberg.

10 **SINDILE ANNA MASOMBOKA:** [Vernacular]

ARBITRATOR, JUSTICE MOSENEKE: [Vernacular]

INTERPRETER: where do you work?

SINDILE ANNA MASOMBOKA: [Vernacular]

INTERPRETER: She said in Pretoria. And she said her local stokvel was the one
15 who help her with the transporting of everything.

ARBITRATOR, JUSTICE MOSENEKE: [Vernacular]

SINDILE ANNA MASOMBOKA: [Vernacular]

INTERPRETER: She says, she took her from Takalani to Burgersfort and then at Burgersfort she continued to Lichtenburg and they said they are the ones who are going to do everything.

ARBITRATOR, JUSTICE MOSENEKE: I am just trying to understand the
5 impact of this death on you and the efforts and the inconvenience that came out of it. Because you are working here and your child gets moved to up to Soweto, Takalani in Diepkloof and your real home is up in Stofberg. Hundreds of kilometres.

INTERPRETER: [Vernacular]

SINDILE ANNA MASOMBOKA: [Vernacular]

10 **INTERPRETER:** She says indeed it is very far because they live in a rural area, so the only hospitals they can go to are in Bronkhorstspuit, Witbank and so forth.

ARBITRATOR, JUSTICE MOSENEKE: So, this was a daughter it was a lady here. At Takalani the evidence we had earlier was about men. Do you know where your daughter was kept?

15 **INTERPRETER:** [Vernacular]

SINDILE ANNA MASOMBOKA: [Vernacular]

INTERPRETER: She says from where she stands she can't explain what kind of a place it was because whenever she goes and visit her daughter they would bring her to the dining room, but every sort of person where there, men, woman, white
20 and black people.

ARBITRATOR, JUSTICE MOSENEKE: [Vernacular]

SINDILE ANNA MASOMBOKA: [Vernacular]

ARBITRATOR; JUSTICE MOSENEKE: [Vernacular]

SINDILE ANNA MASOMBOKA: [Vernacular]

INTERPRETER: Justice was asking how many people where there, then she
5 says she can't say but there where many people there. Men, women, Indians, white
people everyone was there.

SINDILE ANNA MASOMBOKA: [Vernacular]

INTERPRETER: In order for MA sweet to end up living with me was because I
was afraid at home they would abuse her. So, my employers organized a nice
10 place for us to stay and they were the ones who organized for her to go to that
Institution in Randfontein.

ARBITRATOR, JUSTICE MOSENEKE: And your employers are in Pretoria?

INTERPRETER: [Vernacular]

SINDILE ANNA MASOMBOKA: [Vernacular]

15 **INTERPRETER:** Yes she says they are in Pretoria, she lives there with them.

INTERPRETER: The Justice is saying even it doesn't have to be white people to
be your employers because she is saying that it is white people who employed her.

ARBITRATOR, JUSTICE MOSENEKE: Now she is acquitting employer and
white people. Every time she is saying employer she is saying "magua". So, I am
20 saying it she could be employed by just about anybody, but she is very in love with

her employers and very grateful that they are supporting her and looking after her and her, MA sweet. It's really the long and the short of it. And she speaks a language which is very interesting. Not quite Zulu. It's a mixture between Sesotho and Zulu.

5 **SINDILE ANNA MASOMBOKA:** [Vernacular]

ARBITRATOR, JUSTICE MOSENEKE: [Vernacular] It's a mixture of Sotho, Zulu and Afrikaans. So, it is quite a language. [Vernacular]

SINDILE ANNA MASOMBOKA: [Vernacular]

INTERPRETER: Thank you very much.

10 **ARBITRATOR, JUSTICE MOSENEKE:** Counsel?

ADV NIKKI STEIN: Thank you Justice Moseneke.

ARBITRATOR, JUSTICE MOSENEKE: Advokaat?

ADV DIRK GROENEWALD: No questions, thank you Justice.

ARBITRATOR, JUSTICE MOSENEKE: Counsel?

15 **ADV TEBOGO HUTAMO:** Thank you Justice. There are no questions to the witness. I just wanted to say to Ms Masokboka we are really sorry for the loss of your daughter and we regret the situation that have happened. Your testimony is being listened by the Government officials and I must emphasize there are senior Government officials from the Department of Health from the province at national
20 who are present in Court and your story is really taken seriously and this tragic that have occurred every effort will be made to ensure that it will not repeat. We thank

you for the time you have made to give that account before this proceeding. Thank you so much.

INTERPRETER: [Vernacular]

SINDILE ANNA MASOMBOKA: [Vernacular]

5 **INTERPRETER:** She says thank you.

ARBITRATOR, JUSTICE MOSENEKE: [Vernacular]

SINDILE ANNA MASOMBOKA: [Vernacular]

INTERPRETER: I have nothing to say Justice.

ARBITRATOR, JUSTICE MOSENEKE: Okay Mamma.

10 **INTERPRETER:** Thank you.

ARBITRATOR, JUSTICE MOSENEKE: [Vernacular].

SINDILE ANNA MASOMBOKA: [Vernacular]

ARBITRATOR, JUSTICE MOSENEKE: Okay Mamma. South Africa for you a Country with many languages and one of the beautiful ones is Isabelle. As I say it is an old mixture of isiZulu, Sesotho and Afrikaans. So, we sit and listen all the three languages converts there into one language. One of our official languages. Counsel.

ADV LILLA CROUSE: Justice that brings us to the end of our witnesses for today. On Monday, we will begin with further testimonies from the families and we have four witnesses lined up for Monday.

ARBITRATOR, JUSTICE MOSENEKE: Very well. Counsels, any of you who want to say anything before we go and rest a bit until we meet on Monday and sometime on Monday we should meet and talk about the way forward, dates wise [inaudible] your witnesses is clear its firm, but we should do some forward planning. 5 Because Monday or when it is convenient for Counsel we need to revisit that issue and understanding in relation to planning [inaudible]. Well we are going to adjourn until Monday 9h30. We are adjourned.

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