

**LIFE ESIDIMENI ARBITRATION**

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

**PARKTOWN, JOHANNESBURG**

**SESSION 1 – 3.**

**DATE: 18<sup>TH</sup> JANUARY 2018**

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**BEFORE ARBITRATOR –JUSTICE MOSENEKE**

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10 **WITNESSES:                      MS HANNAH JACOBUS**

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## SESSION 1

**ARBITRATOR JUSTICE MOSENEKE:** Thank you, you may be seated.

Well, good morning to everybody, Dumelang, and compliments of the new season.

5**DELEGATES:** Thank you.

**ARBITRATOR JUSTICE MOSENEKE:** Thank you. We are going to start. Let me say good morning to all counsel who are here present.

**ALL COUNSEL:** Morning Justice.

**ARBITRATOR JUSTICE MOSENEKE:** Before we get on to, uh, swearing  
10the witness, are there any matters which counsel would like raise of the  
outset?

**ADV TEBOGO HUTAMO:** Uh Justice, we have two matters which we'd  
like to give a report on. We just want to put it on record that subsequent to  
the hearings of last year the department has received letters of resignation  
15from Dr Deoephriam Silibano(?) from his position as Head of Department  
of the Gauteng Health Department and that resignation letter, the  
resignation was effective from the 15<sup>th</sup> of January 2018 and subsequent to  
that, there's been another resignation; Dr Makgabo Manamela also  
resigned on the 17<sup>th</sup> of January 2018 from her position for Director for  
20Mental Health in the Department of Health, Gauteng. Those are the two  
matters which we just wanted to put on record. Thank you Justice.

**ARBITRATOR JUSTICE MOSENEKE:** Thank you Counsel. Do the  
letters set out the reasons for the resignation?

**ADV TEBOGO HUTAMO:** Uhm Justice, we have been given the instruction to make this announcement without having perused the content of the resignation letters and we have accepted what has been communicated to us as a resignation is a unilateral act on the part of the employee. It is sufficient, uhm, for that communication to be made, uhm, in order for the resignation to become effective. Uhm, we did not take any issue with the content of the letters.

**ARBITRATOR JUSTICE MOSENEKE:** Very well. From the rest of Counsel, are there any comment, remarks in relation to what has been conveyed by Counsel for the province?

**COUNSEL (?):** Nothing from our side, thank you Justice.

**ARBITRATOR JUSTICE MOSENEKE:** Adv. Hassim?

**ADV ADILA HASSIM:** Not at this stage, Justice Moseneke.

**COUNSEL (?):** No comment, Justice Moseneke.

**ARBITRATOR JUSTICE MOSENEKE:** Adv. Groenewald?

**ADV GROENEWALD:** Okay Justice, nothing from our side at this point in time, Justice.

**ARBITRATOR JUSTICE MOSENEKE:** Very well. The second matter which I thought we should clear out just before we get down to evidence is, is just to record our standing witnesses and their order. I think it's in the public's interest that make plain right away. Uh, we're getting to the end of this process I would hope and it's just helpful that we introduce certainty

into what is going to happen in the next few days of the hearing. Adv. Hassim?

**ADV ADILA HASSIM:** Justice, we do have an updated witness schedule which I could read into the record. I understand that it's been circulated amongst the parties and there isn't any controversy but if any of my colleagues take issue, and they can say so now.

**ARBITRATOR JUSTICE MOSENEKE:** Yes, when I was young and I went to church, usually they would say [indistinct – 04:33] if you wanted to marry somebody and when they announced it for a third time, they say you have to your objection or keep your peace forever more. In other words, you would say nothing thereafter. So let me ask your colleagues if there's anybody who has an objection to reading the current schedule which I believe is agreed amongst Counsel?

**ADV ADILA HASSIM:** Uhm, thanks Justice. So beginning with today, we have Ms Hanna Jakobus from the Gauteng Department of Health. She's the only witness that is scheduled for today. Tomorrow, 19 January, we have Professor Amsdai, who's an expert who's been called by Section 27. On 22<sup>nd</sup> January, that's beginning on Monday, we have the former MEC Ms Mahlangu. On 23 January there's no hearing scheduled. On 24 and 25 the hearing continues with Ms Mahlangu. On 26 January there is in Health Ethics expert, Dr Grobler, uh, who will be testifying and who's been called by the evidence leaders. On 29 January there is no hearing scheduled. 30 January, it's, uhm, the witnesses who are scheduled will be MEC, the current MEC for health in Gauteng, Ms Ramagoba and the

current National Minister of Health, Minister Motsoaledi. On 31 January it's Premier Makhura. On 1 February there's no hearing scheduled uh, as we, as we sit.

**ARBITRATOR JUSTICE MOSENEKE:** And that would be the end, 5wouldn't it, of the evidence?

**ADV ADILA HASSIM:** The last witness will be the Premier and that would be on 31 January. Uhm, we then have no hearing on the 1<sup>st</sup> and 2<sup>nd</sup>, uh, and that's time during which we will be preparing our written submissions, legal submissions, which we will be providing to yourself, Justice.

10**ARBITRATOR JUSTICE MOSENEKE:** Yes. Very well, I think we have that clarity because there's a lot of questions floating around about just how much more and who else would be called and I think that is quite, quite clear and it's in the public's interest that it is abundantly clear. Evidence leader? Adv. Ngutshana, do we have a witness?

15**ADV PATRICK NGUTSHANA:** As it, as it please uh, uh. I'm sorry Justice Moseneke, yes we do have the witness. Hanna Jakobus is here.

**ARBITRATOR JUSTICE MOSENEKE:** Ms Jakobus take the stand please. In which language do you prefer to testify?

**MS HANNA JAKOBUS:** In English, Justice.

20**ARBITRATOR JUSTICE MOSENEKE:** In English? Would you put your full names on record?

**MS HANNA JAKOBUS:** Uhm, I'm Hanna Jakobus, Hanna Hendrieka Jakobus.

**ARBITRATOR JUSTICE MOSENEKE:** Do you want to take oath of the affirmation?

**MS HANNA JAKOBUS:** Yes Justice.

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

**MS HANNA JAKOBUS:** So help me God.

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

**ADV PATRICK NGUTSHANA:** Thank you Justice Moseneke. Uhm, Ms Jakobus, where are you currently employed?

**MS HANNA JAKOBUS:** Uhm, Counsel, I'm employed at the Department of Health within Gauteng, uhm, Mental Health Services.

**ADV PATRICK NGUTSHANA:** In what mental health, in what capacity are you employed?

**MS HANNA JAKOBUS:** I'm employed as the Deputy Director, overseeing NGO's within Gauteng. Also supporting Ekurhuleni and Sedibeng, uh, districts with clinics, district hospitals and NGO's.

**ADV PATRICK NGUTSHANA:** And how long [interrupted]

**ARBITRATOR JUSTICE MOSENEKE:** Can I ask you to speak loudly and clearly because there are people listening in the venue, thank you.

**MS HANNA JAKOBUS:** Okay.

**ADV PATRICK NGUTSHANA:** How long have you occupied that position of Deputy Director?

**MS HANNA JAKOBUS:** Of Deputy Director, it's now four years, Counsel.

**ADV PATRICK NGUTSHANA:** Yes. And during 2015 and 2016 you were, I take it you were still occupying that capacity?

**MS HANNA JAKOBUS:** Yes Counsel, I've started within the provincial office on the November 2013.

**ADV PATRICK NGUTSHANA:** Yes. And you had mentioned that you are responsible for Sedibeng and Ekurhuleni?

10 **MS HANNA JAKOBUS:** Districts, yes.

**ADV PATRICK NGUTSHANA:** Districts?

**MS HANNA JAKOBUS:** Yes.

**ADV PATRICK NGUTSHANA:** How many districts do you have?

**MS HANNA JAKOBUS:** We have five districts within Gauteng.

15 **ADV PATRICK NGUTSHANA:** And what are those districts?

**MS HANNA JAKOBUS:** Uhm, if we take the districts, the district consist out of community services, that's you NGO's, you non-governmental other organisations, your small clinics, large clinics, your community health centres, district hospitals, uhm, regional hospitals, academic and  
20 specialised hospitals.

**ADV PATRICK NGUTSHANA:** Yes, and your responsibilities as the Deputy Director, what do they entail in relation to NGO's? What do you do?

**MS HANNA JAKOBUS:** Uhm, NGO's was... I'm employed in NGO's as my core responsibility. So whatever, there are people that's assisting me within the other districts and I receive all documentation, I receive, I execute [indistinct – 10:42] work, I motivate, I advise. Uhm, in terms of auditing, also the final auditing reports comes to me where I have to motivate to my Director in terms of do we licensed or not based on the recommendation of the districts.

**ADV PATRICK NGUTSHANA:** Yes. Uhm, just explain it quite clearly; you said that you are responsible for two districts and there are five districts and out of that you are responsible for NGO. Are you saying that you're responsible in general for all the NGO within the province?

15 **MS HANNA JAKOBUS:** Yes Counsel, for all the NGO's within Gauteng province, within the five districts.

**ADV PATRICK NGUTSHANA:** So over and above that, you were, you're assigned a further responsibility to look at these two districts, that is Sedibeng and Ekurhuleni?

20 **MS HANNA JAKOBUS:** Yes Counsel.

**ADV PATRICK NGUTSHANA:** Okay. And why was that, uhm, so?

**MS HANNA JAKOBUS:** Uhm, what Dr Manamela expressed to us in terms of the allegation of work and the sub-divisions because of the



enormity of mental health services within the province, uhm, so that there can be a person be responsible in terms of if somebody within the district or an outside person or department needs any assistance, advise or clarity or support. That a specific person can then be turned to assist with whatever matter is at hand.

**ADV PATRICK NGUTSHANA:** And still, this was in relation to NGO's? For Sedibeng and Ekurhuleni?

**MS HANNA JAKOBUS:** NG, NG, yes, NGO's within Sedibeng and Ekurhuleni district and that also then includes your clinic services, your district hospital services.

**ADV PATRICK NGUTSHANA:** And you said you receive reports from these districts, who are responsible for managing these districts?

**MS HANNA JAKOBUS:** Uhm, what I've done, we've appointed District Mental Health NGO coordinators. Within the district services you have Mental Health coordinators that oversees all the work within that particular district and then we have special Mental Health NGO coordinators within each district and due of the fact that there's so many, uhm, NGO's within each district to assist and for execution of work.

**ADV PATRICK NGUTSHANA:** Okay, and in the execution of this work uhm, uhm, that is specifically in relation to these NGO's, all of these, uhm, that is district coordinators, they report to you in relation to all matters that is relating to this NGO's?

**MS HANNA JAKOBUS:** Yes Counsel.

**ADV PATRICK NGUTSHANA:** Yes and this will include licensing of NGO'S, the number of NGO's which exists within a district?

**MS HANNA JAKOBUS:** Yes Counsel.

**ADV PATRICK NGUTSHANA:** Okay. And how would, that is, how frequent would they report to you?

**MS HANNA JAKOBUS:** Uh the districts will report to me on, if it's normal circumstances and there's no challenges, uhm, on a quarterly basis I'll receive a brief report from all district services that will inform me what's the circumstances with normal NGO's. If there was any incidents or challenges, so I'll receive all this but if it's major concern, I would be informed within immediate effect.

**ADV PATRICK NGUTSHANA:** Yes and now it is a common cause, uhm the, there was the, uhm, project called the Gauteng Marathon Project. Are you aware or familiar with this project?

**MS HANNA JAKOBUS:** Yes Counsel.

**ADV PATRICK NGUTSHANA:** And are you also familiar that there were certain NGO's which were licensed to receive patients from Life Esidimeni?

**MS HANNA JAKOBUS:** Yes Counsel.

**ADV PATRICK NGUTSHANA:** Okay. So what I want to find out from you is tell us in your own words the requirement for licensing NGO's, as you know it?

**ARBITRATOR JUSTICE MOSENEKE:** Just before do, how long had you worked in the Department of Health and in particular in Mental Health Services?

**MS HANNA JAKOBUS:** Thirty years Justice.

5**ARBITRATOR JUSTICE MOSENEKE:** Thirty?

**MS HANNA JAKOBUS:** Yes.

**ARBITRATOR JUSTICE MOSENEKE:** Three zero?

**MS HANNA JAKOBUS:** Three zero.

**ARBITRATOR JUSTICE MOSENEKE:** Thank you.

10**ADV PATRICK NGUTSHANA:** Yes. And in these thirty years prior to you being appointed a Deputy Director, what were your other duties? You can just summarise them.

**MS HANNA JAKOBUS:** I was... I'm working in the Tshwane Pretoria area. I was Assistant Director there overseeing Mental Health Services as  
15a whole. From community services up to, uh, specialised hospitals, supporting, advising and also motivating whatever comes at the end from all those facilities. I was responsible for that.

**ADV PATRICK NGUTSHANA:** Were you ever responsible for NGO's?

**MS HANNA JAKOBUS:** Yes Sir. Uhm, in terms of NGO's, within the  
20Tshwane district prior to my coming to, to, to the provincial level, there were when I started as an Assistant Director within Tshwane, though I was working there previously, there were only three NGO's and then we've,

I've opened up I think approximate eighteen NGO's within the Pretoria area in very good standing.

**ADV PATRICK NGUTSHANA:** Okay. No it's fine. So I have requested to you to set out the requirements or the procedure for licensing a NGO?

**MS HANNA JAKOBUS:** Okay Counsel, the procedure for licensing is in terms of referral of new or existing for expansion NGO's would be from communities, different departments, colleagues or a need or a crisis we have to attend to. Then the district Mental Health coordinator will then go out and do a pre-audit. A pre-audit, there's an audit sheet that we use, a  
10three pager sheet where they then will go out but prior to that it entails a lot of work that needs to go in. That person will do a community survey, visit other communities and [interrupted]

**ADV PATRICK NGUTSHANA:** I think go a little bit slower, we're taking notes.

**MS HANNA JAKOBUS:** Okay. Visit other areas to affirm and to acquaint themselves what is within the community and only thereafter they'll then setup the meeting with the person that has requested or the referral a date to go and visit the specific NGO. She will then meet, he or she will then meet with the manager and explain the purpose and by that time the  
20person will know the purpose of the visit. Have a short discussion with the persons, will go round and do an observation and at that stage no promises would be made, no rectifications because is effect finding and to see what is at hand. Thereafter the person will then go back to the office, report to her immediate supervisor [interrupted]

**ADV PATRICK NGUTSHANA:** This is the pre...

**MS HANNA JAKOBUS:** ...in the district... The pre-audit.

**ADV PATRICK NGUTSHANA:** Pre-audit?

**MS HANNA JAKOBUS:** Yes. Go to the supervisor, discuss the matter and will setup a meeting with the rest of the Mental Health Practitioner team. Which will then consist out of your occupational therapist, your physio, your environmental officer, infection control person. Your and uhm... If the need be, after a pre-audit the doctors will be roped in, it's either medical officer, your psychiatrist, local authority, environmental health officer and nutritionist and also co-opt based on a knowledge and observation from the pre-audit, people will then be co-opt to also accompany this visit.

**ADV PATRICK NGUTSHANA:** Yes.

**MS HANNA JAKOBUS:** A thorough, a thorough visit will then be conducted at this NGO, by all these experts.

**ADV PATRICK NGUTSHANA:** What is that thorough visit, what is it called?

**MS HANNA JAKOBUS:** There's a more broader form, a thick form of about twenty two pages that will be then surveyed throughout that, within that service.

**ADV PATRICK NGUTSHANA:** Is that still called a pre-audit?

**MS HANNA JAKOBUS:** No, that's a formal audit. The pre-audit has been done already. This is a formal audit by the experts within each field

that will support this NGO manager and each one will look at their category. The PHD nurse will look at the patients, the social worker will look at where's the patients coming from, what are their challenges and each one will do that and at the end the form will then be completed and a feedback will be given to this manager, giving all the findings to this person. And still no promises would be made or rectifications to the facility, whatever there is, they'll just give a report back. Each one will go then back to the office and construct a formal report in terms of all the findings. There's a lot of administrative work also involved within this which will the manager, the NGO manager will look at this.

**ARBITRATOR JUSTICE MOSENEKE:** But how many people would be engaged in the way you describe, you talked about a doctor, you talked about [indistinct – 20:10], you talked about local authority, would you just describe to me, would you just tell me the bodies, the warm bodies that would do the pre-audit and the formal audit?

**MS HANNA JAKOBUS:** The pre-audit will just consist out of the Mental Health coordinator, NGO coordinator and a support, she can take any person, one of the experts of the Mental Health practitioners along or if there's nobody due to time and work constraints, she can conduct that alone. Within the formal audit, it's all the people that I've mentioned and it could arrive up to eight to nine people that will visit this NGO.

**ARBITRATOR JUSTICE MOSENEKE:** So let's just get a clear record; for, excuse me, formal audits there will be about eight professionals who would do the audit.

**MS HANNA JAKOBUS:** Yes Justice.

**ARBITRATOR JUSTICE MOSENEKE:** And the eight will be made up of what category professionals?

**MS HANNA JAKOBUS:** Uhm, as I've said Justice, it will be an occupational therapy that will look at in terms of what is the functional level of these users at that particular, if there are any users. If there's no users, they do it in conjunctions. She will look at the type of patients there is and what the challenges are at the facility itself, the rooms or space [interrupted]

10 **ARBITRATOR JUSTICE MOSENEKE:** Let's not digress, just identify the professionals, we may come back to say what does each do but for now the eight is and Occupational therapist...

**MS HANNA JAKOBUS:** Occupational therapist, a Physio therapist, a Nutritionist, Infection Control manager, uh, Environmental Health Officer.  
15 Between province and local authority they've got different descriptive roles that they play so it will then, then be from both sides that will also join the group. What did I say still? Uhm...

**ARBITRATOR JUSTICE MOSENEKE:** Well, you said eight people.

**MS HANNA JAKOBUS:** Ja, if there's based on the pre-audit what the  
20 manager's observation was and it needs to be inclusive of a doctor psychiatrist, they will be roped in, I've said a social worker, uhm jo, I can't think now, I've mentioned it earlier on but...

**ARBITRATOR JUSTICE MOSENEKE:** And this, these professionals are required every time there is an audit?

**MS HANNA JAKOBUS:** A formal audit, Justice.

**ARBITRATOR JUSTICE MOSENEKE:** A formal audit of a NGO and this is before the license is granted?

**MS HANNA JAKOBUS:** Yes Justice.

**ARBITRATOR JUSTICE MOSENEKE:** Thank you. Counsel?

**ADV PATRICK NGUTSHANA:** Yes, and after the completion of the formal audit, what do you do? Do you draft a report or what?

10 **MS HANNA JAKOBUS:** I will not draft the report, uh, Counsel.

**ADV PATRICK NGUTSHANA:** Yes.

**MS HANNA JAKOBUS:** The different team members in the Mental Health coordinator, all the team members will submit all documentation to the manager, NGO manager, who will then construct a complete report in terms of from services up to administrative, uh, necessities will then be included. It will then be discussed with her immediate supervisor and they will come up with recommendations to open up this NGO or do we close down and if there was perceived a challenge or a crisis that they observed and patients should be removed immediately, we've got a policy regarding that so they will then construct the report like that. Then it goes to their Chief Director within that district [interrupted]

**ARBITRATOR JUSTICE MOSENEKE:** I'm confused, is it pre-audit?



**MS HANNA JAKOBUS**: No, it's a formal audit.

**ARBITRATOR JUSTICE MOSENEKE**: How can you talk about shutting down when you have not even opened the NGO?

**MS HANNA JAKOBUS**: Uh, Justice, if it's a... after the pre... it can be during the pre-audit or during the formal audit. When the staff member goes out and see there's a challenge and it's a crisis, we cannot keep these people on the premises. So that will be then communicated. Then the execution will then be faster to complete the process. So each one, remember with all the team members that goes out, each one within its own expertise of field, will then carry out and draw up a report. The social worker, for instance, will also get information where's the people coming from, what's their addresses, do they have families, how come they've been admitted there, all those things will then be drawn up. So it it's a crisis and the place is not adequate to host the people there at that stage, it will be communicated with the manager. And it's not as simple as that, besides the manager, they have to setup an urgent meeting, the NGO manager will setup an urgent meeting with the board of that specific facility to discuss these matters.

**ARBITRATOR JUSTICE MOSENEKE**: Aren't we tying ourselves up in all sorts of knots? I thought you were describing the procedure for awarding the license?

**MS HANNA JAKOBUS**: That is all part of the license, Justice. Because before you can give out a license, you need to know what is at the facility.

Is there a board? That is a legal requirement to have a board of directors as part of the facility.

**ARBITRATOR JUSTICE MOSENEKE:** Are there people who setup NGO's without applying for a license?

5**MS HANNA JAKOBUS:** Uh, they will be... What the, the NGO manager will do, after the pre-audit, she will have a quite vast knowledge, do we continue with this, do we support this NGO? There's so many limitations that if there's patients in, the patients will then temporarily be removed from that facility and placed in another facility for uh... [Interrupted]

10**ADV PATRICK NGUTSHANA:** Ms uh, uh Jakobus, let me assist you, I think you do not understand the question. The question is, uh, one; are there people who start NGO's without the necessary licensing processes? That is one example.

**MS HANNA JAKOBUS:** Yes.

15**ADV PATRICK NGUTSHANA:** If I had not started a NGO and I simply approach you requesting a license, will the procedure be the same?

**MS HANNA JAKOBUS:** Yes, yes Counsel, it will be the same. If the, uhm, a person approach and says I want to start.

**ADV PATRICK NGUTSHANA:** Yes.

20**MS HANNA JAKOBUS:** So the same process would be followed. The manager will ask do you have the space, do you have a place. If not, she will be taken through the legal process what needs to be in place, this is

the documentation, that is what the facility should look like or that if it's a place that's already in existence...

**ADV PATRICK NGUTSHANA:** Yes

**MS HANNA JAKOBUS:** And there are patients on the premises, that is why I say execution will be much quicker so the pre-audit will be done, the formal audit will be done, the necessary meetings with the board and the, the families members on there so that they understand what the findings was and... [Interrupted]

**ARBITRATOR JUSTICE MOSENEKE:** And on either scenario these 10eight professionals will go out there and [indistinct - 27:06] themselves?

**MS HANNA JAKOBUS:** Yes Justice.

**ARBITRATOR JUSTICE MOSENEKE:** Yes.

**MS HANNA JAKOBUS:** And then after that the district, the Chief District, uh, Manager will then sign off that document. After that the document will 15then be sent up to provincial level where I will go through the document, discuss it with my team members and the director, I will then go out back with the Mental Health coordinator to verify the findings on the document.

**ARBITRATOR JUSTICE MOSENEKE:** Yes.

**MS HANNA JAKOBUS:** Then after that, based on the recommendations 20of the district, I will also motivate and will come up with final recommendation and the place will then be licensed or [interrupted]

**ADV PATRICK NGUTSHANA:** And who, and who signs licensed or issues out these licenses?

**MS HANNA JAKOBUS**: Who issue out the licenses?

**ADV PATRICK NGUTSHANA**: Yes, who signs off?

**MS HANNA JAKOBUS**: The signed licenses? You ask this, who signs it?

5**ADV PATRICK NGUTSHANA**: Yes, who signs these licenses?

**MS HANNA JAKOBUS**: According to legislation the provincial department is responsible to sign off licenses.

**ADV PATRICK NGUTSHANA**: Who, who within the department, is there a HOD?

10**MS HANNA JAKOBUS**: When I came to the provincial office, and after my first year of, uhm, making out my responsibility is to construct and compile the licenses, then I would discuss it with documentation with the Director to verify that each one is authentic and that will then be given to the Director. So with my period within the province, Dr Manamela was  
15signing the licenses but the first year I was sort of verifying myself, who else in the past signed the licenses and according to my knowledge, previous Directors has also signed these knowledges, uh these licenses. And my understanding was that the HOD may also delegate that [indistinct – 28:52] for that person to execute.

20**ADV PATRICK NGUTSHANA**: Thank you. Now let's get to specifics. Uhm, let me refer you to, uhm, bundle 7, there should be a bundle of documents there in front of you. [Waiting]... Are you there, are you there?

**MS HANNA JAKOBUS**: Yes, I've got the bundles.

**ADV PATRICK NGUTSHANA**: Okay. The first page on the bundle is uh 2370, are you on that first page?

**MS HANNA JAKOBUS**: Yes Counsel.

**ADV PATRICK NGUTSHANA**: And what is the document on that page?

5**MS HANNA JAKOBUS**: It's a license in terms of the Mental Healthcare Act no. 17 of 2002.

**ADV PATRICK NGUTSHANA**: And the date of the license?

**MS HANNA JAKOBUS**: The 16<sup>th</sup>.

**ADV PATRICK NGUTSHANA**: And for which period?

10**MS HANNA JAKOBUS**: The period is this license is valid for the period 1 April 2016 to 31 March 2017.

**ADV PATRICK NGUTSHANA**: Yes, and from that page until, uhm, page 2416, those are all licenses.

**MS HANNA JAKOBUS**: Yes. Yes Counsel, I see.

15**ADV PATRICK NGUTSHANA**: Yes. And are you familiar how, where this licenses issued?

**MS HANNA JAKOBUS**: These were the licenses for 16, 17. Am I familiar how it was issued?

**ADV PATRICK NGUTSHANA**: Yes.

20**MS HANNA JAKOBUS**: Yes Counsel, I [interrupted]

**ADV PATRICK NGUTSHANA:** Were you involved in the processes as you explained?

**MS HANNA JAKOBUS:** Yes Counsel. Not the processes I've explained but in, of executing and compiling, formulating these licenses, I'm aware.

5**ADV PATRICK NGUTSHANA:** Yes, was that process, as you had explained it, complied with?

**MS HANNA JAKOBUS:** No Counsel.

**ADV PATRICK NGUTSHANA:** Why was it not complied with?

**MS HANNA JAKOBUS:** Uh during the period of, uhm, compiling these  
10licenses, we received an instruction from Dr Manamela that it's unusual,  
uh, circumstances situation that normal processed cannot be followed and  
uh due to the eminent closure of life [indistinct – 31:20].

**ADV PATRICK NGUTSHANA:** Yes. So in the issuance of these licenses, what was your role?

15**MS HANNA JAKOBUS:** My role was, I was in uh delegated to make out these licenses.

**ADV PATRICK NGUTSHANA:** Yes

**MS HANNA JAKOBUS:** And when I also alluded to Dr Manamela but we cannot do this because we have to follow the other processes in order for  
20us to be certain that we follow the legal procedure and then again Dr Manamela said it's unusual circumstance and there's timeframes closure of Life Esidimeni.

**ADV PATRICK NGUTSHANA**: And when did [interrupted]

**MS HANNA JAKOBUS**: So what I was instructed to do was, normally with all these processes, after the normal process, we will also have a formal education process to formulate the whole process before we could start compiling licenses. So that process also wasn't followed. After [interrupted]

**ARBITRATOR JUSTICE MOSENEKE**: It will help if you listen to the question [interrupted]

**MS HANNA JAKOBUS**: Yes I try [interrupted]

10 **ARBITRATOR JUSTICE MOSENEKE**: And try and deal exactly with the question. Fewer words often help better than more words.

**MS HANNA JAKOBUS**: Okay.

**ARBITRATOR JUSTICE MOSENEKE**: Just listen to Counsel, he has prepared and he has a clear route to lead you.

15 **MS HANNA JAKOBUS**: Okay.

**ARBITRATOR JUSTICE MOSENEKE**: Again I ask you, just listen to her and answer the specific question and he will follow up if he wants more from you, thank you. Counsel?

**MS HANNA JAKOBUS**: Okay.

20 **ADV PATRICK NGUTSHANA**: Yes

**MS HANNA JAKOBUS**: Okay Counsel, what was said, uh I was instructed to use the budget letter to make up the licenses.

**ADV PATRICK NGUTSHANA**: A budget letter?

**MS HANNA JAKOBUS**: Yes Counsel.

**ADV PATRICK NGUTSHANA**: What is a budget letter?

**MS HANNA JAKOBUS**: After the formal processes and of, I will send the letter out to the districts to submit their budget letters for the following financial year as specified here. So I will receive those in conjunction with all the other documentation but at this stage it was only [indistinct – 33:11] a budget letter that's alone.

**ADV PATRICK NGUTSHANA**: Yes. And when these licenses were issued, were you satisfied that, uhm, they comply with the requirements?

**MS HANNA JAKOBUS**: No Counsel, I wasn't satisfied, it wasn't even clear what was going on because it was quite chaotic.

**ADV PATRICK NGUTSHANA**: So according to you they did not comply with the requirements?

15 **MS HANNA JAKOBUS**: No Counsel.

**ADV PATRICK NGUTSHANA**: Yes, and when you said that you informed Dr Manamela that you can't do it, where was this? Was this in a meeting or what?

**MS HANNA JAKOBUS**: In a meeting Counsel. We had one normally on Monday, uh, secretarial duties [interrupted]

**ADV PATRICK NGUTSHANA**: Uh, do you still recall where, when was that meeting and where?



**MS HANNA JAKOBUS**: Excuse me Counsel?

**ADV PATRICK NGUTSHANA**: Do you still recall where and when was that meeting?

**MS HANNA JAKOBUS**: It was at the office, the provincial office.

5**ADV PATRICK NGUTSHANA**: Which year?

**MS HANNA JAKOBUS**: Uhm, the prior to starting with the licenses when we were instructed, about, I think it was about three weeks prior to asking for the licenses to be finalised.

**ADV PATRICK NGUTSHANA**: That would be March?

10**MS HANNA JAKOBUS**: Yes, yes Counsel.

**ADV PATRICK NGUTSHANA**: Okay.

**ARBITRATOR JUSTICE MOSENEKE**: What exactly did you tell her?

**MS HANNA JAKOBUS**: Uhm, I've alluded to Dr Manamela we didn't follow the processes [interrupted]

15**ARBITRATOR JUSTICE MOSENEKE**: No, I don't want allusions, I want you to tell us what did you tell her?

**MS HANNA JAKOBUS**: Yes, I [interrupted]

**ARBITRATOR JUSTICE MOSENEKE**: About the license?

**MS HANNA JAKOBUS**: About the licenses? I just told Dr Manamela I  
20feel uncomfortable of uhm compiling the licenses, we didn't follow the processes and we're not sure what the situation with all these NGO's,

known and unknown, is. Because we don't sit with any documentation and then she says it's an unusual situation and we are on time constraints.

**ARBITRATOR JUSTICE MOSENEKE:** You told her you were uncomfortable?

5**MS HANNA JAKOBUS:** Yes Justice.

**ARBITRATOR JUSTICE MOSENEKE:** And did you do it?

**MS HANNA JAKOBUS:** Yes, I was instructed to do it, I was delegated to do it because of the time constraints and the unusual circumstances.

**ARBITRATOR JUSTICE MOSENEKE:** You'll have to speak louder.

10**MS HANNA JAKOBUS:** I was instructed to do [interrupted]

**ARBITRATOR JUSTICE MOSENEKE:** It is a very important part of your evidence. This I want you do be clear on the record.

**MS HANNA JAKOBUS:** I was instructed to continue formulating and compiling the licenses because it's an unusual situation and we're under  
15time constraints due to the closure of Life Esidimeni centres.

**ARBITRATOR JUSTICE MOSENEKE:** Did you get any district reports on each of these licenses?

**MS HANNA JAKOBUS:** No Counsel.

**ARBITRATOR JUSTICE MOSENEKE:** How did you know what to write  
20on each license?

**MS HANNA JAKOBUS:** Normally within the budget letter all the information would be on the budget letter, except for the addresses.

**ARBITRATOR JUSTICE MOSENEKE:** Tell us what's a budget letter?

**MS HANNA JAKOBUS:** The budget letter [interrupted]

**ARBITRATOR JUSTICE MOSENEKE:** Where does it come from, who writes it and what does it contain?

5**MS HANNA JAKOBUS:** Each district, uhm, coordinator, NGO coordinator and the Chief Director, signed off by the Chief Director, will submit a budget letter with all the NGO's, existing ones and new ones. Their number, the number of licenses, the number that would be subsidised and the amount, period. The amount for that particular NGO.

10**ARBITRATOR JUSTICE MOSENEKE:** How would you know how many beds there would be and how many people will be covered by the licenses.

**MS HANNA JAKOBUS:** On the budget letter there's a space for licensing how many this facility would be licensed for and then [indistinct – 37:02] to  
15that there would be subsidised number of people. If a person, uh facilities has ten people, it will state license for ten and subsidised for ten or subsidised eight, it depends what the circumstances are.

**ARBITRATOR JUSTICE MOSENEKE:** So you know when you compiled the licenses that the details were not correct?

20**MS HANNA JAKOBUS:** The details on the budget letter was correct but the evidence, I didn't sit with any evidence to, because normally you would cross refer what's the budget letter and then take your audit reports and all accompanying documentation to confirm the, the license.

**ARBITRATOR JUSTICE MOSENEKE:** Did you know that each one of those facilities were not audited?

**MS HANNA JAKOBUS:** Yes Counsel.

**ARBITRATOR JUSTICE MOSENEKE:** Do you know that it was contrary to the law?

**MS HANNA JAKOBUS:** Yes Counsel.

**ARBITRATOR JUSTICE MOSENEKE:** And did you know that people would be sent there once you had recommended that the licences be issued?

10 **MS HANNA JAKOBUS:** Yes Justice.

**ARBITRATOR JUSTICE MOSENEKE:** And did you know that these would be vulnerable who would come, for instance from Life Esidimeni?

**MS HANNA JAKOBUS:** Yes Justice.

**ARBITRATOR JUSTICE MOSENEKE:** And you went ahead?

15 **MS HANNA JAKOBUS:** I was instructed to went ahead, Justice.

**ARBITRATOR JUSTICE MOSENEKE:** Who instructed you?

**MS HANNA JAKOBUS:** Dr Manamela.

**ARBITRATOR JUSTICE MOSENEKE:** And she knew, did she?

**MS HANNA JAKOBUS:** Yes.

20 **ARBITRATOR JUSTICE MOSENEKE:** Regard the normal procedures for that NGO's has not been followed.

**MS HANNA JAKOBUS**: Yes uh Justice.

**ARBITRATOR JUSTICE MOSENEKE**: And why did you go ahead?

**MS HANNA JAKOBUS**: I was instructed by Dr Manamela, who said it's an instruction and we have to carry it out due to the closure of Life.

5**ARBITRATOR JUSTICE MOSENEKE**: And if you didn't carry out the instructions, what would happen to you?

**MS HANNA JAKOBUS**: We've raised concerns, not just me, as a team. We've discussed it, we've, and she just said it's an instruction.

**ARBITRATOR JUSTICE MOSENEKE**: Now I'm asking you, after thirty 10years in the department, I'm asking you, you are a very senior official there, why didn't you say to her this is unlawful and it's going to cause possible death of people and I won't do it?

**MS HANNA JAKOBUS**: I've raised my concerns with Dr Manamela, I've done that.

15**ARBITRATOR JUSTICE MOSENEKE**: No, listen to the question; why didn't you refuse to do it?

**MS HANNA JAKOBUS**: At first I did refuse, I've discussed and she says there's no other way we can do this. With the result at the end, I was sort of taken out of a major task of this project, direct involvement.

20**ARBITRATOR JUSTICE MOSENEKE**: But why did you sign unlawful, false licenses under the act. Look at the document, it purpose to be a license issued under the law of our country. Can you see that?

**MS HANNA JAKOBUS**: Yes Justice.

**ARBITRATOR JUSTICE MOSENEKE**: And you falsely, fraudulently, knowingly caused the licence to be issued?

**MS HANNA JAKOBUS**: Uh Justice I didn't issue the license, I've compiled the license and handed over a soft copy to Dr Manamela.

**ARBITRATOR JUSTICE MOSENEKE**: No but you caused it to be issued, you completed the details and the rest and gave it to her, right?

**MS HANNA JAKOBUS**: It was an instruction Justice, I didn't have much of an option.

10 **ARBITRATOR JUSTICE MOSENEKE**: Counsel...

**ADV PATRICK NGUTSHANA**: Thank you. In relation to that particular issue of the issuance of the license and the processes you had explained, is it correct that the duration will be, will take around uh, not less than six months?

15 **MS HANNA JAKOBUS**: Uh if I can just uhm [indistinct – 41:23] clarification, the duration of finalising to open up a li... [Interrupted]

**ADV PATRICK NGUTSHANA**: A license, to issue the license from pre-inspection.

**MS HANNA JAKOBUS**: It could be three month, six month, it depend on  
20 the result of the audit and it can even take longer than six months, up to a year, two years to finalise opening up a NGO.

**ADV PATRICK NGUTSHANA:** Yes. And in relation to that on there has been evidence by Doretha Franks that, uhm, eh there's em, there's, there's an Ella document, an Ella file and I'm not sure whether it's in front of you?

**MS HANNA JAKOBUS:** In the...

**ADV PATRICK NGUTSHANA:** In the Ella file there is, uhm, Ella 49, which is an email dated 9 November 2015.

**MS HANNA JAKOBUS:** 49...

**ADV PATRICK NGUTSHANA:** The time 10:25.A.M. It was coming from 10you. Inviting NGO's to a meeting, schedule for 13 November 2015. You still recall that?

**MS HANNA JAKOBUS:** Yes Counsel.

**ADV PATRICK NGUTSHANA:** You issued that.

**MS HANNA JAKOBUS:** Dr Manamela instructed me to invite the 15respective NGO's that showed interest in expanding and new NGO's to be opened.

**ADV PATRICK NGUTSHANA:** Yes.

**MS HANNA JAKOBUS:** So that they can be formally addressed in a formal meeting at the Sterkfontein Hospital.

**ADV PATRICK NGUTSHANA:** Yes.

**MS HANNA JAKOBUS:** Normal procedure [interrupted]

**ARBITRATOR JUSTICE MOSENEKE:** But listen to the questions, did you issue the document?

**MS HANNA JAKOBUS:** Yes Justice.

**ARBITRATOR JUSTICE MOSENEKE:** It's okay to say yes and then the next of the questions will follow.

**MS HANNA JAKOBUS:** Yes Counsel.

**ARBITRATOR JUSTICE MOSENEKE:** You know how to explain yourself away, just wait and there will be another question. Yes, you issued the document.

10 **ADV PATRICK NGUTSHANA:** And when you issued the document, you were inviting these NGO's to a meeting. What I want, what I want to find out from you is that the NGO's you had invited, does it include those whose licenses appear here or the majority of them?

**MS HANNA JAKOBUS:** Uh Counsel, this document, this email that went  
15 out [interrupted]

**ADV PATRICK NGUTSHANA:** Yes.

**MS HANNA JAKOBUS:** Went to all district offices.

**ADV PATRICK NGUTSHANA:** Oh, it went to district offices.

**MS HANNA JAKOBUS:** If you can just see there on the top. The district  
20 coordinator will then further send the document to all NGO's or people they have within their [indistinct – 43:55] area that has shown an interest.



**ADV PATRICK NGUTSHANA:** Were those NGO's who's licenses appears on this file I've referred you to, present at that meeting?

**MS HANNA JAKOBUS:** Yes, it was quite an extensive number of NGO's that was present at the meeting.

5**ADV PATRICK NGUTSHANA:** At the meeting?

**MS HANNA JAKOBUS:** Yes Counsel.

**ADV PATRICK NGUTSHANA:** And at the meeting, what did you discuss?

**MS HANNA JAKOBUS:** Dr Manamela discussed the closure of the Life  
10Esidimeni project.

**ADV PATRICK NGUTSHANA:** Yes. And was a an explanation about the requirements to comply with the uhm that is statutory to requirements for licensing, explained to them?

**MS HANNA JAKOBUS:** No Counsel.

15**ADV PATRICK NGUTSHANA:** And when did you start compiling in relation to those uh NGO's compiling these documents for the issuance of the licenses?

**MS HANNA JAKOBUS:** Counsel [interrupted]

**ADV PATRICK NGUTSHANA:** In relation to this meeting?

20**MS HANNA JAKOBUS:** To compile the documentation, Counsel?

**ADV PATRICK NGUTSHANA:** Yes.

**MS HANNA JAKOBUS:** Some of these documentation was never compiled.

**ADV PATRICK NGUTSHANA:** They were never compiled?

**MS HANNA JAKOBUS:** Yes Counsel.

5**ADV PATRICK NGUTSHANA:** And yet they were issued with licenses?

**MS HANNA JAKOBUS:** Yes Counsel.

**ARBITRATOR JUSTICE MOSENEKE:** Why didn't you tell the people in the meeting? You're the head of NGO operations, why didn't you tell them what was required of them?

10**MS HANNA JAKOBUS:** Justice, as I've said earlier, when I raised my concerns with Dr Manamela, my core function was removed from me and she was [indistinct – 45:26] almost the whole project and a lot of other people were involved so I didn't have any direct of direct [interrupted]

**ARBITRATOR JUSTICE MOSENEKE:** When she you the instructions to  
15issue unlawful licences, who else were present?

**MS HANNA JAKOBUS:** It was in a meeting, Counsel, in our provincial meeting.

**ARBITRATOR JUSTICE MOSENEKE:** Who else were at the meeting?

**MS HANNA JAKOBUS:** My other colleagues, we are five Deputy  
20Directors within the office.

**ARBITRATOR JUSTICE MOSENEKE:** Who are they, what are their names?

**MS HANNA JAKOBUS**: Uhm, Ms Sanelo, Dr Lunkwani, Mr Thebane and myself.

**ARBITRATOR JUSTICE MOSENEKE**: So in the presence, you say Dr Silobane was there?

5**MS HANNA JAKOBUS**: No, Mr Sanelo.

**ARBITRATOR JUSTICE MOSENEKE**: Oh Mr Sanelo. In the presence of your colleagues she said ignore the legal requirements for licensing, these are urgent circumstances, go ahead and issue the licenses?

**MS HANNA JAKOBUS**: They all objected, Justice. We all raised  
10concerns and it was quite a hectic debate around that.

**ARBITRATOR JUSTICE MOSENEKE**: Why did you object, what was your concern?

**MS HANNA JAKOBUS**: Because the normal uh processes wasn't followed.

15**ARBITRATOR JUSTICE MOSENEKE**: But what would you, what did you fear would happen if the law is not followed?

**MS HANNA JAKOBUS**: Uh, what we, what I would've feared was we don't know the situation these NGO's was in, and, especially the new ones that needed to be opened and remember prior to this process of the  
20licensing, we've already started doing some surveillance on all these uhm NGO's for expansion, new ones that needed to be opened and  
[interrupted]

**ARBITRATOR JUSTICE MOSENEKE:** What did you think would happen if the NGO's did not satisfy the requirements of the law? What would happen to the patients?

**MS HANNA JAKOBUS:** That I cannot emanate, Justice.

5**ARBITRATOR JUSTICE MOSENEKE:** No but when you said you're unhappy, you don't want this to happen, why didn't you want it to happen?

**MS HANNA JAKOBUS:** Uh Justice, if you don't follow the proper procedure, it also influences financial issues. So these NGO's may or may not have, or may not receive any uhm support from the department  
10without documentation.

**ARBITRATOR JUSTICE MOSENEKE:** And if they don't receive support, what impact would that have on the patients?

**MS HANNA JAKOBUS:** A lot of impact, the service, services caring for them in terms of food et cetera. There's a lot of things.

15**ARBITRATOR JUSTICE MOSENEKE:** And they might die, right?

**MS HANNA JAKOBUS:** We didn't anticipate or think about that, Justice, but there's a possibility.

**ARBITRATOR JUSTICE MOSENEKE:** You just carried on and signed  
[interrupted]

20**MS HANNA JAKOBUS:** That extreme measures been...

**ARBITRATOR JUSTICE MOSENEKE:** Licenses which unlawful, who should create obvious risk to patients, never thought they might die?

**MS HANNA JAKOBUS**: Uh Justice, if one thinks back in terms of support you would render to these NGO's, no extreme incidences like this has happened in the past so you didn't even anticipated that it would happen and we were thought of our input and support in supporting these people and that everything would go well.

**ARBITRATOR JUSTICE MOSENEKE**: Why were you unhappy to sign the licenses? Though you did it?

**MS HANNA JAKOBUS**: As I've said Justice, in terms of the accompanying support of these NGO's and not have relevant documentation to work with and to work on, to complete.

**ARBITRATOR JUSTICE MOSENEKE**: And you know that people died?

**MS HANNA JAKOBUS**: Yes Justice.

**ARBITRATOR JUSTICE MOSENEKE**: And the place where you recommended licenses should be issued, you know that?

**MS HANNA JAKOBUS**: Yes Justice, I've heard that afterwards.

**ARBITRATOR JUSTICE MOSENEKE**: How many people have died?

**MS HANNA JAKOBUS**: Uhm when we've heard about the patients that have died, it was the first time, when I've become known with it, there was I think eighty two patients. And Justice, I, I still regret for listening in, continuing executing activities.

**ARBITRATOR JUSTICE MOSENEKE**: Counsel.

**ADV PATRICK NGUTSHANA:** Yes, thank you. Before we proceed, I'll just for completeness sake refer you to two documents that is annexures; Ella 119 and 112. These raise to the basic requirements for all NGO's licensed under Healthcare Mental Act number 1720.

**5 ARBITRATOR JUSTICE MOSENEKE:** Could you repeat the Ella number please?

**ADV PATRICK NGUTSHANA:** Ella 119

**ARBITRATOR JUSTICE MOSENEKE:** Thank you.

**ADV PATRICK NGUTSHANA:** And the second one is 1, 122. I, I'm going 10 to hand them over to you, you don't have them in front of you. And 122, its attempt the guidelines for the licensing of residential and day-care facilities for people with mental and or intellectual disabilities. Just give it to him. These are some of the requirements that you, you spoke of?

**MS HANNA JAKOBUS:** Yes Counsel.

**15 ADV PATRICK NGUTSHANA:** You have already testified that they were not complied with, I don't think it's necessary for me to [interrupted]

**ARBITRATOR JUSTICE MOSENEKE:** Well, but I want to know whether she knew about these requirements, did you?

**MS HANNA JAKOBUS:** Yes sir Justice.

**20 ARBITRATOR JUSTICE MOSENEKE:** And you were the person who was charged by law to ensure that the, these requirements are complied to?

**MS HANNE JAKOBUS**: Complied with, uhm, yes I know we didn't, no we didn't comply with these requirements. The once [interrupted]

**ARBITRATOR JUSTICE MOSENEKE**: No in you evidence you said you were the person that was overall in charge of NGO's in the province?

5**MS HANNA JAKOBUS**: Yes Justice. Uhm, constructing the licences, yes.

**ARBITRATOR JUSTICE MOSENEKE**: Whoever might sign them, you were the person who should be reported to from the districts and you're the person who would say yay or nay and give that to Dr Manamela to  
10sign.

**MS HANNA JAKOBUS**: Yes, yes Justice.

**ARBITRATOR JUSTICE MOSENEKE**: And you were aware of the requirements in Ella 122.

**MS HANNA JAKOBUS**: Yes Justice.

15**ARBITRATOR JUSTICE MOSENEKE**: And you had read them many times and you knew these were the requirements that had to be complied with before you would send patients to these NGO's, you knew that.

**MS HANNA JAKOBUS**: Yes Justice.

**ARBITRATOR JUSTICE MOSENEKE**: And so to these guidelines and is  
20it your evidence in fact in knowing all this you none the less breached the law?

**MS HANNA JAKOBUS**: I was instructed to do that, Justice.

**ARBITRATOR JUSTICE MOSENEKE:** And why would you accept an order that requires you to act unlawfully?

**MS HANNA JAKOBUS:** Uh Justice because of the issues at hand. Dr Manamela said we have to do it because it's an instruction from above and all orders has to carried out.

**ARBITRATOR JUSTICE MOSENEKE:** Well let's be a bit dramatic about this, I instruct you to murder Adv. Groenewald. [Background laughs] I now instruct you to rise from where you are and murder Adv. Groenewald. Are you obliged? What's your answer?

10 **MS HANNA JAKOBUS:** I will not. No Justice, no Justice, I'm not obliged to do that.

**ARBITRATOR JUSTICE MOSENEKE:** Why wouldn't you do it?

**MS HANNA JAKOBUS:** Because it's against the law to do that.

**ARBITRATOR JUSTICE MOSENEKE:** The irony doesn't escape you, 15 does it?

**MS HANNA JAKOBUS:** No Justice.

**ADV PATRICK NGUTSHANA:** Yes. In relation to 122, uhm, this is the document that uhm, uh came from you. Uhm I see that on the first page there's a date, 19 May 2017. The first page of 122, Ella 122. At the top 20 right.

**MS HANNA JAKOBUS:** This page? Yes, yes.

**ADV PATRICK NGUTSHANA:** Yes. What does that mean?



**MS HANNA JAKOBUS:** Uh this means that this document came into effect on the 19<sup>th</sup> of May, 2017.

**ADV PATRICK NGUTSHANA:** And at the time when these licenses were issued, were these guidelines contained in these documents, already in existence?

**MS HANNA JAKOBUS:** No, the document wasn't in existence, but the procedure was in existence. I was part in parcel of assisting compiling this document with national, I was roped in.

**ADV PATRICK NGUTSHANA:** According to the procedure, which existed then...

**MS HANNA JAKOBUS:** Yes. Yes, yes.

**ADV PATRICK NGUTSHANA:** Which you ought to have followed.

**MS HANNA JAKOBUS:** Yes Counsel.

**ADV PATRICK NGUTSHANA:** Okay.

15 **ARBITRATOR JUSTICE MOSENEKE:** In Ella 119 in that event was in existence then, wasn't it?

**MS HANNA JAKOBUS:** No, this one was drawn up by me some a long time ago to give guidance and to assist the coordinators to follow procedure in terms of training.

20 **ARBITRATOR JUSTICE MOSENEKE:** And at the time, and in the time of project, it was in existence?

**MS HANNA JAKOBUS:** It was there, it was available.

**ARBITRATOR JUSTICE MOSENEKE:** Ja.

**ADV PATRICK NGUTSHANA:** Yes, that's fine. Uhm, in relation to the... this uhm... assessments evaluation reports, pre-assessment evaluation reports or audit report. Dr Manamela's evidence was that they do exist, 5you did uhm audit the NGO before they were issued with the licenses and those reports are in existence. She would bring them, we're still waiting for them. Is that correct, factually correct?

**MS HANNA JAKOBUS:** According to my knowledge Counsel, it's incorrect, it wasn't in existence. We did not perform any audits at all the 10facilities.

**ADV PATRICK NGUTSHANA:** Mmm, mmm. And let me refer you to, uhm, one example in file 11, that is 7, bundle 7. It's right in front of you. Let's start from page 2417. Are you there?

**MS HANNA JAKOBUS:** Uh almost Counsel. 2417...

15**ADV PATRICK NGUTSHANA:** Where the divider, where the divider is.

**MS HANNA JAKOBUS:** Yes, yes

**ADV PATRICK NGUTSHANA:** What is that document, are you familiar with it?

**MS HANNA JAKOBUS:** I became familiar with this document, Counsel, 20during the course of this project.

**ADV PATRICK NGUTSHANA:** During the course of this project?

**MS HANNA JAKOBUS:** Yes Counsel.

**ADV PATRICK NGUTSHANA**: What is that document?

**MS HANNA JAKOBUS**: It's an audit report.

**ADV PATRICK NGUTSHANA**: And is this one of the documents which you would, according to the standard [indistinct – 56:59] you've explained, Suh employ to audit NGO's?

**MS HANNA JAKOBUS**: According to my knowledge and, and information, this is not a document that would be used. What we use prior the project, if you page further [interrupted]

**ADV PATRICK NGUTSHANA**: No, it's fine, I'll come to that, it's on page 1024... 2427.

**MS HANNA JAKOBUS**: Okay, I don't know where...

**ADV PATRICK NGUTSHANA**: Now go to page 2427.

**MS HANNA JAKOBUS**: 2427. Yes Counsel.

**ADV PATRICK NGUTSHANA**: Are you there?

15**MS HANNA JAKOBUS**: Yes.

**ADV PATRICK NGUTSHANA**: Are you familiar with that document?

**MS HANNA JAKOBUS**: Yes Counsel, this is the document that would be used for a pre-audit and at the end of the formal audit...

**ADV PATRICK NGUTSHANA**: Yes.

20**MS HANNA JAKOBUS**: To be completed.

**ADV PATRICK NGUTSHANA**: So, this document on page 2417 ought to read like the one in, that is on 2427?

**MS HANNA JAKOBUS**: I have no idea, Counsel, I can't answer for that. I did not compile this document.

5**ADV PATRICK NGUTSHANA**: You did not compile that?

**MS HANNA JAKOBUS**: No Counsel.

**ADV PATRICK NGUTSHANA**: Okay.

**ARBITRATOR JUSTICE MOSENEKE**: And why is it so? These are people that were working for you, did they not?

10**ADV PATRICK NGUTSHANA**: Let's go to page 2423. Do you see your name on the document?

**MS HANNA JAKOBUS**: Yes Counsel, yes.

**ADV PATRICK NGUTSHANA**: Who inserted your name there?

**MS HANNA JAKOBUS**: But this was, uh, instructed after the placements  
15of, of orphaned, of the placement of the patients at these NGO's.

**ADV PATRICK NGUTSHANA**: Yes.

**MS HANNA JAKOBUS**: And Dr Manamela, uhm, in a way forced us to sign this document because when I said to her I've alluded this previously and during the course when I became known of this document and it's not  
20right to us a document that was constructed during the process of a project.

**ADV PATRICK NGUTSHANA:** So what you are saying is that these document was constructed during the process of Life Esidimeni.

**MS HANNA JAKOBUS:** Yes Counsel.

**ADV PATRICK NGUTSHANA:** So during the process, you abandoned 5the employment of the document on page 2427?

**MS HANNA JAKOBUS:** Yes Counsel. Because it incur a lot of work.

**ADV PATRICK NGUTSHANA:** It will enquire?

**MS HANNA JAKOBUS:** It incur a lot of work and time, it's very timeous to execute these documents.

10**ADV PATRICK NGUTSHANA:** Yes, but why was the document on 2427, uh 2427 there?

**MS HANNA JAKOBUS:** 2427?

**ADV PATRICK NGUTSHANA:** Yes.

**MS HANNA JAKOBUS:** It was available, Counsel.

15**ADV PATRICK NGUTSHANA:** It was available?

**MS HANNA JAKOBUS:** Yes.

**ADV PATRICK NGUTSHANA:** Okay. Then let's go through that document so that you explain further on these processes. That is on 2427. And on the, that is page 242... 2430.

20**MS HANNAH JACOBUS:** I have is counsel.

**ADV PATRICK NGUTSHANA:** The first item is organisational information on, there is two, against two. What does that mean? Can you explain it?

**MS HANNAH JACOBUS:** That means that there should be a copy of the Constitution that was supposed to have been seen on the last date of the 5Constitution drawn up.

**ADV PATRICK NGUTSHANA:** Yes.

**MS HANNAH JACOBUS:** Date of the AGM, AGM due date the following month, financial statements that was provided and that would have been confirmed with the formal audits, because the financial person also assist 10the team when the formal audit are being constructed.

**ADV PATRICK NGUTSHANA:** Yes, and would I be correct that that document requires to you to explain if there is anything else?

**MS HANNAH JACOBUS:** Yes.

**ADV PATRICK NGUTSHANA:** Not only that that is you must insert it in 15writing.

**MS HANNAH JACOBUS:** Yes, is should be in writing.

**ADV PATRICK NGUTSHANA:** Throughout that document?

**MS HANNAH JACOBUS:** Throughout the document.

**ADV PATRICK NGUTSHANA:** And does the same appear on page, that 20is on the document on page 2417?

**MS HANNAH JACOBUS:** No, no counsel.

**ADV PATRICK NGUTSHANA:** So what are you required to do there?

**MS HANNAH JACOBUS:** According to my information, I have information(?) as I see this here it is this document is only a yes and a no instruction.

**ADV PATRICK NGUTSHANA:** It is just a checklist?

5**MS HANNAH JACOBUS:** Just a checklist.

**ARBITRATOR JUSTICE MOSENEKE:** So the form on 2427 was adopted to make the audit easier than required by the form on page 2417, is that your evidence?

**MS HANNAH JACOBUS:** Justice, not easier. If you utilise the 2427 it is 10a complete detailed report. The one on 2417 is an easier document to get things done. But it does not explain anything.

**ARBITRATOR JUSTICE MOSENEKE:** 2427?

**MS HANNAH JACOBUS:** Yes, Justice.

**ARBITRATOR JUSTICE MOSENEKE:** In simple language, 2427 is a 15shortcut to the requirements on 2417? Isn't it?

**MS HANNAH JACOBUS:** Justice not really a shortcut, because if you go through the one on 2417 it contains all the information on 2427 and 2431, that whole two documents is contained in here. But this one there is no explanations on 24217.

20**ARBITRATOR JUSTICE MOSENEKE:** So why the change? What was the explanation for the change from one form to the other?

**MS HANNAH JACOBUS:** I have no idea Justice. I did not, I was not part of compiling this shorter version of the report form.

**ARBITRATOR JUSTICE MOSENEKE:** But this was your turf, you were in charge of this?

5**MS HANNAH JACOBUS:** Justice, as I have said ... [interjects]

**ARBITRATOR JUSTICE MOSENEKE:** Audit of NGO's was your core function, according to your evidence.

**MS HANNAH JACOBUS:** Justice, when we started off and there was my discussion with Doctor Manamela and my concerns I was removed from  
10the core function of the NGO's and a lot of other people was then engaged to draw-up and assist in the whole process.

**ARBITRATOR JUSTICE MOSENEKE:** So this form was drawn without your consent?

**MS HANNAH JACOBUS:** Without my knowledge.

15**ARBITRATOR JUSTICE MOSENEKE:** Without your knowledge?

**MS HANNAH JACOBUS:** Not consent, I wasn't aware when this form was drawn up.

**ARBITRATOR JUSTICE MOSENEKE:** And did you tell her; that you were the one in charge, that she shouldn't do that?

20**MS HANNAH JACOBUS:** As I've said Justice, I wasn't put in charge of the project, I was been withdrawn from core functions of NGO administration.



**ARBITRATOR JUSTICE MOSENEKE:** Counsel?

**ADV PATRICK NGUTSHANA:** Yes, and on page 2446.

**MS HANNAH JACOBUS:** 2446?

**ADV PATRICK NGUTSHANA:** 2446. There is another audit checklist for 5 commitment at life care centres that accommodates users with severe and profound intellectual disability and psychiatric disorders. Are you there?

**MS HANNAH JACOBUS:** Yes, I am there.

**ADV PATRICK NGUTSHANA:** What is that document? Can you explain it?

10 **MS HANNAH JACOBUS:** I also have no knowledge of this document. I didn't draw this up and this, my observation afterwards when I found out about this document was also constructed during the process of the project.

**ADV PATRICK NGUTSHANA:** Of the project?

15 **MS HANNAH JACOBUS:** Yes, counsel.

**COUNSEL:** Were you informed that these documents will be constructed or be used?

**MS HANNAH JACOBUS:** No, counsel.

**ADV PATRICK NGUTSHANA:** When did you become aware of the 20 existence of this documents?

**MS HANNAH JACOBUS:** I became aware during, late during the course of the project where Dr Manamela phoned me and instruct me to tell them,

I was then mainly within the Pretoria area to make the NGO manager aware to use these two documents and not use the other documents. I discuss it with the coordinator and said to her; I don't know where this is coming from, who construct the document, but it cannot be used. Hence, if you to the Tshwane follow-up or visitation document they still use the old version and not the new one.

**ADV PATRICK NGUTSHANA:** Yes. Upon finding out that they are using these documents, did you object or report to the HHD(?) or whatever? Other than that telling Dr Manamela that you can't do this, what did you do?

**MS HANNAH JACOBUS:** Counsellor that stage I didn't even see the document, because when I was instructed and called by Dr Manamela I said to her I have no knowledge and I don't have, I am not in the possession of this document. And then I was told to contact somebody to send, but the whole process was very rust and chaotic. I've tried to contact one of the people that she referred me, Mr Nello(?) and I couldn't get hold of her, so we didn't use this document. I only saw it very late afterwards.

**ADV PATRICK NGUTSHANA:** Then would I be correct that designing these documents would be your responsibility, part of your core responsibilities?

**MS HANNAH JACOBUS:** Core part, if I was I should have been part of the designing of it if I didn't design it myself I should have been part of it. But I wasn't.

**ARBITRATOR JUSTICE MOSENEKE:** Why do you think you were overlooked?

**MS HANNAH JACOBUS:** Justice, as I've said earlier on with all the concerns and I think my relationship with Dr Manamela, at that stage, I was removed from my core function of NGO's. So, I didn't partake actively in the administrative thereof.

**ARBITRATOR JUSTICE MOSENEKE:** Why were you removed from your core function?

**MS HANNAH JACOBUS:** She has assigned other duties to me, Justice.

10 **ARBITRATOR JUSTICE MOSENEKE:** Excuse, I am sorry say it again?

**MS HANNAH JACOBUS:** Dr Manamela has assigned other duties to me.

**ARBITRATOR JUSTICE MOSENEKE:** But did you come to find out why you were removed from your core duty? Overseeing the NGO's interphase?

15 **MS HANNAH JACOBUS:** She did not explain and just said it is unusual circumstances and everybody's help is needed within this broader than me.

**ARBITRATOR JUSTICE MOSENEKE:** Who was installed in your place?

**MS HANNAH JACOBUS:** I was part of the process, a lot of -, there was now direct person restored or put in my place. And mostly senior management and Dr Manamela was driving the process.

**ARBITRATOR JUSTICE MOSENEKE:** You know, so many people have come here, in your department and have demonstrated one quality that is to scam away from responsibility. I was moved away. I didn't see this happen. Are you doing that?

**MS HANNAH JACOBUS:** I am not doing that. Other duties was assigned to me and there was a shortage of beds, so I was assigned to deal with all the other core functions.

**ARBITRATOR JUSTICE MOSENEKE:** There are a lot of questions about that. Your name appears on many of those movement of patients that is still coming. Most of these advocates will ask you those questions. But for a moment, you see, you came this morning and proudly told us that you were the chief honcho in charge of NGO's, isn't it?

**MS HANNAH JACOBUS:** Yes, Justice.

**ARBITRATOR JUSTICE MOSENEKE:** There are assessment, there are audit you prepared the licenses, in the past even people in your position signed licenses. That was your evidence. And now there is trouble you say you were moved away from that responsibility. Do you have any response to that?

**MS HANNAH JACOBUS:** I don't have a direct response Justice, because Dr Manamela as our Director has assigned and said it is an unusual project and she will delegate who get to do what. So, she delegated certain things and divided us into different areas.

**ARBITRATOR JUSTICE MOSENEKE:** Okay, she delegated your function to a person you don't know?

**MS HANNAH JACOBUS:** Yes, Justice. I cannot answer that. She is the only one.

**ARBITRATOR JUSTICE MOSENEKE:** Why can't you answer that? Why not?

5**MS HANNAH JACOBUS:** I don't know who she has delegated to take over my role, but we were all busy within the whole project executing certain things.

**ARBITRATOR JUSTICE MOSENEKE:** You know you are a public servant. You get paid for 30 years to do your job, and to look after 10patients who are vulnerable. The moment comes to testify, no you know nothing. You think carefully your attitude please of the many questions asked and don't scam away. We just want to know what the truth is. Do you understand that?

**MS HANNAH JACOBUS:** Yes, Justice.

15**ARBITRATOR JUSTICE MOSENEKE:** Please just help us. We've been here many days, but every one of you comes and just runs away from responsibility. Counsel?

**ADV PATRICK NGUTSHANA:** Yes. And why were your duties. Let me take another shot, why were your duties assigned to someone else?

20**MS HANNAH JACOBUS:** Justice, counsel my duties wasn't assigned to somebody else. There within the execution of work with a whole team within province. There was certain duties assigned to each of us by Dr Manamela.

**ADV PATRICK NGUTSHANA:** Yes, and the drafting of this documents was done without your knowledge?

**MS HANNAH JACOBUS:** Yes, counsellor.

**ADV PATRICK NGUTSHANA:** Despite the fact that it formed part of your 5score functions.

**MS HANNAH JACOBUS:** Yes counsel.

**ARBITRATOR JUSTICE MOSENEKE:** You know Dr Manamela came here and said she knew nothing about the licenses, you presented the licenses to her to sign. You now say you know nothing about the licenses, 10she instructed you to complete the licenses. Where is the truth there, do you want to tell us?

**MS HANNAH JACOBUS:** The truth is Justice, Dr Manamela instructed me to draw up the licenses for the project when it is time for the people to be placed that their licenses have been done, and as I've said earlier on 15not just me, but the whole team was we raised our concerned and it was quite a hectic discussion for a few meetings concerning that and every time she would just response to us and say it is an instruction we have to do it and it is because of the unusual process.

**ARBITRATOR JUSTICE MOSENEKE:** She said she never checked 20because she relied on you? You were the one with the duty to check and make sure that the NGO's are competent or good for purpose. What do you say to that?

**MS HANNAH JACOBUS:** Justice what I can say is; Dr Manamela when instructed me to compile the licenses I've raised my concerns I point out all the different areas in terms of forms and documentation and all and she says that it was an unusual process and there is a lot of time constraints.

**5 ARBITRATOR JUSTICE MOSENEKE:** But, was she telling the truth when she said you are the one who knew all about the audits and you were the one who completed the details of the licenses?

**MS HANNAH JACOBUS:** No, she wasn't telling the truth Justice.

**ARBITRATOR JUSTICE MOSENEKE:** Counsel?

**10 ADV PATRICK NGUTSHANA:** Ja, and further to that she had said that the necessary information to compile, or to be compiled was done by the district and handed over to you.

**MS HANNAH JACOBUS:** Yes, counsel.

**ADV PATRICK NGUTSHANA:** And thereafter this license were issued?

**15 MS HANNAH JACOBUS:** Yes, Counsel.

**ARBITRATOR JUSTICE MOSENEKE:** But you said that never happened?

**MS HANNAH JACOBUS:** Yes, Justice.

**ARBITRATOR JUSTICE MOSENEKE:** The Districts gave you nothing?

**20 MS HANNAH JACOBUS:** Yes, Justice.

**ARBITRATOR JUSTICE MOSENEKE:** Was she telling the truth when she said you received data or information from the District?

**MS HANNAH JACOBUS:** According my knowledge and what I know it wasn't the truth, Justice. Nothing was received from the District.

**ARBITRATOR JUSTICE MOSENEKE:** And you know why she would lie like this?

5**MS HANNAH JACOBUS:** I have no idea Justice, I cannot answer for her.

**ARBITRATOR JUSTICE MOSENEKE:** But you're quite certain you received nothing from the Districts? That she is untruthful when she says you were given all the information from the Districts?

**MS HANNAH JACOBUS:** Yes, I am sure Justice.

10**ARBITRATOR JUSTICE MOSENEKE:** You are sure about that?

**MS HANNAH JACOBUS:** That nothing was forthcoming from the Districts.

**ARBITRATOR JUSTICE MOSENEKE:** And you are sure that Dr Manamela was lying?

15**MS HANNAH JACOBUS:** Yes, Justice.

**ADV PATRICK NGUTSHANA:** Just to move off from this point, let me refer you to page 2494.

**MS HANNAH JACOBUS:** Yes, Counsel I am there.

**ADV PATRICK NGUTSHANA:** You are there. What is that document?

20**MS HANNAH JACOBUS:** 2495. It is also an audit document, on 2494.  
Yes.



**ADV PATRICK NGUTSHANA:** What is the date of the visit referred there?

**MS HANNAH JACOBUS:** 28 July 2016.

**ADV PATRICK NGUTSHANA:** And what is the name of the centre?

**MS HANNAH JACOBUS:** Precious Angels.

**ADV PATRICK NGUTSHANA:** Okay. Then let's go to the following page 2495. The second bullet point it says the number of rooms available is not enough for the patient, as a result some beds are too close to each other in House 1 the beds in the Western wing was placed in such a way that a 10door couldn't be closed, and the area is windy. Are you there?

**MS HANNAH JACOBUS:** Yes, Counsel I see.

**ADV PATRICK NGUTSHANA:** Would you agree with me that if a preaudit was done, this could have been identified at that stage?

**MS HANNAH JACOBUS:** Yes, a preaudit and a formal audit it would 15have been identified [inaudible 01:15:31]

**ADV PATRICK NGUTSHANA:** In a preaudit and a formal audit?

**MS HANNAH JACOBUS:** Yes, Justice.

**ADV PATRICK NGUTSHANA:** So that the fact that this was found out of a visit made on 28 July 2016 it means that it was not done before?

**MS HANNAH JACOBUS:** Can I answer on that, but I can't just say yes or no.

**ADV PATRICK NGUTSHANA:** Yes, you can explain.

**MS HANNAH JACOBUS:** According to what I see here, and you take in conjunction with a formal audit, remember with a formal audit there may made(?) mental health people will be part of the audit and they will then measure the space for each person so that it will then be indicated that 5this facility can only take in two people, for instance. And without a formal audit, without measurements more people, what I observe here, has been placed in this facility.

**ADV PATRICK NGUTSHANA:** More patients?

**MS HANNAH JACOBUS:** Has been placed into this facility, because 10what I read here it was space, there wasn't any space it was to close etcetera.

**ADV PATRICK NGUTSHANA:** So the required guidance would have been provided if this pre, that is this informal audit and the formal audits were done.

15**MS HANNAH JACOBUS:** Yes, Counsellor.

**ARBITRATOR JUSTICE MOSENEKE:** Who ordered this audit?

**MS HANNAH JACOBUS:** I don't know, Justice.

**ARBITRATOR JUSTICE MOSENEKE:** Why don't you know that?

**MS HANNAH JACOBUS:** Justice, as I've said we've been assigned 20different duties during the course of the project and specific people were assigned to specific areas.

**ARBITRATOR JUSTICE MOSENEKE:** Look at page 2494, is says MHD, what does MHD refer to?

**MS HANNAH JACOBUS:** 2494, is says?

**ARBITRATOR JUSTICE MOSENEKE:** Under purpose.

**MS HANNAH JACOBUS:** Okay, the Mental Health Directorate.

**ARBITRATOR JUSTICE MOSENEKE:** And Weskopies Hospital. You  
5are part of the Mental Health Directorate, isn't it?

**MS HANNAH JACOBUS:** Yes, Justice.

**ARBITRATOR JUSTICE MOSENEKE:** And you don't know about the  
audit that was done at Precious Angels ... [interjects]

**MS HANNAH JACOBUS:** No, Justice. As I've said ... [interjects]

10**ARBITRATOR JUSTICE MOSENEKE:** on 28 July 2016?

**MS HANNAH JACOBUS:** No, Justice.

**ARBITRATOR JUSTICE MOSENEKE:** Why don't you know that?

**MS HANNAH JACOBUS:** We were ... [interjects]

**ARBITRATOR JUSTICE MOSENEKE:** You were working at the Mental  
15Health Directorate.

**MS HANNAH JACOBUS:** We were five, we are five DDS(?) within our  
office. And we've assigned to certain areas within the whole of Gauteng,  
so one person would be responsible with taking in all the patients that was  
placed as the Life and the different NGO's. So specific person would then  
20get, cater or care for a certain number of NGO's.

**ARBITRATOR JUSTICE MOSENEKE:** Do you know that this venue  
Precious Angels, the evidence suggest was a death trap?

**MS HANNAH JACOBUS:** I've heard that afterwards.

**ARBITRATOR JUSTICE MOSENEKE:** Many patients died. Do you know that?

**MS HANNAH JACOBUS:** Yes, Justice.

5**ARBITRATOR JUSTICE MOSENEKE:** How many do you know have died?

**MS HANNAH JACOBUS:** What if its 18, 18 patients.

**ARBITRATOR JUSTICE MOSENEKE:** 18 souls passed on at this place.

**MS HANNAH JACOBUS:** Yes, I was saddened when I heard that  
10Justice.

**ARBITRATOR JUSTICE MOSENEKE:** Would it have been your normal duty to audit the places and ... [interjects]

**MALE VOICE:** Just lie down.

**MS HANNAH JACOBUS:** Yes, Justice.

15**ARBITRATOR JUSTICE MOSENEKE:** And you prepared the license that was issued by Manamela, isn't it so?

**MS HANNAH JACOBUS:** Yes, Justice.

**ARBITRATOR JUSTICE MOSENEKE:** And people died there, because of your conduct and Manamela's conduct?

20**MS HANNAH JACOBUS:** When I became known of this Justice, and I looked at the, and I asked for the address where this is, it was also a

different facility where these patients were placed. Initial facility identified for placement wasn't used.

**ARBITRATOR JUSTICE MOSENEKE:** Did any of your people go to Precious Angel before people were send there?

5**MS HANNAH JACOBUS:** Yes, Justice.

**ARBITRATOR JUSTICE MOSENEKE:** Did they compile a report?

**MS HANNAH JACOBUS:** Yes, Justice. Not a, a brief report. Within the process no formal normal reports was compiled.

**ARBITRATOR JUSTICE MOSENEKE:** Where is that report?

10**MS HANNAH JACOBUS:** I don't know. Maybe counsel has it, I don't know I didn't bring along the report.

**ARBITRATOR JUSTICE MOSENEKE:** Did you see the report before people was send to Precious Angels?

**MS HANNAH JACOBUS:** No, Justice.

15**ARBITRATOR JUSTICE MOSENEKE:** And you compiled the license which ultimately was issued to Precious Angels?

**MS HANNAH JACOBUS:** Yes, Justice.

**ARBITRATOR JUSTICE MOSENEKE:** Did you ever go to Precious Angels, yourself, physically?

20**MS HANNAH JACOBUS:** After the placement when I heard what was going on, I went to go and look what was going on and as I am saying when I got to the place where the patients was I then informed Dr

Manamela and I asked her who has placed the patients here because that was not an identified facility that was initially indicated for Precious Angels. It was a complete different facility a different address.

**ARBITRATOR JUSTICE MOSENEKE:** Where did you get the addresses  
5that you wrote into the licenses?

**MS HANNAH JACOBUS:** From the pre-visits.

**ARBITRATOR JUSTICE MOSENEKE:** So there were pre-visits?

**MS HANNAH JACOBUS:** Yes, there was pre-visits, Justice.

**ARBITRATOR JUSTICE MOSENEKE:** I thought your evidence was there  
10was none whatsoever.

**MS HANNAH JACOBUS:** There wasn't formal, normal process visits,  
Justice but brief pre-visits were conducted.

**ARBITRATOR JUSTICE MOSENEKE:** At all the places where the  
licenses were issued?

15**MS HANNAH JACOBUS:** Yes, Justice. Can I explain that process? The  
pre-visits or the marathon sort of visits?

**ARBITRATOR JUSTICE MOSENEKE:** Yes.

**MS HANNAH JACOBUS:** What happened was, I think it was towards the  
end of 2015 I then went to Mr Manajave(?) from facility and planning. I  
20was alone at that time in the office, and I ask for assistance, because Dr  
Manamela said that when she comes back from leave she wants report.  
And I alone cannot do that, irrespective what I know and what I have. So,

I went and ask for support from the Facility and Planning Division and there were a few engineers still working, and the others even cancelled their leave to support. So, we started with formal hospital visits to determine what the costing and what the facility is and in January from the 5mid-January we started with visiting these NGO's with the engineers. She says that the Districts shouldn't be involved, and I said to her because even if they are not involved after placement the Districts will be involved so I on my own then phoned all the District coordinators and asked for their help, explain to them Dr Manamela said it is not necessary for them 10to do it but for me for my sake as a person . [interjects]

**ARBITRATOR JUSTICE MOSENEKE:** [inaudible 01:22:20] are you talking about frankly? I asked about Precious Angels.

**MS HANNAH JACOBUS:** Yes Sir, I am saying the previous ... [interjects]

**ARBITRATOR JUSTICE MOSENEKE:** And there are premises entered 15into their license, and I want to know whether you have ever visited the premises.

**MS HANNAH JACOBUS:** The pre-, the original place where the placent were supposed to be placed, yes that place I visited, but that the second one.

20**ARBITRATOR JUSTICE MOSENEKE:** So why did you write the wrong premise in the license?

**MS HANNAH JACOBUS:** That I cannot answer Justice. I only received the ... [interjects]

**ARBITRATOR JUSTICE MOSENEKE:** No, but you were there, you went there, you say you were there?

**MS HANNAH JACOBUS:** Justice, I went to the first identified space for Precious Angels, and there was a brief report on that one. But when I've heard what happened I went then and looked where the patients are with a colleague of mine and then I indicated but this is a total new facility it wasn't even meant to be placing patients there.

**ARBITRATOR JUSTICE MOSENEKE:** But didn't you tell everybody and save eighteen lives? Tell everybody beforehand? That Precious Angel is not ready to receive mental health care users?

**MS HANNAH JACOBUS:** I did not do the placements Justice. Of patients within these facilities and all the facilities.

**ARBITRATOR JUSTICE MOSENEKE:** But you were there, and it is your job to make sure ... [interjects]

**MS HANNAH JACOBUS:** I went after the placements.

**ARBITRATOR JUSTICE MOSENEKE:** To make sure NGO's functions optimally. Why didn't you go and scream to everybody? To the whole world? People will die if they are taken there?

**MS HANNAH JACOBUS:** We have raised our concerns with Dr Manamela. We've raised our concerns with Dr Manamela ... [interjects]

**ARBITRATOR JUSTICE MOSENEKE:** We are talking about Precious Angel I want to understand what did you do to prevent the deaths that ensued. That is really what I am asking you about.



**MS HANNAH JACOBUS:** I did not visit Precious Angels on a regular basis, Justice because there was other NGO's that I had to visit also and support.

**ADV PATRICK NGUTSHANA:** While on that issue on Precious Angels 5visits the evidence of Ms Ngobe(?) that is Effort Ngobe(?) was that the first patient were received on the 23<sup>rd</sup> of June and this visit appears it was conducted just a month later. And you found all this problems which appears on page 2495. And what I want to find out from you when did you conduct, when did you made this visits to Precious Angels, in relation to 10this dates?

**MS HANNAH JACOBUS:** I might have visited Precious Angels when my colleague phoned me just shortly after the placement.

**ADV PATRICK NGUTSHANA:** After the placement?

**MS HANNAH JACOBUS:** The placement? Yes.

15**ADV PATRICK NGUTSHANA:** And prior to the placement?

**MS HANNAH JACOBUS:** Prior to the placement a brief audit was done to identify the spacing for Precious Angels.

**ADV PATRICK NGUTSHANA:** Yes.

**MS HANNAH JACOBUS:** And hence, I say when I got there it was a total 20different facility and not an initial identified facility.

**ADV PATRICK NGUTSHANA:** Okay, then let's go to the, that issue the, back to the license on Precious Angel, let's look at the date there. No, the premises for which there was issued the license it is on page 2397.

**MS HANNAH JACOBUS:** 2397.

**ADV PATRICK NGUTSHANA:** Is that the premises you visited?

**MS HANNAH JACOBUS:** No, Counsel.

**ADV PATRICK NGUTSHANA:** And which premise did you visit?

5**MS HANNAH JACOBUS:** It was, I can't remember the address, but it was the premises in Atteridgeville.

**ADV PATRICK NGUTSHANA:** Okay...

**ARBITRATOR JUSTICE MOSENEKE:** Then why issue a license in respect of Lynnwood Road?

10**MS HANNAH JACOBUS:** I did not construct this license, Justice.

**ARBITRATOR JUSTICE MOSENEKE:** What do you mean?

**MS HANNAH JACOBUS:** Justice, the licenses are all on a soft copy. When the initial licenses were made for Precious Angels it was made out to Khalafong(?) Heights.

15**ARBITRATOR JUSTICE MOSENEKE:** But your evidence is that you completed the details of these licenses?

**MS HANNAH JACOBUS:** Lynnwood Road, I've never, I didn't visit Lynnwood Road.

**ARBITRATOR JUSTICE MOSENEKE:** Why did you issue a license in  
20respect of a premise that you did not know and had not been to?

**MS HANNAH JACOBUS:** I did not construct this license, Justice. This one of Lynnwood Road.

**ARBITRATOR JUSTICE MOSENEKE:** Who did?

**MS HANNAH JACOBUS:** I don't know, Justice.

**ARBITRATOR JUSTICE MOSENEKE:** It is your evidence that you completed all of them?

5**MS HANNAH JACOBUS:** I've completed ... [interjects]

**ARBITRATOR JUSTICE MOSENEKE:** On the instructions of Dr Manamela.

**MS HANNAH JACOBUS:** I've completed the license for Precious Angels for Khalafong Heights.

10**ARBITRATOR JUSTICE MOSENEKE:** But why did you and Manamela play such roulette with lives of living people? Why did you do this?

**MS HANNAH JACOBUS:** Justice, I didn't play roulette I just constructed all the licenses prior to 1<sup>st</sup> of April, and that was it.

**ARBITRATOR JUSTICE MOSENEKE:** When somebody has a license in  
15hand, they are entitled to do what?

**MS HANNAH JACOBUS:** To occupy a facility at a specific space for a specific type of ... [interjects]

**ARBITRATOR JUSTICE MOSENEKE:** And to receive mental health care users, right?

20**MS HANNAH JACOBUS:** Yes, yes.

**ARBITRATOR JUSTICE MOSENEKE:** And you knew that?

**MS HANNAH JACOBUS:** Yes.

**ARBITRATOR JUSTICE MOSENEKE:** And you knew every time the licenses were completed and signed people, vulnerable patients would be send to those premises. You knew all that.

**MS HANNAH JACOBUS:** Yes.

5**ARBITRATOR JUSTICE MOSENEKE:** Why did you do it?

**MS HANNAH JACOBUS:** Justice, if I can say again, in normal circumstances it would be sole my responsibility and accountability to adhere to what ... [interjects]

**ARBITRATOR JUSTICE MOSENEKE:** Yes, and why [01:28:59 inaudible]  
10responsibility so to protect people who where completely in your hands. Who depended on you. What is your answer, why did you do it?

**MS HANNAH JACOBUS:** Justice, I regret, really I regret and I discuss ... [interjects]

**ARBITRATOR JUSTICE MOSENEKE:** Let's forget about regretting for a  
15moment, I want to ... [interjects]

**MS HANNAH JACOBUS:** I discussed with Dr Manamela, I've raised my concerns it was discussed. We had a special meeting with Manamela's supervisor it was discussed, our concerns were raised. Dr Mnasimisa(?) raised her concerns but Dr Manamela still continued it was the process  
20and it has to be followed.

**ADV PATRICK NGUTSHANA:** Yes, let me refer you to Ella 26(?) this another license form for Precious Angels.

**MS HANNAH JACOBUS:** Page?

**ADV PATRICK NGUTSHANA:** Ella 26. The Ella documents.

**MS HANNAH JACOBUS:** Yes, Counsel.

**ADV PATRICK NGUTSHANA:** Yes, remember just recently you made reference to Khalafong Heights. This is a license for Khalafong Heights.

**MS HANNAH JACOBUS:** Yes, Counsel.

**ADV PATRICK NGUTSHANA:** And where is the license for the premises which they occupied and [01:30:23 inaudible]?

**MS HANNAH JACOBUS:** There is no license. It was made out to that Counsel. According to my knowledge. I didn't make out the license for 10that one.

**ADV PATRICK NGUTSHANA:** Okay it's fine. Let's then explain why was the license issued for this premises Khalafong Heights and for that number of persons, can you explain that?

**MS HANNAH JACOBUS:** Yes, Counsel. In terms of the licenses for the 151<sup>st</sup> of April, as I've said we've done brief pre-visits with the engineers in all the areas that we visited was measured. So this is the amount of people that the space where Precious Angels was supposed to engage that is the amount of beds that could have fit into that specific facility.

**ADV PATRICK NGUTSHANA:** At Khalafong Heights?

**MS HANNAH JACOBUS:** At Khalafong Heights, yes.

**ADV PATRICK NGUTSHANA:** Were these beds available? Actual beds available at Khalafong Heights when this license was issued?

**MS HANNAH JACOBUS:** The beds were available at a much later stage, Counsel. Not at that time.

**ADV PATRICK NGUTSHANA:** But as at the time when the license was issued the beds were not available?

5**MS HANNAH JACOBUS:** There were no beds available, Counsel.

**ADV PATRICK NGUTSHANA:** Is it not a requirement that is for licensing that you must issue a license in respect of the actual number of beds available.

**MS HANNAH JACOBUS:** Yes, Counsel that is normal procedure.

10**ADV PATRICK NGUTSHANA:** That's normal procedure.

**MS HANNAH JACOBUS:** Yes.

**ADV PATRICK NGUTSHANA:** You don't speculate on that?

**MS HANNAH JACOBUS:** No, you don't speculate.

**ADV PATRICK NGUTSHANA:** Okay. And now that they ultimately  
15occupied different premises is it permitted in terms of the Regulations that you issue a license for this particular address and you end up in Johannesburg or some parts of Johannesburg?

**MS HANNAH JACOBUS:** It is not admitted, according law it is not permitted.

20**ADV PATRICK NGUTSHANA:** It is not permitted.

**MS HANNAH JACOBUS:** Executing to allow such a thing to happen Counsel.

**ADV PATRICK NGUTSHANA:** And what did the Department do when they found out that this was happening?

**MS HANNAH JACOBUS:** When I raised my concerns about the different spaces available for NGO's and where the people are placed Dr Manamela told me that the corrections had been made afterwards then the project ends.

**ADV PATRICK NGUTSHANA:** And on the Ella 26 it appears that is was signed by Dr Selebana(?) and from this evidence it was post entered.

**MS HANNAH JACOBUS:** No, it is the same date.

10 **ADV PATRICK NGUTSHANA:** No, no from his oral evidence it was not signed on the 1<sup>st</sup> of April.

**MS HANNAH JACOBUS:** Ja, ja it was signed at a much later stage. Can I explain that [1:33:13 inaudible]

**ADV PATRICK NGUTSHANA:** Yes.

15 **MS HANNAH JACOBUS:** It was one Saturday morning, Dr Manamela phoned me and says I must come into the office to do license. So, I ask her what licenses and what for. Then she says she would explain, then I said can't it wait for Monday morning?

**ADV PATRICK NGUTSHANA:** Yes.

20 **MS HANNAH JACOBUS:** And she says no she need licenses to be signed by Dr Selabana. I ask why, then she says she was told that Dr Selabana must sign the license. I said, but we can't do that because she already signed licenses and it's not legally correct. Phone Dr Selabana

again and tell him lets discuss it on Monday morning. And then by the evening she phoned me again I must be there the Sunday morning, and I said I am not coming in I'll see them on Monday.

**ADV PATRICK NGUTSHANA:** Yes.

5**MS HANNAH JACOBUS:** Sunday, round about half past eleven she called me again and says I must, she doesn't have a soft copy, it is in the office, do I have. I said yes, I've got my memory stick and she says I must mail it to her, and that is what I've done. So, I mailed the stuff to her.

**ADV PATRICK NGUTSHANA:** So the actual signing of this document,  
10you were not there?

**MS HANNAH JACOBUS:** I was not aware, and I wasn't aware even that it has been changed from Dr Salabana to be finalised.

**ARBITRATOR JUSTICE MOSENEKE:** Why were the licenses  
backdated?

15**MS HANNAH JACOBUS:** I have no idea Justice. I didn't, she didn't explain to me and if, as you see there it was done at a much later stage. If Dr Selabana signed the license the dates should also have been changed from 1 April to let's say 3<sup>rd</sup> April that it will be signed by him, and it construct the same amount, the same time span ... [interjects]

20**ARBITRATOR JUSTICE MOSENEKE:** The license it tells you of the period of validity, doesn't it?

**MS HANNAH JACOBUS:** Yes, yes.



**ARBITRATOR JUSTICE MOSENEKE:** So why backdate the day on which it is signed?

**MS HANNAH JACOBUS:** Because he signs it, I mean he didn't sign the license on the 1<sup>st</sup> of April he signed it a later stage. So, he should have or would have signed it on that day that he signs, and that is with any document I assume that you sign on that day you denote that date that you sign.

**ARBITRATOR JUSTICE MOSENEKE:** And no doubt you know that that is forgery?

10 **MS HANNAH JACOBUS:** I don't know [01:35:21], I wasn't part of this and I wasn't at the ... [interjects]

**ARBITRATOR JUSTICE MOSENEKE:** But you consent that you know that these were backdated, signed on much, much later date than the 1<sup>st</sup> of March?

15 **MS HANNAH JACOBUS:** Yes, when I've heard, and as I've send the soft copy to her, it was at a later stage.

**ARBITRATOR JUSTICE MOSENEKE:** Did you report this to anybody?

**MS HANNAH JACOBUS:** I wasn't aware of this because ... [interjects]

**ARBITRATOR JUSTICE MOSENEKE:** That Dr Manamela and Dr  
20 Selabana are acting fraudulently?

**MS HANNAH JACOBUS:** Justice, I was ... [interjects]

**ARBITRATOR JUSTICE MOSENEKE:** The signing documents and attaching dates which are false? Did you report that to anybody?

**MS HANNAH JACOBUS:** Justice, I wasn't aware that this was done because after my discussion with her I thought that the matter was laid to rest. And I didn't hear anything afterwards it was only at a much, much later time when I saw this document at the NGO that it was [01:36:16 inaudible].

**ARBITRATOR JUSTICE MOSENEKE:** And once you saw it did you go and report to anybody? Public official as an offence or a wrong committed under your nose? Did you report it to anybody?

**MS HANNAH JACOBUS:** I've reported again to Dr Manamela and ask, and pointed out about this.

**ARBITRATOR JUSTICE MOSENEKE:** You told her what?

**MS HANNAH JACOBUS:** That the dates and the signing and the signature of Dr Selabana should have been changed and they used, contain the same date. And that was at a much, much later stage well beyond the project.

**ARBITRATOR JUSTICE MOSENEKE:** You seem to have been quite hell bend to act against the law, to ignore the law in this project, isn't it? When at least three instances of blatant unlawful conduct

**MS HANNAH JACOBUS:** Justice from my side, remember we report and we ask. We raise concerns and we've done that many a time and Dr

Manamela said it was, she'll take it to senior management where they will discuss it.

**ARBITRATOR JUSTICE MOSENEKE:** Have the police visited you?

**MS HANNAH JACOBUS:** Yes, Justice. We are still busy in that process.

5**ARBITRATOR JUSTICE MOSENEKE:** Have you made a warning statement to the police?

**MS HANNAH JACOBUS:** We're still busy in the process Justice, not yet finalised.

**ARBITRATOR JUSTICE MOSENEKE:** Counsel.

10**ADV PATRICK NGUTSHANA:** In fact, just to, finally on this point, when according to the evidence when this license was signed and backdated already there were many deaths at this facility, around twenty.

**MS HANNAH JACOBUS:** Counsel, I wasn't aware of the deaths initially. Only made known at a much, much later stage where we've been  
15informed. So, I had no prior knowledge to that.

**ADV PATRICK NGUTSHANA:** Yes. Thank you. Then let's move now to, focus ourselves on the policies of the department in relation to this issue. I want to find out from you specifically from your knowledge when patients were moved and how where they to be moved, what was the plan  
20for the movement of this patients to the NGO's which you've identified?

**MS HANNAH JACOBUS:** My contribution or just the knowledge, the procedure how it should be done?

**ADV PATRICK NGUTSHANA:** Yes.

**MS HANNAH JACOBUS:** In terms of procedurally when you move a person from one place to the other the, for whatever reason, the family needs to be notified, the person has to be assessed again, in terms of the current status and a correct placement then needs to be done.

**ADV PATRICK NGUTSHANA:** Yes.

**MS HANNAH JACOBUS:** And with, when the person reaches the new facility a similar thing happens and then the occupations therapist would come out to that new facility to do a reassessment so that continuation of services can continue.

**ADV PATRICK NGUTSHANA:** Okay. Then now let's go to the actual policies of the, that's of the Department in existence at the time and I will refer you to the, to Ella 0121 the Mental Health Services Structuring Plan 2014 and 2020. It's a new document. Together with that I want to refer you to the, to another policy that is Ella 0124. And let's start with Ella 124.

**MS HANNAH JACOBUS:** Yes, Counsel.

**ADV PATRICK NGUTSHANA:** Are you familiar with that document?

**MS HANNAH JACOBUS:** Yes, Counsel.

**ADV PATRICK NGUTSHANA:** What is it?

**MS HANNAH JACOBUS:** It is the National Policy Framework.

**ADV PATRICK NGUTSHANA:** And on what?

**MS HANNAH JACOBUS:** On a deinstallation of mental health care users and the guidelines on norms and standards.

**ADV PATRICK NGUTSHANA:** And when was this document adopted?

**MS HANNAH JACOBUS:** This document was adopted in 2014, I think originally signed off and then send out to services, to the provinces.

**ADV PATRICK NGUTSHANA:** Yes, and the implementation of this project was it an implementation of this policy?

**MS HANNAH JACOBUS:** No, Counsel.

**ADV PATRICK NGUTSHANA:** It wasn't?

10 **MS HANNAH JACOBUS:** No, Counsel.

**ADV PATRICK NGUTSHANA:** Okay. Then let me take you to the document is not numbered, but on Item 8 on Clause 8 of the document.

**MS HANNAH JACOBUS:** Roles and responsibilities?

**ADV PATRICK NGUTSHANA:** It said, it says the roles and  
15 responsibilities are consistent with the roles as set out in the Constitution and the National Health Act. The Roles of the Minister of Health, the MECs, Head of Health and National and Provincial Level the National Health Council Provincial Health Councils, and District Counsels are set  
20 out in the National Health Act. The roles and responsibilities are articulated in this document only to mental health functions within these overall structure. So, I want us to confine our self, that is to mental health functions.

**ADV PATRICK NGUTSHANA:** Yes, Counsel.

**ARBITRATOR JUSTICE MOSENEKE:** You are reading from Ella 121?

**ADV PATRICK NGUTSHANA:** 124.

**ARBITRATOR JUSTICE MOSENEKE:** 124.

5**ADV PATRICK NGUTSHANA:** I'm sorry, Item 8, clause 8.

**ARBITRATOR JUSTICE MOSENEKE:** Yes, thank you.

**ADV PATRICK NGUTSHANA:** Roles and responsibilities. Then whilst on that the following page Item 8.3. I am not going to read the entire set. 8.3.1 Provincial Departments of Health, the roles of responsibility.

10**MS HANNAH JACOBUS:** Would you just give me, yes.

**ADV PATRICK NGUTSHANA:** Translation of National Policy into Provincial strategic and Operational plans which include clear target, indicators budgets and timelines.

**MS HANNAH JACOBUS:** Yes.

15**ADV PATRICK NGUTSHANA:** Do you see that?

**MS HANNAH JACOBUS:** Yes.

**ADV PATRICK NGUTSHANA:** And it sets out a whole range of other responsibilities for the Provisional Health Department.

**MS HANNAH JACOBUS:** Yes.

20**ADV PATRICK NGUTSHANA:** So Ella 1221 was it adopted in line with that policy or not?

**MS HANNAH JACOBUS:** I've never seen this signed copy of this document, but I am aware, and it was part and parcel of constructing this one to one document.

**ADV PATRICK NGUTSHANA:** One to one document?

5**MS HANNAH JACOBUS:** Yes, Counsel.

**ADV PATRICK NGUTSHANA:** Yes, what were you perusing there? Were you perusing a following the National Policy?

**MS HANNAH JACOBUS:** The National Policy.

**ADV PATRICK NGUTSHANA:** Okay, and does it deal with mental  
10health?

**MS HANNAH JACOBUS:** Yes, Counsel.

**ADV PATRICK NGUTSHANA:** And does it deal with Life Esidemini?

**MS HANNAH JACOBUS:** No, Counsel.

**ADV PATRICK NGUTSHANA:** It doesn't? Okay. Let's go to the other  
15document. Justice may I, I see it is half past eleven?

**ARBITRATOR JUSTICE MOSENEKE:** Yes, I've been, should take the adjournment now, that will be up to twelve midday.

## SESSION 2

**ARBITRATOR JUSTICE MOSENEKE:** ...[indistinct – 00:00:04] you may be seated. You still remain under your previous oath, to tell the truth and nothing but the truth. Counsel.

5**ADV PATRICK NGUTSHANA:** Thank you justice Moseneke. I was still on the two policies. The National Policy and the Provincial Policy. And before I proceed on that, let me place a proper context of this, and I will refer you to one of the recommendations by professor Makgoba that is the Health Ombud, that is recommendation 18. It is Volume... it should be  
10Volume 1. Recommendations 18, are you on... it is right at the end of the...

**MS HANNAH JACOBUS:** The page, Counsel?

**ADV PATRICK NGUTSHANA:** The original page number of the document is page 55 at the bottom, of that document.

15**MS HANNAH JACOBUS:** I do not see page 55 here. It is in the first Volume of the...

**ADV PATRICK NGUTSHANA:** I will request the ...[indistinct – 00:01:58] to assist you. It is recommendation 18.

**MS HANNAH JACOBUS:** Is it here, page 55, it should be here. No.

20**ADV PATRICK NGUTSHANA:** Are you there?

**MS HANNAH JACOBUS:** No, Counsel. ...[indistinct – 00:02:39]  
Counsel.



**ADV PATRICK NGUTSHANA:** Ja, 18.

**ARBITRATOR JUSTICE MOSENEKE:** Next page.

**MS HANNAH JACOBUS:** 18.

**MALE SPEAKER:** Next page.

5**MS HANNAH JACOBUS:** Is it on page 55. 55 is here.

**MALE SPEAKER:** 18 ...[indistinct – 00:02:50]

**MS HANNAH JACOBUS:** ...[indistinct – 00:02:52]

**ADV PATRICK NGUTSHANA:** Are you on the page?

**MS HANNAH JACOBUS:** Yes, Counsel.

10**ADV PATRICK NGUTSHANA:** Oh, okay, thank you. Then Recommendation 18 and on the following page of that 18, that is recommendations to the Gauteng Department of Health, GDOH. It is the first bullet point, second bullet point, third bullet point. The fourth bullet point it says:

15*“If the institutionalisation of MHCUs is to be implemented in South Africa, it has to be done with the provision of structured community mental health care services as recommended by the MH Policy and articulated by Professor Freeman’s document with the adequate planning and allocation of designated*  
20*resources.”*

*The next bullet point:*

*“Specially is the ...[indistinct – 00:03:47] Committee and the psychiatric services as ascribed in the MH Policy, must be included in the proposed NH1 structure and finding in order to address the needs of people with ...[indistinct – 00:03:58] disability who requires specialist level care close to their home.”*

*The last bullet point on that page:*

*“GDOH must develop a capacity program for all newly established NGO’s within 45 days, submit such to the OHSC within 90 days.”*

10 Do you see that?

**MS HANNAH JACOBUS:** Yes.

**ADV PATRICK NGUTSHANA:** Do you understand what he refers to?

**MS HANNAH JACOBUS:** Yes.

**ADV PATRICK NGUTSHANA:** What is it?

15 **MS HANNAH JACOBUS:** It is the document, or a practical strategy needs to be drawn up for implementation after that.

**ADV PATRICK NGUTSHANA:** Yes. And you admit that you are not capacitated as at the time when you decided to implement this policy?

**MS HANNAH JACOBUS:** Counsel, can I explain Judge? It was drawn  
20 up. The document was drawn up, but in terms of implementation and execution of the project, the document was not used.

**ADV PATRICK NGUTSHANA:** The document was not used?

**MS HANNAH JACOBUS:** Was not used.

**ADV PATRICK NGUTSHANA:** Which document are you referring to?

**MS HANNAH JACOBUS:** The strategic provincial document that speaks to this points here.

5**ADV PATRICK NGUTSHANA:** And the strategic provincial document ...  
[intervened]

**ARBITRATOR JUSTICE MOSENEKE:** No, Counsel, you also will have to be a little louder than that ...[indistinct – 00:05:13]

**ADV PATRICK NGUTSHANA:** I am sorry, I am sorry. Yes, what  
10document are you referring to?

**MS HANNAH JACOBUS:** The strategic provincial document that speaks to the strategy that needs to be drawn up for implementation to execute this function.

**ADV PATRICK NGUTSHANA:** It was not drawn?

15**MS HANNAH JACOBUS:** The document was drawn up, but it was not used ...[indistinct – 00:05:31] project.

**ADV PATRICK NGUTSHANA:** Oh, I see. And that strategic provincial document is the LO121 (?) I have referred you to.

**MS HANNAH JACOBUS:** Yes Counsel.

20**ADV PATRICK NGUTSHANA:** Okay, let us go to it.

**ARBITRATOR JUSTICE MOSENEKE:** Why was LO121, the policy document, not used?

**MS HANNAH JACOBUS:** Again, Dr Manamela said we could not use this because of the unusual situation and time constraints to ...[indistinct – 00:05:56] patients from Life Esidimeni facilities.

**ARBITRATOR JUSTICE MOSENEKE:** So, you invited to ignore your own policy?

**MS HANNAH JACOBUS:** Judge, in terms of implementation... [intervened]

**ARBITRATOR JUSTICE MOSENEKE:** Just answer the question please.

**MS HANNAH JACOBUS:** Yes, yes, Judge.

10**ARBITRATOR JUSTICE MOSENEKE:** There was a policy, LO121 is your evidence, and Dr Manamela instructed all of you not to follow the policy because of what reason?

**MS HANNAH JACOBUS:** The unusual situation that we need to execute.

15**ARBITRATOR JUSTICE MOSENEKE:** What does that refer to?

**MS HANNAH JACOBUS:** She says that this is an unusual project and it has time constraints in view of the placement of the Life Esidimeni patients.

**ARBITRATOR JUSTICE MOSENEKE:** What was unusual?

20**MS HANNAH JACOBUS:** Pardon, Judge... Justice?

**ARBITRATOR JUSTICE MOSENEKE:** What was unusual?

**MS HANNAH JACOBUS:** The deinstallisation of the patients from Life Esidimeni facilities.

**ARBITRATOR JUSTICE MOSENEKE:** And that had to happen outside the policy adopted?

5**MS HANNAH JACOBUS:** Yes, Justice.

**ARBITRATOR JUSTICE MOSENEKE:** Counsel.

**ADV PATRICK NGUTSHANA:** Thank you. Let us now go to the policy. That is LO121. Go to page 16 of the document.

**MS HANNAH JACOBUS:** Yes, Counsel?

10**ADV PATRICK NGUTSHANA:** There it makes reference to specialised, table 6, specialised psychiatric hospital beds.

**MS HANNAH JACOBUS:** Table 6, this is one... page 16 is table 7.4.

**ADV PATRICK NGUTSHANA:** Oh, 7.4. I am sorry. Let me see? Go to table 6, it is on page... let me see. It is 17, I am sorry.

15**MS HANNAH JACOBUS:** Page 17?

**ADV PATRICK NGUTSHANA:** *Ja*.

**MS HANNAH JACOBUS:** Yes, Counsel?

**ADV PATRICK NGUTSHANA:** Table 6 maps out...

**MS HANNAH JACOBUS:** One minute please, Counsel, just want to get  
20to table 6. Because page 17 has 7.6, let me just get to...

**ADV PATRICK NGUTSHANA:** *Ja*, 7.6 then underneath it, it is table 6.

**MS HANNAH JACOBUS:** Oh, I see, yes Counsel?

**ADV PATRICK NGUTSHANA:** Yes, table 6 is on the page. Then it use certain projections that is for Sterkfontein, Weskoppies, Tara, Cullinan Private Hospital, Contracted Care, Life Esidimeni. Then it gives you the 5 number of beds there. Do you see?

**MS HANNAH JACOBUS:** Yes.

**ADV PATRICK NGUTSHANA:** What does that signify to you?

**MS HANNAH JACOBUS:** In view, when we construct this document, we have done a surveillance in all of services. From community base up to 10 specialist hospital services and these were the result what was currently approved. What was not used, what was usable, what was approved, what was unused. Those are the different tables it notates.

**ADV PATRICK NGUTSHANA:** So, when you were planning to implement the Marathon Project, you were working on these projections?

15 **MS HANNAH JACOBUS:** No, Counsel.

**ADV PATRICK NGUTSHANA:** What were you working on?

**MS HANNAH JACOBUS:** There was... we could not use the whole document, the strategic document. With the marathon, what happens was, we were concentrating on the facilities and hospitals that was 20 assigned to us to go and survey.

**ADV PATRICK NGUTSHANA:** Yes.

**MS HANNAH JACOBUS:** That was the... with the transformation of services, there were quite a number of hospital wards that was closed within hospitals.

**ADV PATRICK NGUTSHANA:** Yes.

5**MS HANNAH JACOBUS:** So we had to go and visit all these close wards to see what we can use and what we cannot use.

**ADV PATRICK NGUTSHANA:** Yes, in order to implement... ...  
[intervened]

**MS HANNAH JACOBUS:** In order to implement the project, not this  
10document, *ja*.

**ADV PATRICK NGUTSHANA:** So this is what you found available?

**MS HANNAH JACOBUS:** No, we did not use this document, Counsel.

**ADV PATRICK NGUTSHANA:** Okay.

**ARBITRATOR JUSTICE MOSENEKE:** I thought the evidence clearly  
15was, of Kenguchale, (?) that this compiled, shelved away, because circumstances do not permit following policy.

**ADV PATRICK NGUTSHANA:** Yes.

**ARBITRATOR JUSTICE MOSENEKE:** But you can pursue your question, I am not sure what...

20**ADV PATRICK NGUTSHANA:** No, no, no, yes.

**ARBITRATOR JUSTICE MOSENEKE:** I thought that is a recordal on table 6, is a recordal of the beds that were available.

**ADV PATRICK NGUTSHANA:** It is a recordal, yes, it is correct.

**ARBITRATOR JUSTICE MOSENEKE:** And I thought you are going to be asking her to confirm that the beds that were available at Life Esidimeni were those that appear on the... on table 6.

5**ADV PATRICK NGUTSHANA:** Yes, I am coming to that... ...[intervened]

**ARBITRATOR JUSTICE MOSENEKE:** Oh, you are coming to that, okay.

**ADV PATRICK NGUTSHANA:** ...*Ja*, it is dealt with somewhere else. *Ja*. Then, on the... that is on page... My numbers are not properly aligned, that is on page 18 of the document.

10**MS HANNAH JACOBUS:** Yes, Counsel?

**ADV PATRICK NGUTSHANA:** At the bottom there, the document records: the plans are continue to ensure the institutionalisation or down referral of chronic patients from Life Esidimeni, home or NGO's.

**MS HANNAH JACOBUS:** Yes Counsel.

15**ADV PATRICK NGUTSHANA:** Are you there?

**MS HANNAH JACOBUS:** If I, yes.

**ADV PATRICK NGUTSHANA:** What does that mean?

**MS HANNAH JACOBUS:** On page 18, table 7?

**ADV PATRICK NGUTSHANA:** Yes.

20**MS HANNAH JACOBUS:** This was the result after the surveillance we have done within all the districts. The type of facilities that was available, the number of facilities, the number of beds at that time available. Number



of places, that is the day care centres, available, the number of beds and the number of places.

**ADV PATRICK NGUTSHANA:** Yes. And at the bottom there is an explanation there, it starts with:

5“The Province needs to work hard to ensure equity in the dispensation of community based mental health services, with special attention to the following services.”

Then you set them out.

**MS HANNAH JACOBUS:** Yes.

10**ADV PATRICK NGUTSHANA:** Then, at the end you say:

“Plans are continuing to ensure day institutionalisation or down referral of chronic patients from Life Esidimeni, home or NGO’s.”

**MS HANNAH JACOBUS:** Yes, Counsel.

**ADV PATRICK NGUTSHANA:** That was the existing plan... [intervened]

15**MS HANNAH JACOBUS:** Yes, Counsel.

**ADV PATRICK NGUTSHANA:** ...of the Department. This is what we are supposed to implement.

**MS HANNAH JACOBUS:** Yes, Counsel.

**ADV PATRICK NGUTSHANA:** That is to down refer.

20**MS HANNAH JACOBUS:** Patients to Life Esidimeni and NGO’s.

**ADV PATRICK NGUTSHANA:** Exactly. To down refer from?

**MS HANNAH JACOBUS:** From various hospital facilities or new admissions, *etcetera*, to these two places. To Life Esidimeni facility and to NGO's.

**ADV PATRICK NGUTSHANA:** Exactly. And does this document, 5anywhere else, makes reference to the need to not to down refer but to cancel the ...[indistinct – 00:13:29]

**MS HANNAH JACOBUS:** No cancel. There is no... In the whole document, connection or even mention or anticipation of closure of Life Esidimeni.

10**ADV PATRICK NGUTSHANA:** Okay. Let me take you to the specific passages, and on page 33...

**MS HANNAH JACOBUS:** Yes, Counsel.

**ADV PATRICK NGUTSHANA:** Are you on page 33?

**MS HANNAH JACOBUS:** Yes, Counsel.

15**ADV PATRICK NGUTSHANA:** Yes. This deals with mental health key priorities, 2014 to 2020.

**MS HANNAH JACOBUS:** Yes, Counsel.

**ADV PATRICK NGUTSHANA:** What does that mean? Does it mean that you are expected to achieve these key priorities within that period?

20**MS HANNAH JACOBUS:** By 2020 there should have been...  
[intervened]

**ADV PATRICK NGUTSHANA:** By 2020.

**MS HANNAH JACOBUS:** ...*Ja*, we had to draw up plans how are we going to achieve the down referral from 2014 to 2020.

**ADV PATRICK NGUTSHANA:** The down referral?

**MS HANNAH JACOBUS:** Yes.

5**ADV PATRICK NGUTSHANA:** By how much were you supposed to down refer? Up until 2020

**MS HANNAH JACOBUS:** What we have done... Can I explain, Justice? With this document what it says here. By 2020 and when Life Esidimeni personnel was part and parcel of this process when we worked it out, so  
10we also aligned the Life Esidimeni contract to this effect. That by 2020, and we have put measures in place for Life Esidimeni, not to admit patients *ad lib*, but on a more structured way. So there is not unnecessary admissions that we keep the national framework by decreasing unnecessary institutionalised facilities. But Life Esidimeni was still part  
15and parcel to have continued with this process.

**ARBITRATOR JUSTICE MOSENEKE:** What does down referral to 2020 mean?

**MS HANNAH JACOBUS:** Down referral 2020 means, Justice, in all institutionalised facilities, that is your hospitals, your Life Esidimeni  
20contracted areas, that we down refer and have enough facilities to correctly place patients that need less constrictive areas to be placed and serviced at.

**ARBITRATOR JUSTICE MOSENEKE:** So where did the plan come from to shut it down?

**MS HANNAH JACOBUS:** Justice, with due respect from my side, I have no idea. We were just told in a meeting, where Dr Manamela informed us about the closure of Life. And we have discussed that within our meetings and ask where does it come from, who decided? And we alluded her on the strategic plan and the newly revised Life Esidimeni contract, and she says we have to abandon all that because she has received instruction that Life Esidimeni should close down and we have a limited time period to close down. At that stage we did not have a date, and we should look and work towards that.

**ARBITRATOR JUSTICE MOSENEKE:** Did you draw a... Was she aware of the 2020 down referral plan. Obviously so.

**MS HANNAH JACOBUS:** Yes, Justice. After the compilation of this document, then this document was supposed to have been taken by her to the HOD to be signed off so that we can start implement this document.

**ARBITRATOR JUSTICE MOSENEKE:** But she signed the document, did she not? If you look at the front part of it.

**MS HANNAH JACOBUS:** The front part has no signature of hers. *Ja*, she has... Dr Krosenel (?) has signed the... former HODS signed the document.

**ARBITRATOR JUSTICE MOSENEKE:** I see. So the... [intervened]

**MS HANNAH JACOBUS:** Under page 3.

**ARBITRATOR JUSTICE MOSENEKE:** ...In any event, you say her instructions were that, ignore this plan and deal with extraordinary circumstances?

**MS HANNAH JACOBUS:** Then it was call this Marathon Project.

5**ARBITRATOR JUSTICE MOSENEKE:** Counsel.

**ADV PATRICK NGUTSHANA:** Yes, let me take you to deal with that issue of down referral. Page 58 of the document.

**MS HANNAH JACOBUS:** Yes Counsel?

**ADV PATRICK NGUTSHANA:** Are you on page 58?

10**MS HANNAH JACOBUS:** Yes.

**ADV PATRICK NGUTSHANA:** I have the document, Counsel.

**ADV PATRICK NGUTSHANA:** What is that... what does it refers to?

**MS HANNAH JACOBUS:** This page refers to the gradual phased-in process of the institutionalisation.

15**ADV PATRICK NGUTSHANA:** It is a phased-in?

**MS HANNAH JACOBUS:** Phased-in process.

**ADV PATRICK NGUTSHANA:** Okay. And let me draw your attention specifically to the last column, at the bottom that is on the left hand side.

The measure of objectives. It says:

20“Reduce the number of beds by 200 beds annually at Life Esidimeni.”

You see?

**MS HANNAH JACOBUS:** Yes Counsel.

**ADV PATRICK NGUTSHANA:** And the next performance indicator, the column of beds says reduced. Then the next column 'means of 5verification/data source, monthly reports', what does that mean?

**MS HANNAH JACOBUS:** When we start with the implementation of this document, that monthly reports should be compiled for submission.

**ADV PATRICK NGUTSHANA:** Okay. Then the next column, '2012/2013'.

10**MS HANNAH JACOBUS:** Yes, Counsel?

**ADV PATRICK NGUTSHANA:** Actual base line, the number at the bottom is 2260. That was the capacity at Life Esidimeni, is that correct?

**MS HANNAH JACOBUS:** Yes, Counsel.

**ADV PATRICK NGUTSHANA:** And the following financial year as well, 152013/2014, the same number.

**MS HANNAH JACOBUS:** Yes, Counsel.

**ADV PATRICK NGUTSHANA:** 2013 and 2014, the same number exists.

**MS HANNAH JACOBUS:** Yes, Counsel.

**ADV PATRICK NGUTSHANA:** Then it starts to reduce 2014/2015.

20**MS HANNAH JACOBUS:** Yes Counsel.

**ADV PATRICK NGUTSHANA:** What does that signify?

**MS HANNAH JACOBUS:** After the surveillance and our reports from various districts I realised that we cannot start sooner with the institutionalisation. Hence, you will see from 13 up to 14 the number remains stagnant so that we can upscale all existing NGO's to the order to 5start with the down referral.

**ADV PATRICK NGUTSHANA:** So that is... [intervened]

**MS HANNAH JACOBUS:** And also look at new NGO's that is supposed to open, that we can take them through the process. And as I have said earlier on, it can take up from one month to a year to really get a facility 10properly in place to place patients there.

**ADV PATRICK NGUTSHANA:** So, that is for the financial years where the number remain the same. It indicates that you are not ready at all to... [intervened]

**MS HANNAH JACOBUS:** Ja, we were not ready.

15**ADV PATRICK NGUTSHANA:** ... that is to downscale?

**MS HANNAH JACOBUS:** Yes, Counsel.

**ADV PATRICK NGUTSHANA:** And being not ready, it means that your NGO's or your community pays, structures were not ready to take these patients?

20**MS HANNAH JACOBUS:** Yes, yes, Counsel.

**ADV PATRICK NGUTSHANA:** Then... [intervened]

**ARBITRATOR JUSTICE MOSENEKE:** All this was breached, who did you report to? Having a look at the schedule it do seems to be rational and all this is thrown away. What did you do to prevent this?

**MS HANNAH JACOBUS:** Justice, in terms of the implementation of the 5Life Esidimeni project, this document was not used at all.

**ARBITRATOR JUSTICE MOSENEKE:** Yes, but you saw that it was not used and held and raised risks for mental healthcare users. I am talking about accountability. What did *you* do?

**MS HANNAH JACOBUS:** Within the Life Esidimeni Project there was 10also Mr Motsenogi that was a project leader and we have raised and we have discussed our concerns. Dr Manamisa (?) was the direct supervisor of Dr Manamela. I took around to a few NGO's to enlighten at the process of down referral by the NGO's should... [intervene]

**ARBITRATOR JUSTICE MOSENEKE:** Who did you report your concern 15to?

**MS HANNAH JACOBUS:** Dr Manamela and Dr Manamisa was the chief director and she concurred with us as a team, that we are not ready.

**ARBITRATOR JUSTICE MOSENEKE:** They ignored you, they went ahead with the project, right? But what did you do? Did you go further 20and report to somebody else?

**MS HANNAH JACOBUS:** Dr Masemisa alluded to the fact to Dr Manamela that she agree with us and she bear with our concerns. She also, after have seen the places and what I mean by when the places



should be ready and how long it will take to get a place ready for placement, that... So I assume in all my ignorance, that they will discuss it further on senior level because she was the chief director at that time, in charge of the project, supporting Dr Manamela. And she has said that she will discuss it further with Dr Manamela. She even ask Dr Manamela to come up with things and she will support Dr Manamela that, if we cannot implement the project, she will support the process and they will take it further.

**ARBITRATOR JUSTICE MOSENEKE:** The answer is, you did nothing, besides reporting to the two, telling them you are unhappy.

**MS HANNAH JACOBUS:** Justice, again, in my ignorance I believed, and within the system, that if you report to your senior and other seniors, it will be taken in to account and information will come back.. The information that came back was: we cannot continue with normal situation, it is an unusual situation.

**ADV PATRICK NGUTSHANA:** Yes. It is quite clear from the document, specifically on page... that is page 3 and page 34 of the document, that on your key deliverables of the national policy framework and the strategic plans, specifically on page 34.

**MS HANNAH JACOBUS:** Yes, Counsel?

**ADV PATRICK NGUTSHANA:** The last column, it says:

“By 2020 community mental health services will be scaled up to match recommended national norms and will include three core components.”

And will I be correct that these was planned to be achieved by 2020?

**MS HANNAH JACOBUS:** 2020, yes Counsel.

**ADV PATRICK NGUTSHANA:** And did you inform the, that is your 5 leaders, that you are not ready?

**MS HANNAH JACOBUS:** Yes, Counsel.

**MS HANNAH JACOBUS:** To implement this project. You are... [intervened]

**MS HANNAH JACOBUS:** Yes, Counsel, they were aware

10 **ADV PATRICK NGUTSHANA:** They were aware of that?

**MS HANNAH JACOBUS:** Yes, Counsel.

**ADV PATRICK NGUTSHANA:** Okay. And despite this awareness the project went ahead?

**MS HANNAH JACOBUS:** It continued, yes Counsel.

15 **ADV PATRICK NGUTSHANA:** And did you also inform your seniors that it is the policy of the department that we should scale up the services by 2020 and not to abruptly abandon this document.

**MS HANNAH JACOBUS:** Yes, yes, Counsel.

**ADV PATRICK NGUTSHANA:** Then, finally on this point, let me refer 20 you to page 36... [intervened]

**MS HANNAH JACOBUS:** Yes, Counsel.

**ADV PATRICK NGUTSHANA:** ...of the document. On page 36 it says, that is table 20:

**MS HANNAH JACOBUS:** Table 20.

**ADV PATRICK NGUTSHANA:** Table 20, on page 36.

5**MS HANNAH JACOBUS:** Yes, I see it, Counsel, yes?

**ADV PATRICK NGUTSHANA:** Table 20 sets out objectives, achievements, challenges, strategies to resolve the challenges. And let us focus ourself only on the first column, that is objective.

“To improve access to mental health services, through  
10contracting services for chronic mental health services.”

Then the achievements:

“The department has contracted a total of 2260 beds from Life  
Esidimeni for chronic care.”

**MS HANNAH JACOBUS:** Yes.

15**ADV PATRICK NGUTSHANA:** That was the *status quo* at the time.

**MS HANNAH JACOBUS:** At the time, yes.

**ADV PATRICK NGUTSHANA:** Then the challenges:

“Inadequate financial resources to sustain the services. None  
adherence to ALOS discharge rate.”

20 What is the ALOS?

**MS HANNAH JACOBUS:** It is all... When we go back to the objective it does not just include the community base. It goes from clinics to hospitals that we need the strengthen all levels of care.

**ADV PATRICK NGUTSHANA:** All levels.

5**MS HANNAH JACOBUS:** In order to... [intervened]

**ARBITRATOR JUSTICE MOSENEKE:** No, the initial question is what does ALOS mean? That acronym, what does it refer to?

**MS HANNAH JACOBUS:** I am trying to think you Justice...

**ADV PATRICK NGUTSHANA:** Is it the all level of care you have referred  
10to?

**MS HANNAH JACOBUS:** Yes, *ja*, services.

**ADV PATRICK NGUTSHANA:** Services?

**MS HANNAH JACOBUS:** Services.

**ADV PATRICK NGUTSHANA:** Then it records inadequate beds to  
15respond to the needs for replacement.

**MS HANNAH JACOBUS:** That speaks to the community based services.

**ADV PATRICK NGUTSHANA:** Mm. Then the last column it tells you on  
the strategies to resolve the challenges:

“The funding model for contracted services to be reviewed and  
20the number of beds to be scaled down annually.”

Again, bed comes again:

“Discharge plan to be developed and appendices to be reviewed.

The community based services to be upscaled to accommodate reduction of the beds at contracted services.”

**ARBITRATOR JUSTICE MOSENEKE:** What is the question, Counsel?

5**ADV PATRICK NGUTSHANA:** You see, do you see that?

**MS HANNAH JACOBUS:** Where are you reading, Counsel, sorry? On page?

**ADV PATRICK NGUTSHANA:** On the same page, the last column.

**MS HANNAH JACOBUS:** On the same page, the last... okay.

10**ADV PATRICK NGUTSHANA:** Strategies, yes strategies for contracted services to be...

**MS HANNAH JACOBUS:** Oh, yes, I see. *Ja*.

**ADV PATRICK NGUTSHANA:** Yes. And the number of beds to be scaled down annually and so. So, that is from the entirety of the policy, 15you will agree with me, that there is nothing that speaks about the cancellation of the contract with Life Esidimeni.

**MS HANNAH JACOBUS:** Yes, yes, Counsel.

**ADV PATRICK NGUTSHANA:** Okay, thank you. Numerous witnesses had testified, I am not going to take you through to all of those, my 20colleagues would refer you to the specifics, some of them. But the one specific evidence which came up here was that there was an incident

where Dr Manamela was present and you were also present at Cullinan Centre.

**MS HANNAH JACOBUS:** Yes, Counsel.

**ADV PATRICK NGUTSHANA:** Where it is Diane Nohele (?) who testified on this, as well as Dorothy Franks, that you were, both of you, were present. And you personally moved beds and patients from one ward to the other. Is that correct? Is the fact... [intervened]

**MS HANNAH JACOBUS:** Yes, yes, Counsel.

**ADV PATRICK NGUTSHANA:** And, Manamela's evidence was that she did not do that. Was she correct in denying that she was present there?

**MS HANNAH JACOBUS:** No, she was not correct, Counsel.

**ADV PATRICK NGUTSHANA:** Okay. And, as well, you will know by now that there is... [intervened]

**ARBITRATOR JUSTICE MOSENEKE:** I am sorry, before you walk away from that, why did you push beds around like that? You and her.

**MS HANNAH JACOBUS:** Justice, can I explain?

**ARBITRATOR JUSTICE MOSENEKE:** And Ms Dorothy Franks.

**MS HANNAH JACOBUS:** May I explain?

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

**MS HANNAH JACOBUS:** What happen on that day, it was round about on a Saturday, past eleven. I received a call from Dr Manamela that I need to accompany her, she cannot get hold of Mr Thobane. So I ask her

what the reason is. Then she says we have to go Cullinan. And I ask her what is the reason? Is there a crisis or is there problems. She says no, I must just accompany her and after probing she did not come out and says we need to go there. So, I met her at Cullinan Centre later that day.

5           And when we arrived there she then informed me about a decision to make way at one of the wards to place more patients at Anchor. So then I alluded to her but it belongs to the Siabedinga, the space belong to Siabedinga (?) NGO. Then she says, but she needs beds and she needs to make place or space for these people. Then I alluded to her the fact  
10 that it is on a Saturday, number one, the manager is not there and NGO's are autonomous. We cannot do that without permission from the Manager.

          And then she instruct the supervisor who was delegated at the present for the Siabedinga Centre to get hold of Mrs Nohele (?) Then they  
15 spoke over the phone and then she says, Ms Nohele agreed and we can go ahead. So then I ask, then I said again, alluded to her, let us do it on Monday, because this is Saturday and I feel the manager needs to be here. Because whatever you do, the manager needs to give direction, where do we put what and what do we do.

20           And then she says she cannot wait until Monday, it needs to be done immediately. So, she made the supervisor to take us to the specific ward and then she start moving the beds and we were all standing there, myself and the care workers and the supervisor, and she instructed us all to assist and start moving the beds.

**ARBITRATOR JUSTICE MOSENEKE:** Where were the patients?

**MS HANNAH JACOBUS:** Most of the patients... There were still two patients in the ward, and the others were outside. It was in the afternoon, the patients were sitting outside. There was, I think, 17 patients in that ward.

**ARBITRATOR JUSTICE MOSENEKE:** It was 70 patients in the ward?

**MS HANNAH JACOBUS:** Seventeen, one seven. But I think a few of them was on leave of absence away to their families and the other beds were empty. There were a few beds that was empty, that was not in use.

10 **ARBITRATOR JUSTICE MOSENEKE:** Why did you have to move the beds around?

**MS HANNAH JACOBUS:** To make space for the other patients that would come from Life Esidimeni. And she alluded that it is the... there is only a few days left for Life Esidimeni to close and they have to get the 15 patients out there, Life Esidimeni said they must remove all patients because most of their staff has resigned and others has being placed.

**ARBITRATOR JUSTICE MOSENEKE:** You, as head of NGO's within the mantle of healthcare directorate, you knew that was wrong, was it not?

**MS HANNAH JACOBUS:** Yes, Justice.

20 **ARBITRATOR JUSTICE MOSENEKE:** And you knew that this is not how to treat patients or NGO's. Is it not so?

**MS HANNAH JACOBUS:** Yes, Justice.



**ARBITRATOR JUSTICE MOSENEKE:** But what is more, did Anchor Life have a license?

**MS HANNAH JACOBUS:** Anchor had a license similar like Precious Angels because they were situated, supposed to be situated at Kalefong.

5**ARBITRATOR JUSTICE MOSENEKE:** Did they have a license?

**MS HANNAH JACOBUS:** For Kalefong Heights, not for Cullinan.

**ARBITRATOR JUSTICE MOSENEKE:** Did you issue the license for Kalefong?

**MS HANNAH JACOBUS:** Yes, for Kalefong, not for Cullinan.

10**ARBITRATOR JUSTICE MOSENEKE:** And you see them from at a different place, congested patients, and you help move around beds. Why did you not tell Manamela you are not going to do that?

**MS HANNAH JACOBUS:** I did, Justice. But she started moving the beds and instructed all of us, inclusive the care workers and the  
15supervisors, to start moving beds.

**ARBITRATOR JUSTICE MOSENEKE:** And did you ask the patients?

**MS HANNAH JACOBUS:** There were only two patients that was profoundly disabled.

**ARBITRATOR JUSTICE MOSENEKE:** No, the patients were together to  
20the beds or were they irrelevant? Did you ask them: 'do you want to be moved to another NGO or another place within the facility?

**MS HANNAH JACOBUS:** No, no permission was asked, Justice.

**ARBITRATOR JUSTICE MOSENEKE:** They were irrelevant to your decisions and your conduct.

**MS HANNAH JACOBUS:** No, Justice, it was not irrelevant. I have alluded my concerns to Dr Manamela, but as I have said, we had quite a number of disagreements and we started.

**ARBITRATOR JUSTICE MOSENEKE:** Can you show us one document where you wrote out your concerns.

**MS HANNAH JACOBUS:** It was during our meeting procedures and at that stage it was done immediately within that discussion.

10 **ARBITRATOR JUSTICE MOSENEKE:** Counsellor.

**ADV PATRICK NGUTSHANA:** And the license under which, Siabedinga operated, do you know how they obtained their license, if they had? Under what circumstances did they come to occupy Cullinan Centre.

**MS HANNAH JACOBUS:** Siabedinga did not have a license made out to them. And in terms of operation, I only become known with Siabedinga's presence when Dr Manamela instructed Mr Thobane that I should accompany him to Cullinan. Can I explain, Justice, or continue? Can I continue? So, then she says, because there are two deaths at Cullinan, and then I ask her but Cullinan is a hospital it has nothing now to do with us. We have got so much work because that time there was a lot of patients that was already send down to NGO's.

**ADV PATRICK NGUTSHANA:** Yes.

**MS HANNAH JACOBUS:** Send down to NGO's, and then she says we must just go. So when we got to Cullinan and speak to the CEO, she took us to this specific area, to this ward. And then the CEO explained to us that this is the NGO that has been placed here and Dr Manamela knows about it. So, I was not aware and I was not involved in the placement of those patients. I have no idea the date they have been placed there, by whom they have been placed there.

**ADV PATRICK NGUTSHANA:** Let me refer you to the specific passage of Ms Diane Nohele's evidence. She says, you delivered the license because you said they were still fixing it. That is, you are still trying to arrange their license. Then she went on:

"The reason the license was delivered on that day, it was because the seniors on the provincial health were coming, which it was the DDG and the MEC, was coming. When she delivered the license she took it and she put it at the back of my door, my office door, and the reason she said, I ask why is she delivering the license that has another name. She said the DDG and the MEC are coming. They will not see that is written Life Disciples. They will just see if there is a license. So that it is how it was delivered to us."

So, this is what Ms Diane Nohele had said in relation to the licenses. Can you give us your response on that.

**MS HANNAH JACOBUS:** I have never handled a license in district level. From my time of appointment within the department until now. What

happens with license, it goes down to the district and then being disseminated out to the different NGO's. And a license was not constructed for Siabedinga and as I have said earlier on, license has been made out according to the budget letter and that time it was part of Life 5Disciples. It was supposed to occupy certain areas within Cullinan Centre to run as an NGO.

**ADV PATRICK NGUTSHANA:** Yeh. So that passage is incorrect?

**MS HANNAH JACOBUS:** It is incorrect and I never spoke to Ms Nohele about that. I was not involved.

10**ADV PATRICK NGUTSHANA:** Okay. In fact, the license appears on one of the LR (?) documents. It is LR40.

**MS HANNAH JACOBUS:** LR14?

**ADV PATRICK NGUTSHANA:** Four zero.

**MS HANNAH JACOBUS:** Is it this one? Four zero. It ends on 27?

15**ADV PATRICK NGUTSHANA:** Yes. It is four zero. 40. Oh, you do not have it?

**MS HANNAH JACOBUS:** No, sir.

**ADV PATRICK NGUTSHANA:** I will borrow you this one. Do you recognise that document?

20**MS HANNAH JACOBUS:** Yes, Counsel. This was made out to Life Disciples International and the manager of this NGO was supposed to have been operational on Cullinan was a Mr Wagner.

**ADV PATRICK NGUTSHANA:** Mm, okay. No, thank you. And, just to close off your evidence in chief, on this, or in relation to the two issues, that is the licensing. Are you aware of the provisions of the regulations that the license must be issued for a specific premise; it is not transferable and so on?

**MS HANNAH JACOBUS:** Yes, Counsel.

**ADV PATRICK NGUTSHANA:** And when you realise that these other entities or NGO's for whom licenses were issued in relation to Kalefong, were actually operating somewhere else, why did you not stop it? That this is in contravention of the regulations?

**MS HANNAH JACOBUS:** Counsel, Justice, if I may explain. As I have said earlier on, the licenses were made out. Areas and spaces have been identified in the Marathon Project for placement and then, as I have said, I was not instrumental in all this. When problems and challenges occur, the district co-ordinators and even some of the NGO's would made me aware. It was hectic, so I was running all over. When I got to certain of these places, even with the placement, if it was said this facility should take 10, there were more people.

So there was... a lot of these areas were over crowded. Then I phoned Dr Manamela and I made her aware what is happening there and she says, we will sort it out when the project ends. And she wanted me to change the licenses. I said to her I do not know, because when we call and if I go out to a certain NGO, because I was supported by the NGO manager within. So the whole Tshwane team was very supportive.

**ARBITRATOR JUSTICE MOSENEKE:** But you, in fact played along, did you not?

**MS HANNAH JACOBUS:** Justice, I had to play along in... to safeguard the patients.

5**ARBITRATOR JUSTICE MOSENEKE:** Well, let us say yes. Let us answer the question first and you can say why. You played along with all those activities, is it not so?

**MS HANNAH JACOBUS:** Justice, I did not play along. If I can explain with the activities. I will become known of the activities when I was called  
10to a particular NGO. So then only I will be aware, that is why I said with the second incident, I phoned Dr Manamela and made here aware of it. And then she says that I have to come in and change some of the license, to rectify it with a new placement or a reduced numbers. I said to her I do not know, we cannot do that. Then she says... [intervened]

15**ARBITRATOR JUSTICE MOSENEKE:** You that issuing... [intervened]

**MS HANNAH JACOBUS:** ... we will do it afterwards.

**ARBITRATOR JUSTICE MOSENEKE:** ... of licenses contrary to the law is an offence.

**MS HANNAH JACOBUS:** Yes.

20**ARBITRATOR JUSTICE MOSENEKE:** It is an criminal offence.

**MS HANNAH JACOBUS:** Yes, Justice.

**ARBITRATOR JUSTICE MOSENEKE:** You know that?

**MS HANNAH JACOBUS:** Yes, Justice.

**ARBITRATOR JUSTICE MOSENEKE:** And you guys just merrily went on. Doing exactly that. Backdating things, getting premises that do not exist, allowing people to operate when they had no licenses. Issue 5licenses for numbers which were inconsistent with capacities at places. And you were part of that and merrily carried on. Is it not so?

**MS HANNAH JACOBUS:** Justice, yes and no. If I can explain again. In terms of issuing the licenses, that was done before the 1<sup>st</sup> of April and then the Marathon Project happen and certain places have been identified to 10place patients. And because of the different people involve, I would every time become aware of the other areas when I was called out.

**ARBITRATOR JUSTICE MOSENEKE:** Did you ever report to anybody that licenses are being issued in conflict with the law?

**MS HANNAH JACOBUS:** Dr Manamela was aware and the HOD.

15**ARBITRATOR JUSTICE MOSENEKE:** Besides her, did you ever tell anybody else about obvious unlawful conduct?

**MS HANNAH JACOBUS:** Justice, no.

**ARBITRATOR JUSTICE MOSENEKE:** No. What steps, if any, did you take to protect any of these patients who either deceased or survived the 20Marathon Project?

**MS HANNAH JACOBUS:** Justice, the steps... [intervened]

**ARBITRATOR JUSTICE MOSENEKE:** What steps did *you* personally take to protect the mental health care users.

**ARBITRATOR JUSTICE MOSENEKE:** Justice, the steps that I undertook during that time of the project was very-very hectic. Most of these patients that have been placed, there was a lot of ill patients, and so in my capacity I would then arrange with all the different hospitals within 5Tshwane to transport them. I made a meeting, explain to the CEO and the casualty officer, because that is a line of admission, that we are sitting with this problem and we will be bring patients in. I have... the district office supported me and patient that is not so crucially ill would therefore assign a person, Mr Mokgole (?) to assist us to take them to clinics. And it was 10really, really hectic from morning until noon. The minute the patients has been placed in to a certain NGO, we will start running from that time until... [intervened]

**ARBITRATOR JUSTICE MOSENEKE:** It is a long answer. Did you ever report to the MEC about what you saw? Ill patients that we were rushing 15to hospital.

**MS HANNAH JACOBUS:** I have reported to Dr Manamela.

**ARBITRATOR JUSTICE MOSENEKE:** Did you ever report to the MEC, Mr Qedani Mhlangu?

**MS HANNAH JACOBUS:** Not to the MEC. In terms of... [intervened]

20**ARBITRATOR JUSTICE MOSENEKE:** You only report to the HOD.

**MS HANNAH JACOBUS:** No, Justice. Can I further explain? In terms of that, I have asked Dr Manamela to alert her seniors... [intervened]



**ARBITRATOR JUSTICE MOSENEKE:** Did you ever report to Mr Motsenogi?

**MS HANNAH JACOBUS:** Yes, Mr Motsenogi. That is why they came out on this visit to Cullinan and various places within Tshwane because I spoke to Dr Manamela and says, she must bring the team out, the senior management, out to come and see what is going on. And on that basis they came out to Tshwane to do the visits. So I have reported and they came out to the area to visit the different areas.

**ADV PATRICK NGUTSHANA:** Yes, in relation to the licenses for Kalefong Heights, that refers to Anchor House and Precious Angels, who ended up operating at different premises, what I want to find out from you is that why were those premises not occupied by these two entities?

**MS HANNAH JACOBUS:** Counsel, the first instance when I went out to survey the facility, I could see it would incur a lot of cost. And then Dr Manamela insists, remember with the initial discussion NGO's could utilise hospital premises. And my question was, if the NGO's does, who is going to be responsible for renovations of these areas? And then she says she then discussed it within a meeting with the NGO's and explained to them, if they are willing to do that they can do that. Then I drew up a letter, I then ask Dr Manamela, can I draw up a letter, and she should take it further to senior level that because the other structural things or... like electricity, *etcetera*, will cost a lot of money and the NGO's will not be able to do that. Can I draw up two letters? One for refurbishing of NGO's and one for hospital services. I have done that and it was both signed.

**ADV PATRICK NGUTSHANA:** Yes.

**MS HANNAH JACOBUS:** After the conclusion of Kalefong Heights, which in the first instance, the CEO says that place was earmarked for demolishing for the new premises of Kalefong Hospital. And then I, 5remember there was a report on all these things, so senior management has seen this report and then I alluded to the facility manager and she also made senior management aware of there were two wards that has structural impairments that would cause consultants *etcetera* to come out and it will cost a lot of money. Then after a week Dr Manamela came back 10to the meeting and says, we should continue. She called the NGO's to that site with one engineer and FMU personnel and says NGO's should continue. And if I do not want to support the NGO's, she will do it. Hence, the NGO's has ploughed in a lot of money. Not just Precious Angels and Anchor, the other two, Insovo (?) and Lekgae (?). Three of them has 15ploughed in their pension monies to do structural cleaning. Putting in windows, *etcetera*.

**ADV PATRICK NGUTSHANA:** At Kalefong Heights?

**MS HANNAH JACOBUS:** At Kalefong Heights. And that was very-very soppy. Besides just meant to bring the patients down.

20**ADV PATRICK NGUTSHANA:** Do you know how much the expended on this cleaning exercise?

**MS HANNAH JACOBUS:** It was a lot of money. It was really like... Lekgae manager has put in over R300 000. Anchor, I think they have put in two hundred and something. All of them has put in a lot of money

because if you think you have construct and clean a particular area which was in a bad, vandalises situation and these people had to do that. And I just stood back and I said, sorry, but the continued. Because from their notion was to support, remember all these were known NGO managers, and they were concerned where will the patients go, what is going to happen. And Dr Manamela ensured them. Before starting also, I have devised and developed a letter so that the NGO's in all hospitals, from all the districts could go out and survey the extent of work that will be incurred before they started something.

10 **ADV PATRICK NGUTSHANA:** Were they reimbursed for their losses?

**MS HANNAH JACOBUS:** No, Counsel.

**ADV PATRICK NGUTSHANA:** They were not imbursed.

**MS HANNAH JACOBUS:** I have tried to follow that up afterwards...  
[intervened]

15 **ARBITRATOR JUSTICE MOSENEKE:** But no will be good enough, huh? You have many questions still coming your way. Let us reduce the words, the answer is no.

**MS HANNAH JACOBUS:** No, Counsel.

**ARBITRATOR JUSTICE MOSENEKE:** Next question Counsel.

20 **ADV PATRICK NGUTSHANA:** Yes. Then in relation to that there was evidence that there was a company that was identified to provide linens to the NGO. Is that correct?

**MS HANNAH JACOBUS:** Yes, Counsel.

**ADV PATRICK NGUTSHANA:** What was the name of the company?

**MS HANNAH JACOBUS:** It is not... What happened was this was discussed in a Weskoppies meeting and I was not present. The Monday, at our Monday meeting, Dr Manamela instructed me and give me the 5particulars of this person, a Mr ...[indistinct – cross-talking – 00:51:03]

**ARBITRATOR JUSTICE MOSENEKE:** You have to speak louder please, we want to follow what you are saying.

**MS HANNAH JACOBUS:** Dr Manamela gave me, instructed me to contact Mr... the person's name was Mr Stefan Maritz, to phone him and 10make contact with him to start arranging for the linen. When I met him it was, I think if I recall back, on a Wednesday. He was in hospital, he had an accident and... [intervened]

**ARBITRATOR JUSTICE MOSENEKE:** He was to supply linen for what? For NGO's

15**MS HANNAH JACOBUS:** For the NGO's.

**ARBITRATOR JUSTICE MOSENEKE:** Who would pay for the linen?

**MS HANNAH JACOBUS:** That is what I have asked with the... because it you go to the PFMA stipulations... [intervened]

**ARBITRATOR JUSTICE MOSENEKE:** Okay! Who will pay for the 20linen?

**ADV PATRICK NGUTSHANA:** Who will pay?

**ARBITRATOR JUSTICE MOSENEKE:** Were you told who would...  
whose money would pay for the linen?

**MS HANNAH JACOBUS:** I have only asked that afterwards, Justice.  
After I spoke to Mr... [intervened]

5**ARBITRATOR JUSTICE MOSENEKE:** What was the answer?

**MS HANNAH JACOBUS:** ...after I spoke to Mr Maritz.

**ARBITRATOR JUSTICE MOSENEKE:** What was the answer? Who  
would pay for the linen?

**MS HANNAH JACOBUS:** The answer was, that according their  
10discussion within the meeting, the NGO's would pay for it.

**ADV PATRICK NGUTSHANA:** Was the linen supplied?

**MS HANNAH JACOBUS:** Yes, ...[indistinct – 00:52:04]

**ADV PATRICK NGUTSHANA:** And it was paid for by these.

**MS HANNAH JACOBUS:** Only two NGO's paid. It was Sharma and  
15Anchor that paid in full. The other NGO's did not pay.

**ADV PATRICK NGUTSHANA:** So, the losses that these linen supplier  
probably incurred, was he reimbursed as well?

**MS HANNAH JACOBUS:** No, this person even lost his house because  
of that.

20**ARBITRATOR JUSTICE MOSENEKE:** The linen supplier lost his house  
because he was never paid?

**MS HANNAH JACOBUS:** Yes, Justice.

**ADV PATRICK NGUTSHANA:** And... [intervened]

**ARBITRATOR JUSTICE MOSENEKE:** While we are talking about payment, I am sure there would be many questions asked, why did you people not arrange that the NGO's be paid timeously so they can feed and look after the patients?

**MS HANNAH JACOBUS:** Justice, what happened to that was, in view of the process, remember I did not have a direct function anyway, I then phoned all the district... [intervened]

**ARBITRATOR JUSTICE MOSENEKE:** I am not asking you to build up all these excuses!

**MS HANNAH JACOBUS:** ... to explain. Okay.

**ARBITRATOR JUSTICE MOSENEKE:** I just want you know, why did you not make arrangements so that money flows to the NGO's in time so that patients can be looked after?

15 **MS HANNAH JACOBUS:** The initial implementation of this Marathon was said that all the LE money would go directly to NGO's. And non ... [indistinct – 00:53:27] there was not any process in place to down revolve the money.

**ARBITRATOR JUSTICE MOSENEKE:** Why was there not a process in place to make sure money reaches the NGO's? This is your field, you are working there.

**MS HANNAH JACOBUS:** Can I explain that, Justice?

**ARBITRATOR JUSTICE MOSENEKE:** Yes, explain!

**MS HANNAH JACOBUS:** What happened when I realise what was going on and the NGO's will not have money and because of the circumstances, I went to the finance section and I discuss with my counterpart, Mr Makabate (?) and explain to him and he says I should gather all the... should speak to the districts together, all the documentation so that we can start the process. That is another process that is quite lengthy.

**ARBITRATOR JUSTICE MOSENEKE:** No, the question is not that. Why did you not arrange that the money be given to NGO's?

10 **MS HANNAH JACOBUS:** The processes... [intervened]

**ARBITRATOR JUSTICE MOSENEKE:** At the same time or before patients were transferred to NGO's.

**MS HANNAH JACOBUS:** Because of the PFMA process that needs to be in place and there was nothing in place, Justice.

15 **ARBITRATOR JUSTICE MOSENEKE:** Why was the process not in place in time, so that patients can get what is necessary for them to live?

**MS HANNAH JACOBUS:** What is necessary, they need to have money.

**ARBITRATOR JUSTICE MOSENEKE:** Ja. Why did you not arrange that the money reaches the NGO's in time?

20 **MS HANNAH JACOBUS:** There were no paperwork in place to implement in the financial section to pay them.

**ARBITRATOR JUSTICE MOSENEKE:** Why was there no paperwork?

You are the person in the province responsible for NGO's and how they interface with your directorate. Why did you not make sure it happens?

**MS HANNAH JACOBUS:** I have tried, Justice, and I was stopped.

5When I phoned the districts to, in between their work to gather all the paperwork so that they can submit it, I can arrange that, then two NGO co-ordinators phoned me and says Dr Manamela said they should stop that process because of all the other work. It can be done afterwards.

**ARBITRATOR JUSTICE MOSENEKE:** So, Dr Manamela stopped the  
10paperwork so that money can flow to NGO's timeously? Is that your answer?

**MS HANNAH JACOBUS:** That is the process. Because it there was paperwork the money would flow. Without paperwork no money can be paid out.

15**ARBITRATOR JUSTICE MOSENEKE:** Did she say why she stopped the paperwork which would facilitate money going to NGO's?

**MS HANNAH JACOBUS:** Because of the amount of work and other activities going on that the co-ordinator should wait with that and it can be done afterwards.

20**ADV PATRICK NGUTSHANA:** Yes, and are you aware that in terms of Regulation 6 you had an obligation to pay subsidies to these NGO's...  
[intervened]

**MS HANNAH JACOBUS:** Yes.



**ADV PATRICK NGUTSHANA:** ...in order for them to meet their objectives of the Act.

**MS HANNAH JACOBUS:** Yes, Counsel.

**ADV PATRICK NGUTSHANA:** And despite being aware of this obligation in terms of the regulation nothing other than the terms you refer to were done from your office?

**MS HANNAH JACOBUS:** No, Counsel.

**ADV PATRICK NGUTSHANA:** Okay. Thank you. And finally, I just want to refer you to the minutes of the meeting of 13 November 2015 and I will hand up two documents that is LR120 and 123. And from 123, on the first page, those identified in the block against 5, number 5 or item 5...

**MS HANNAH JACOBUS:** Yes, Counsel?

**ADV PATRICK NGUTSHANA:** ...those who came from within the department of health, and are you aware of these minutes?

**MS HANNAH JACOBUS:** Yes, Counsel.

**ADV PATRICK NGUTSHANA:** Okay, and they represent what was discussed at the meeting?

**MS HANNAH JACOBUS:** What was discussed, Dr Manamela and Mr Thobane chaired the meeting and it just a brief explanation of the institutionalisation process. I was asked to talk about... [intervened]

**ADV PATRICK NGUTSHANA:** Ja, before that, do we have the presentations?

**MS HANNAH JACOBUS:** No, not me, not here, Counsel. But I think it ought to be available. It is available... [intervened]

**ADV PATRICK NGUTSHANA:** You do not have?

**MS HANNAH JACOBUS:** ...I do not know whether it is in the 5documentation.

**ADV PATRICK NGUTSHANA:** Okay. No they were not attached to the minutes. And the attached document is an attendance register of NGO's meeting West Rand and COJ. But the date of that attendance register is 22 February 2016. Why is that so?

10**MS HANNAH JACOBUS:** Counsel, I did not construct this document so I have... I do not know. This may be... this belongs to another meeting, this 22 February 2016 because this meeting is 13 November 2015.

**ADV PATRICK NGUTSHANA:** And the attendance register it is two page down the line for 13 November 2015. So we must ignore the 15reference to 22 February 2016?

**MS HANNAH JACOBUS:** According to my knowledge, Counsel, I will say yes because I am not aware... I did not construct this document.

**ADV PATRICK NGUTSHANA:** Okay, so those are the people who attended this meeting.

20**ADV PATRICK NGUTSHANA:** Okay.

**ARBITRATOR JUSTICE MOSENEKE:** How did you choose the ones you are going to give the business?

**MS HANNAH JACOBUS:** Can I explain the process, Justice?

**ARBITRATOR JUSTICE MOSENEKE:** That is the question.

**MS HANNAH JACOBUS:** Dr Manamela has had several meetings with several sections of people, including us at mental health, and with NGO's.

5**ARBITRATOR JUSTICE MOSENEKE:** *Ja*, but I mean, how did you choose who was going to be favoured with the status of an NGO?

**MS HANNAH JACOBUS:** The request that went out, people that are interested to extend or to start new NGO's should submit their names.

**ARBITRATOR JUSTICE MOSENEKE:** No, I can see the register, there  
10are many people there. I am asking *how* did you decide *who* would be given the status of an NGO for the Marathon Project?

**MS HANNAH JACOBUS:** After the names and interest has been submitted, and that is where we started visiting all these NGO's, all of them, because some was not even considered to be part of the Marathon  
15because of the inadequacy of the facility.

**ARBITRATOR JUSTICE MOSENEKE:** How did you choose who would be favoured with the status of an NGO and would *receive* mental health care users from Esidimeni? I am asking for the third time, the same question.

20**MS HANNAH JACOBUS:** Justice, I did not make the ultimate decision, it was Dr Manamela who has assigned the visits to us and says we should visit all of them. And based on the adequacy... [intervened]

**ARBITRATOR JUSTICE MOSENEKE:** No, but who decided Precious Angels will get patients and Anchor Life will get patients, and... How did you choose the NGO's that you favoured with licenses?

**MS HANNAH JACOBUS:** Justice, if I can just explain. I did not favour all the... Licenses were drawn up based on the budget letter right in the beginning with 20...

**ARBITRATOR JUSTICE MOSENEKE:** But who entered and chose the NGO's who would get licenses?

**MS HANNAH JACOBUS:** It was based on all the visits that has been conducted by the Marathon Project. A facility that deemed to be ready that can receive patients.

**ARBITRATOR JUSTICE MOSENEKE:** I hear you, I understand you.

**MS HANNAH JACOBUS:** Justice, I am trying to answer. I do not know how to answer.

15**ARBITRATOR JUSTICE MOSENEKE:** Please answer. It is a very important question. It might lead us to exactly to what we want to understand. How did you pick and choose the people who would receive patients?

**MS HANNAH JACOBUS:** Justice, as I have said, all the requests came in. Visits were then conducted and places that was perceived to be ready to receive patient's facilities, those were then chosen to be on the Marathon list.

**ARBITRATOR JUSTICE MOSENEKE:** You are talking in indirect terms. I want to know who make the decision. Who said, Precious Angels is ready to take mental health care users from Life Esidimeni. And they must be given a license. Who *made* the decision?

5**MS HANNAH JACOBUS:** Dr Manamela was the final decision maker.

**ARBITRATOR JUSTICE MOSENEKE:** Dr Manamela made that decision.

**MS HANNAH JACOBUS:** Yes, yes. According a report she received back of readiness?

10**ARBITRATOR JUSTICE MOSENEKE:** How did she choose the NGO's?

**MS HANNAH JACOBUS:** In terms of the readiness reports, that is how it was termed.

**ARBITRATOR JUSTICE MOSENEKE:** It contradicts many parts of your evidence, but I will leave it there for now. Counsel.

15**ADV PATRICK NGUTSHANA:** Thank you, Justice Moseneke. Ms Jacobs, I have nothing for you. Thank you, Justice Moseneke.

**ARBITRATOR JUSTICE MOSENEKE:** Advocate Hassim.

**ADVOCATE HASSIM:** Thank you, Justice. Good afternoon Ms Jacobus. My name is Adilla Hassim and I am a member of the legal that is  
20representing the families of the deceased. I am going to, in the cause of my questioning, I may repeat some of the ground and some of the questions that you have been asked. But I would ask you to please try to answer to the best of your ability again. If I may just begin with your

designation at the time that this project was underway, were you then the deputy director in mental health services responsible for NGO's?

**MS HANNAH JACOBUS:** Yes, Counsel.

**ADVOCATE HASSIM:** Was there anybody more senior than you, responsible for NGO's at the time?

**MS HANNAH JACOBUS:** Dr Manamela.

**ADVOCATE HASSIM:** Was she responsible for NGO's as well?

**MS HANNAH JACOBUS:** Dr Manamela is responsible for the whole program. NGO's, clinics, hospitals.

10**ADVOCATE HASSIM:** So you deputised her?

**MS HANNAH JACOBUS:** Yes, yes, Counsel.

**ADVOCATE HASSIM:** And you say... you said in your evidence in chief that you obeyed unlawful instructions.

**MS HANNAH JACOBUS:** Yes, Counsel.

15**ADVOCATE HASSIM:** Could you have refused, in your mind, to obey those instructions?

**MS HANNAH JACOBUS:** Yes, Counsel.

**ADVOCATE HASSIM:** But you did not, even though could have?

**MS HANNAH JACOBUS:** Counsel, I did. I have tried to raise concerns.  
20We have done it within a meetings with various other stakeholders. And I, on my own, I could not and I had to... And I... My core responsibility for

responsible for NGO's was... I was not in that capacity during the project.  
I was assigned other tasks.

**ADVOCATE HASSIM:** Well, I am going to come back to that. I just...  
You say you knew that you could have refused.

5**MS HANNAH JACOBUS:** Yes, and I did, yes.

**ADVOCATE HASSIM:** But that you did not refused.

**MS HANNAH JACOBUS:** I have tried to raise my concerns. I have  
raised my concerns. Not even trying.

**ADVOCATE HASSIM:** But you did not refuse to perform the tasks that  
10were being required of you? You did not refuse to carry out the unlawful  
instructions.

**MS HANNAH JACOBUS:** Yes, Counsel.

**ADVOCATE HASSIM:** And did Dr Manamela explain where this  
instruction was coming from?

15**MS HANNAH JACOBUS:** Dr Manamela just said it was an instruction  
from above and she has to carry out the instruction. See that the  
instruction are being implemented.

**ADVOCATE HASSIM:** So, she too was carrying out an instruction?

**MS HANNAH JACOBUS:** According to how she explain to us.

20**ADVOCATE HASSIM:** And what did she mean by an instruction from  
above?

**MS HANNAH JACOBUS:** The institutionalisation from Life Esidimeni to NGO and hospital services.

**ADVOCATE HASSIM:** No, that is not... That answer does not correspond. I am asking who did she, who was she referring to when she the instruction came from above? Who was instructing Dr Manamela?

**MS HANNAH JACOBUS:** She did not give us a name and said senior management. She just said senior management ...[indistinct – cross-talking – 10:07:07]

**ADVOCATE HASSIM:** Senior management.

10 **MS HANNAH JACOBUS:** Yes.

**ADVOCATE HASSIM:** Well, who comprises senior management?

**MS HANNAH JACOBUS:** Normally the senior managers are all various departments within the province from the different sections, inclusive of the HOD, the DDG... [intervened]

15 **ADVOCATE HASSIM:** Within the department of health?

**MS HANNAH JACOBUS:** Within the department of health.

**ADVOCATE HASSIM:** Right, so who comprises senior management within the provincial department of health?

**MS HANNAH JACOBUS:** If I can recall correctly, but it is all the different departments, programs, the HOD, the DDG and I do not know because I have never attended a senior management. I am just... we only attend our meetings and we get our feedback and everything from Dr Manamela.



Where we have concerns and stuff that we raise, she then takes it back to senior management.

**ADVOCATE HASSIM:** And you had no interaction with the HOD in this project?

5**MS HANNAH JACOBUS:** No, Counsel.

**ADVOCATE HASSIM:** And so the instruction was not coming from the HOD as far as you could tell?

**MS HANNAH JACOBUS:** I do not know, Counsel.

**ADVOCATE HASSIM:** Do you know whether the MEC was involved in  
10this project?

**MS HANNAH JACOBUS:** What we have been told everybody was involved in the project, that is what Dr Manamela said.

**ADVOCATE HASSIM:** But who owned the project?

**MS HANNAH JACOBUS:** I do not know, Counsel.

15**ADVOCATE HASSIM:** You do not know?

**MS HANNAH JACOBUS:** No.

**ADVOCATE HASSIM:** But it was not Dr Manamela it was somebody more senior?

**MS HANNAH JACOBUS:** I do not know Counsel.

20**ADVOCATE HASSIM:** But you said that Dr Manamela said she herself was receiving an instruction from above, yes?

**MS HANNAH JACOBUS:** Yes, yes.

**ADVOCATE HASSIM:** Is that right?

**MS HANNAH JACOBUS:** Yes, Counsel.

**ADVOCATE HASSIM:** But you do not know who... You cannot put a  
5face to the...

**MS HANNAH JACOBUS:** I cannot. It has not been voiced to us.

**ADVOCATE HASSIM:** You also said Dr Manamela called this an  
unusual situation. And that it was so unusual that legal prescripts had to  
be abandoned. Is that right?

10**MS HANNAH JACOBUS:** Yes, Counsel.

**ADVOCATE HASSIM:** Why did the department place itself in such  
unusual circumstances?

**MS HANNAH JACOBUS:** Counsel, I cannot rightfully answer that  
because... I cannot answer that, I do not know.

15**ADVOCATE HASSIM:** Did it seem strange to you that you would be  
required to abandon, well, legal requirements in the cause of your duties?

**MS HANNAH JACOBUS:** Yes, Counsel.

**ADVOCATE HASSIM:** And you know that in the cause of your duties,  
your core function was the oversight of NGO's?

20**MS HANNAH JACOBUS:** Yes, Counsel.

**ADVOCATE HASSIM:** And not any NGO's but NGO's that provide  
services to mental health care users, correct?

**MS HANNAH JACOBUS:** My core functions to all NGO's that provide mental health services, Counsel.

**ADVOCATE HASSIM:** Yes, that was what I asked you.

**MS HANNAH JACOBUS:** Ja. Yes.

**ADVOCATE HASSIM:** With NGO's that provide mental health services. Not NGO's that provide other services. Social services.

**MS HANNAH JACOBUS:** No, no Counsel.

**ADVOCATE HASSIM:** And you say that you drew up the criteria in LR119. If you could a look at LR119, the basic requirements for all 10NGO's.

**MS HANNAH JACOBUS:** Yes, this is a summary of the guideline just to assist with training and that a... usable, more smaller usable document, Counsel.

**ADVOCATE HASSIM:** It is a summary for the guidelines for licensing 15NGO's.

**MS HANNAH JACOBUS:** Guidelines and all policy documents that we ...[indistinct – cross-talking – 01:10:36]

**ADVOCATE HASSIM:** And you drew up this?

**MS HANNAH JACOBUS:** Yes. Not me alone. In conjunction, we do not 20work alone. Always in a team with... [intervened]

**ADVOCATE HASSIM:** But you took responsibility for this document.

**MS HANNAH JACOBUS:** Yes, yes.

**ADVOCATE HASSIM:** And when did you draw this up?

**MS HANNAH JACOBUS:** This is a long time ago, Counsel. I cannot even remember.

**ADVOCATE HASSIM:** One, two, three, four, five years? Can you give 5me ballpark? How many... When you say a long time ago, is it months or years.

**MS HANNAH JACOBUS:** I was not alone instrumental in this. Before I was appointed at provincial level. I was working partly in Tshwane and party provincial level. And I think it was, yoh...

10**ADVOCATE HASSIM:** But it was in place at the time that the...

**MS HANNAH JACOBUS:** *Ja, ja.* So we have drawn it that time when it was in place.

**ADVOCATE HASSIM:** Life Esidimeni Project?

**MS HANNAH JACOBUS:** Yes.

15**ADVOCATE HASSIM:** And why... You say that these were from guidelines. And do you know what the basis is for these requirements? What do you think are the reasons that you are required to comply with these criteria?

**MS HANNAH JACOBUS:** Counsel, so that the NGO's that are 20operational be in accordance with the legislation.

**ADVOCATE HASSIM:** To be in accordance with legislation?

**MS HANNAH JACOBUS:** Yes.

**ADVOCATE HASSIM:** And you would receive from the, as you would know full well from this document, there are different types of criteria that have to be complied with.

**MS HANNAH JACOBUS:** Yes.

5**ADVOCATE HASSIM:** And it begins with a list of criteria that relate to financial governance and financial statements of the NGO's. That there should be a bank account and so on. Is that so?

**MS HANNAH JACOBUS:** Yes, Counsel.

**ADVOCATE HASSIM:** And this is to ensure that the NGO's are capable  
10of doing the work they say they will do?

**MS HANNAH JACOBUS:** Yes, Counsel.

**ADVOCATE HASSIM:** And then there is a category of criteria that are related to the conditions to be present at the NGO's?

**MS HANNAH JACOBUS:** Yes.

15**ADVOCATE HASSIM:** So, can I ask you to turn to page 2? If we could look at some of the criteria, for example, in the middle of the page it says, medication. And it says all medication must be... and then there is a bullet point list:

- "Stored in a locked cupboard."
- 20 • "Stored in a dry cool place."
- "Suitable for use that is not expired."

- 5
- “Clearly labelled by which it means name of the user, name of medication, directions for administration.”
  - “A current prescription signed by a medical doctor.”
  - “The correct procedure for telephone orders must be followed.”
  - “A record of all administered medication must be kept.”

10And again it is explained how to do so. It is a quite detailed criteria, would you say?

**MS HANNAH JACOBUS:** Yes, Counsel.

**ADVOCATE HASSIM:** The next bullet point under medication is record keeping. And again under this criteria there are detailed  
15requirements for how to keep records of the mental health care users. The next bullet point deals with nutrition.

- 20
- “All meals must be nutritious, balanced, varied”.
  - “According to the season and suitable for the user.”
  - “Meals must be served in a dining area and not in bedrooms.”

- “Chairs and tables must be available for the users when eating.”
- “Meals must be served appropriately.”

And so on, and so on, and so on. That list also goes on.

**5** MS HANNAH JACOBUS: Yes.

**ADVOCATE HASSIM:** And it is then specified further what type of nutrition, depending on the facility, whether it is residential or day care.

**MS HANNAH JACOBUS:** Yes.

**ADVOCATE HASSIM:** Clothing, linen and bathing requisites. It says:

10 “Every user must have a minimum of the following: Suitable mattress, two complete sets of linen, two blankets, two pillows, two towels, four face cloths. Suitable appropriate clothing for day and night, toiletries.”

**MS HANNAH JACOBUS:** Yes.

15 **ADVOCATE HASSIM:** And then there are requirements for outings and then facility and equipment which it stipulated must be clean, hygienic, safe and in a state of good repair. And then the next is safety.

“All opening windows must be burglar proved. Outside doors must all have security gates, a perimeter wall or fence.”

20 And the list goes on and on. Emergency equipment must be present. And this is a very detailed list. You would agree?

**MS HANNAH JACOBUS:** Yes, Counsel.

**ADVOCATE HASSIM:** So they are not mere technicalities?

**MS HANNAH JACOBUS:** Nee. No Counsel.

**ADVOCATE HASSIM:** Do you see these as mere technicalities?

**MS HANNAH JACOBUS:** No, Counsel.

5**ADVOCATE HASSIM:** In fact, the rationale is to prevent harm to the patients. The rationale is to ensure the health of the patients.

**MS HANNAH JACOBUS:** Yes.

**ADVOCATE HASSIM:** And you said that the NGO's, to which the Life Esidimeni patients were sent did not meet these requirements.

10**MS HANNAH JACOBUS:** In the beginning they did not. What I have done, especially the ones, the bigger ones... [intervened]

**ADVOCATE HASSIM:** In the beginning when the patients were sent to the NGO's, did you know whether the NGO's met these requirements?

**MS HANNAH JACOBUS:** I could not visit all the NGO's but the ones that  
15I was involved was... they had the initial requirements in place. Like the initial linen. And when I realise and I visited other NGO's to ascertain to see what the *status quo* was and I realise they do not have enough because we look at quality type of service and they need more than just one set.

20**ADVOCATE HASSIM:** Did you... [intervened]

**ARBITRATOR JUSTICE MOSENEKE:** Well, you can do us some favour and answer the question please?



**MS HANNAH JACOBUS:** So, what we... what I have done was to gather more linen, equipment from hospitals.

**ADVOCATE HASSIM:** That was after the fact. I am not asking you about after. I am talking about at the point when patients were moved.

5**MS HANNAH JACOBUS:** Before they were moved?

**ADVOCATE HASSIM:** Yes.

**MS HANNAH JACOBUS:** The initial stuff was in place, not at all the NGO's and not all the requirements was in place.

**ADVOCATE HASSIM:** But you cannot... Do you recall that earlier in your  
10testimony, in your evidence in chief, you said that you had to abandon the normal processes.

**MS HANNAH JACOBUS:** That is my... Yes, I did. No, that is why I say, I am not affirm with all the NGO's. Only a certain number of those, and the ones that I have been assigned to.

15**ADVOCATE HASSIM:** Well, how many did you visit.

**MS HANNAH JACOBUS:** Three.

**ADVOCATE HASSIM:** Three... [intervened]

**MS HANNAH JACOBUS:** I was assigned to three. We were divided in to the different NGO's... [intervened]

20**ADVOCATE HASSIM:** ...Three out of the 27?

**MS HANNAH JACOBUS:** Yes, each one has a certain number.

**ADVOCATE HASSIM:** Which three?

**MS HANNAH JACOBUS:** Seba Serena (?) El Shaddai, Cullinan.

**ADVOCATE HASSIM:** Cullinan is not an NGO.

**MS HANNAH JACOBUS:** No, no, the ones that was on the Cullinan premises.

5**ADVOCATE HASSIM:** Anchor and Siabedinga.

**MS HANNAH JACOBUS:** And Bophalong Centre, those four.

**ADVOCATE HASSIM:** Okay, that is more than three.

**MS HANNAH JACOBUS:** It is four. Those four. I forgot about Bophalong.

10**ADVOCATE HASSIM:** And in respect of those NGO's you followed this... these guidelines?

**MS HANNAH JACOBUS:** Yes, yes, Counsel.

**ADVOCATE HASSIM:** And you ensured that they were all suitable?

**MS HANNAH JACOBUS:** Yes, Counsel.

15**ADVOCATE HASSIM:** And you are sure of that?

**MS HANNAH JACOBUS:** Yes, Counsel.

**ADVOCATE HASSIM:** And you say for the others you do not know whether the criteria were complied with.

**MS HANNAH JACOBUS:** If I was going along and I find out... because  
20as I am saying, because all the NGO's... [intervened]

**ARBITRATOR JUSTICE MOSENEKE:** Listen to the question and answer the question.

**MS HANNAH JACOBUS:** I do not know. Must I just say yes... [indistinct – cross-talking – 10:18:08]

5**ADVOCATE HASSIM:** You see, earlier in your testimony you said that you had to abandon these criteria. ...[intervened]

**MS HANNAH JACOBUS:** ...[indistinct – 10:18:13]

**ADVOCATE HASSIM:** ...You said, in fact, LO119 was not utilised in the Marathon Project.

10**MS HANNAH JACOBUS:** Yes, yes, it was not.

**ADVOCATE HASSIM:** It was or it was not?

**MS HANNAH JACOBUS:** The document was not used.

**ADVOCATE HASSIM:** Was not?

**MS HANNAH JACOBUS:** Yes, Counsel.

15**ADVOCATE HASSIM:** And the audit reports and the audit checks that were to take place did not take place as it would normally take place?

**MS HANNAH JACOBUS:** The formal audits, yes, Counsel.

**ADVOCATE HASSIM:** Did not take place?

**MS HANNAH JACOBUS:** Yes.

20**ADVOCATE HASSIM:** So, you could not have known whether these criteria were met, could you?

**MS HANNAH JACOBUS:** The Marathon, what was done with the Marathon run, Counsel, were these assignments. You would go out to a place and do a comprehensive brief check what is available at the NGO and reports was constructed. As I have said... [intervened]

**ADVOCATE HASSIM:** You would do a, just repeat that again? You would do?

**MS HANNAH JACOBUS:** A brief concise observation on what is available and assist these NGO's and also alert them if there was not things in place. The engineers was with and then also district personnel to support and monitor as we go along.

**ADVOCATE HASSIM:** But is it your view that these NGO's met the criteria?

**MS HANNAH JACOBUS:** Excuse me?

**ADVOCATE HASSIM:** Is it your view that the NGO's met the criteria?

**MS HANNAH JACOBUS:** The ones that we have said yes, that we have furnished to Dr Manamela. There was others that was not, that did not meet the criteria and it was known and given through to her.

**ADVOCATE HASSIM:** I am going to take you through a series of documents that are on the record. And in the course of that I am going to put a version to you that directly contradicts what you have just said. That in fact, these criteria were not met and that you were aware of that. So, I am just letting you know so that you can bear that in mind. I am forewarning you.

**ARBITRATOR JUSTICE MOSENEKE:** Before you proceed, Counsel, is it your evidence that when patients were transferred to NGO's, the requirements on LO119 had been met.

**MS HANNAH JACOBUS:** Justice, as I am saying, some NGO's, not all. 5And those were given through to Dr Manamela which... [intervened]

**ARBITRATOR JUSTICE MOSENEKE:** Okay, tell us of the some who met the requirements?

**MS HANNAH JACOBUS:** Yoh, I...

**ARBITRATOR JUSTICE MOSENEKE:** I want to spend a lot of time on... 10I just want to understand what your evidence is. Your evidence that *some* met the requirements in 119, LO119.

**MS HANNAH JACOBUS:** I cannot recall it out of my head, Justice. But if I can think back it was like Bophalong, Seba Sirena was 90 percent ready so we assist them to move up to that 100 percent. El Sheddai was 15ready. Rebafeni (?) was ready. And then some further afield in the other areas. I cannot recall all now off by hand.

**ARBITRATOR JUSTICE MOSENEKE:** Do they have a service level agreement?

**MS HANNAH JACOBUS:** No, Justice.

20**ARBITRATOR JUSTICE MOSENEKE:** Do they have a copy of the annual license you should populate to them?

**MS HANNAH JACOBUS:** Yes, Justice.

**ARBITRATOR JUSTICE MOSENEKE:** Do they have a copy of the NPO certificate?

**MS HANNAH JACOBUS:** That I cannot account because we did not receive any paperwork.

5**ARBITRATOR JUSTICE MOSENEKE:** Do they have a copy of the tax year end certificate?

**MS HANNAH JACOBUS:** I do not know, Justice.

**ARBITRATOR JUSTICE MOSENEKE:** Do they have a bank account?

**MS HANNAH JACOBUS:** I do not know, Justice.

10**ARBITRATOR JUSTICE MOSENEKE:** Do they have a current bank statements that they gave you? Did you see those?

**MS HANNAH JACOBUS:** No, Justice, I did not see it.

**ARBITRATOR JUSTICE MOSENEKE:** ...[indistinct – 21:38] segments of three signatories?

15**MS HANNAH JACOBUS:** There is no evidence of that, I do not know.

**ARBITRATOR JUSTICE MOSENEKE:** Did they file a copy of their latest audited financial statements? Do they have an organogram?

**MS HANNAH JACOBUS:** No. I cannot account because we did not have any paperwork.

20**ARBITRATOR JUSTICE MOSENEKE:** Did they provide you with a copy of their signed constitution?

**MS HANNAH JACOBUS:** No, Justice.

**ARBITRATOR JUSTICE MOSENEKE:** But why are you wasting our time?

**MS HANNAH JACOBUS:** Justice... [intervened]

**ARBITRATOR JUSTICE MOSENEKE:** We have more, very-very important things to do here. Counsel is asking to tell you which of the NGO's were ready in accordance with LO119.

**MS HANNAH JACOBUS:** ...In terms of the... [intervened]

**ARBITRATOR JUSTICE MOSENEKE:** ...[indistinct – cross-talking – 01:22:20] has to go find documents to undermine your new evidence.

10 **MS HANNAH JACOBUS:** Justice, in terms of documentation we do not have any evidence of documentation from these NGO's.

**ARBITRATOR JUSTICE MOSENEKE:** Okay, which NGO's complied then? At the time they received patients from Life Esidimeni.

**MS HANNAH JACOBUS:** None of them Justice.

15 **ARBITRATOR JUSTICE MOSENEKE:** Counsel.

**ADVOCATE HASSIM:** Thank you, Justice. Justice, it is about one thirty now.

**ARBITRATOR JUSTICE MOSENEKE:** Yes. Thank you Mr ...[indistinct – 10:22:56]

20 **END OF RECORDING**

### SESSION 3

**ARBITRATOR JUSTICE MOSENEKE:** Advocate Hassim?

**ADV ADILA HASSIM:** Ms Jacobus, we were discussing compliance with the criteria, the NGO's being properly licensed before we 5adjourned for lunch.

**ARBITRATOR JUSTICE MOSENEKE:** Yes.

**ADV ADILA HASSIM:** And where we left it was at [Ella 119?] where you confirmed that the NGO's did not comply with these criteria.

**MS HANNAH JACOBUS:** Yes.

10**ADV ADILA HASSIM:** And just to wrap up that issue, you also agreed that the rationale for these criteria is to protect the users?

**MS HANNAH JACOBUS:** Yes council.

**ADV ADILA HASSIM:** To protect their health and their safety and their lives?

15**MS HANNAH JACOBUS:** And their lives.

**ADV ADILA HASSIM:** That the requirements were not complied with and then patients died. Would you agree...

**MS HANNAH JACOBUS:** Yes, I...

**ADV ADILA HASSIM:** ... that it was as a consequence of not 20complying with the law and the guidelines that patients met their demise?

**MS HANNAH JACOBUS:** Council, I cannot say I agree to that but it was a result or a contributing factor to that that this was in place.

**ADV ADILA HASSIM:** A contributing factor?



**MS HANNAH JACOBUS:** Ja, that the patients died because there was no compliance to policy.

**ADV ADILA HASSIM:** So, what do you think was the cause of death?

5**MS HANNAH JACOBUS:** I do not know Council.

**ADV ADILA HASSIM:** Do you have no view at all as to why so many people died as a result of the Life Esidimeni termination project?

**MS HANNAH JACOBUS:** No Council, I have not heard or I was not also part of any reports that was given or anything.

10**ADV ADILA HASSIM:** And you have not received any reports in your position? I take it you still hold your position at the Department, is that correct?

**MS HANNAH JACOBUS:** Yes, yes Council.

**ADV ADILA HASSIM:** And there have been no further reports to  
15you?

**MS HANNAH JACOBUS:** No Council.

**ADV ADILA HASSIM:** As to the cause of death?

**MS HANNAH JACOBUS:** No Council.

**ADV ADILA HASSIM:** And you have not made any enquiries?

20**MS HANNAH JACOBUS:** I did but it was, it was given to another section within the Department to deal with that.

**ADV ADILA HASSIM:** Another section within the Department?

**MS HANNAH JACOBUS:** Yes Council.

**ADV ADILA HASSIM:** And you are not...

25**MS HANNAH JACOBUS:** I am not part of that.

**ADV ADILA HASSIM:** Part of that section?

**MS HANNAH JACOBUS:** Yes, or the people involved, dealing with it.

**ADV ADILA HASSIM:** Is that why you did not make any enquiries?

**MS HANNAH JACOBUS:** I have made an enquiry, but there is, there was not no proper or active engagement between them and me because I do not have any, I could not have any dealing with them because it is a separate section that was dealing with that; compilation and enquiring and all that Council. So I have no knowledge.

10 **ADV ADILA HASSIM:** One of the things that has emerged in this hearings is how dysfunctional it appears the Department is, was at the time. The difference people responsible for different things and the two do not talk to each other. There are teams but nobody takes responsibility as a leader. Would you agree with that view?

15 **MS HANNAH JACOBUS:** Yes, I agree that was very little communication between, if I just take my own team. Because of the haste and the chaoticness with the implementation of this project there was not real communication between us I would say. Because there were teams, there were three teams at different stations and  
20 there was no real communication between us because of the execution of this project.

**ADV ADILA HASSIM:** And the reason for that is because of the haste?

**MS HANNAH JACOBUS:** The haste, yes Council.

**ADV ADILA HASSIM:** And let me ask you, let me put the question a different way. Do you think that if you had complied with these guidelines that people would have died?

**MS HANNAH JACOBUS:** I would have said yes, my observation, my thinking is yes Council, because it would have been better and all the down referral would have been in a phased in process and not as hectic. Because if we can see for a five year plan, just to execute half of the patients where the whole amount was down referred in one and a half months time...

10 **ADV ADILA HASSIM:** So...

**MS HANNAH JACOBUS:** It is not fair.

**ADV ADILA HASSIM:** So are you agreeing with me or not?

**MS HANNAH JACOBUS:** Yes, I agree with you. Yes.

**ADV ADILA HASSIM:** So you are saying, when you said yes you meant no, they would not have died.

**MS HANNAH JACOBUS:** No, no, I agree for the resultant yes because of the haste and the, then what was going on.

**ADV ADILA HASSIM:** Do you agree that had the guidelines been complied with, people would not have died?

20 **MS HANNAH JACOBUS:** Yes, because...

**ADV ADILA HASSIM:** Okay.

**MS HANNAH JACOBUS:** Things would have been in place, [inaudible] would have been in place. A lot of things would have been in place Council.

**ADV ADILA HASSIM:** Well, that is right because the other sort of category of requirements that we spoke about a little bit earlier today relating to financial governance are also quite detailed.

**MS HANNAH JACOBUS:** Yes.

5**ADV ADILA HASSIM:** And you agreed that those requirements were not complied with.

**MS HANNAH JACOBUS:** It was not in place Council.

**ADV ADILA HASSIM:** It was not in place?

**MS HANNAH JACOBUS:** There was nothing, nothing was in place  
10for finances yes.

**ADV ADILA HASSIM:** Okay. So, so there was non-compliance, there was a violation of those guidelines.

**MS HANNAH JACOBUS:** Yes.

**ADV ADILA HASSIM:** And licences were issued to those NGO's  
15nevertheless, isn't that so?

**MS HANNAH JACOBUS:** What happens, licenses are being issued in terms because you cannot institute the financial procedure without a license. So licenses normally would be issued and then the financial documentation will be submitted with the license to be  
20implemented.

**ADV ADILA HASSIM:** So when would the license, would you grant a license to an NGO if an NGO did not have a bank account?

**MS HANNAH JACOBUS:** That is why I am saying madam, before the NGO even goes to the bank they must have proof of all these  
25documentation and a license. Then only...

**ADV ADILA HASSIM:** To the bank... But I am not asking about the relationship with the bank. I am asking about their relationship with you.

**MS HANNAH JACOBUS:** With a bank account yes, you cannot open  
5up...

**ADV ADILA HASSIM:** No.

**MS HANNAH JACOBUS:** Or they cannot construct a data without a license.

**ADV ADILA HASSIM:** No, the question is... Sorry. Let me ask it  
10again.

**MS HANNAH JACOBUS:** Okay.

**ADV ADILA HASSIM:** Can an NGO receive a license from the Department of Health without a bank account?

**MS HANNAH JACOBUS:** Yes madam.

15**ADV ADILA HASSIM:** You will license them even if they do not have a bank account?

**MS HANNAH JACOBUS:** Yes madam.

**ADV ADILA HASSIM:** When would you do that when one of the requirements is that they should have a bank account?

20**MS HANNAH JACOBUS:** In terms of the bank account it deals with all the company constitution and all those procedures, but then the bank also requires now of late the proof of license in terms of registering a business. So they will compile all those documentation. The bank will open at times temporarily the bank account and then  
25compliance with all the documentation stay...

**ADV ADILA HASSIM:** You are saying the bank would not open a bank account unless the Department gives a license to the NGO?

**MS HANNAH JACOBUS:** Madam at first they used to open up bank accounts without all these documentation but because of the challenges being encountered by at a later stage. The banks also has now new rules and regulations to these NGO's because they...

**ADV ADILA HASSIM:** Sorry Ms Jacobus, it is not, it does not make sense. It does not make sense. What is required from your list, the list that you drew up based on the guidelines, one of the things you need to ensure is in place is that you have got the bank account details.

**MS HANNAH JACOBUS:** Yes.

**ADV ADILA HASSIM:** And that you have a current bank statement.

**MS HANNAH JACOBUS:** Yes.

15**ADV ADILA HASSIM:** And that you have a tax clearance certificate.

**MS HANNAH JACOBUS:** Ja, that needs to be in place. I will let you know. It had to be in place.

**ADV ADILA HASSIM:** So you would not be able to license an NGO without those criteria being met.

20**MS HANNAH JACOBUS:** Without all these documentation yes.

**ADV ADILA HASSIM:** Yes, and yet in this case, in this Life Esidimeni Termination project, NGO's were licensed without those things.

**MS HANNAH JACOBUS:** Yes, that is so.

**ADV ADILA HASSIM:** Without those things being in place.

25**MS HANNAH JACOBUS:** Yes Council.

**ADV ADILA HASSIM:** Isn't that so?

**MS HANNAH JACOBUS:** Yes.

**ADV ADILA HASSIM:** Yes. And you knew that public money would be used, public money would be given to those NGO's based on those fraudulent licenses, isn't that so?

**MS HANNAH JACOBUS:** Yes Council.

**ADV ADILA HASSIM:** And despite knowing that you did not report it to any senior official within the Department, isn't that so?

**MS HANNAH JACOBUS:** It was reported. As I have said, I had a meeting with finance and with the conclusion of the Public Finance Management Act Regulations we could not do anything we have to have these documentation in place before the Department could start with implementation, paying these NGO's.

**ADV ADILA HASSIM:** Yes, but you did not have any of that. So you were in violation of the Public Finance Management Act.

**MS HANNAH JACOBUS:** Yes, it was only later, afterwards, long long this that the implementation of these documentations was submitted to the finance section.

**ADV ADILA HASSIM:** Yes, so at the time that the licenses were issued to the NGO's...

**MS HANNAH JACOBUS:** It was not in place.

**ADV ADILA HASSIM:** It was not in place.

**MS HANNAH JACOBUS:** No madam.

**ADV ADILA HASSIM:** That was a violation of the Public Finance Management Act.

**MS HANNAH JACOBUS:** Yes.

**ADV ADILA HASSIM:** The licenses fraudulently, you have agreed?

**MS HANNAH JACOBUS:** Yes.

**ADV ADILA HASSIM:** That is a violation of the law.

5**MS HANNAH JACOBUS:** Yes.

**ADV ADILA HASSIM:** That is a criminal act.

**MS HANNAH JACOBUS:** Yes Council.

**ARBITRATOR JUSTICE MOSENEKE:** Your yes must be clear, it must...

10**MS HANNAH JACOBUS:** I said yes Council.

**ARBITRATOR JUSTICE MOSENEKE:** It must be recorded, so it must be clear on the record. Thank you.

**MS HANNAH JACOBUS:** Okay Justice.

**ADV ADILA HASSIM:** And I am saying in relation to that in particular,  
15everything you have now agreed to, you did not report that to any senior official in the Department?

**MS HANNAH JACOBUS:** I did report this to a senior in the Department and Dr Manamela and then we had, we were invited to a senior meeting where there was some of the senior officials within  
20that meeting and I also made known this to the meeting about this but there was no...

**ADV ADILA HASSIM:** Was Doctor...

**MS HANNAH JACOBUS:** Discussion.

**ADV ADILA HASSIM:** Selebano there?

25**MS HANNAH JACOBUS:** No, Dr Selebano was not in that meeting.



**ADV ADILA HASSIM:** Did you report it directly to him as the Accounting Officer?

**MS HANNAH JACOBUS:** To the project manager.

**ADV ADILA HASSIM:** Not to the Accounting Officer?

5**MS HANNAH JACOBUS:** And all the senior managers that was in the meeting. I have raised this point.

**ADV ADILA HASSIM:** But not to the Accounting Officer.

**MS HANNAH JACOBUS:** The Accounting Officer...

**ADV ADILA HASSIM:** Not the Heads of Departments.

10**MS HANNAH JACOBUS:** No, no madam because he has sent somebody that represent him in that meeting because the person says that Dr Selebano could not be here and he was asked to stand in for him. So he would have had, or received the minutes.

**ADV ADILA HASSIM:** But you yourself did not report it to the Head  
15of Department?

**MS HANNAH JACOBUS:** No madam.

**ADV ADILA HASSIM:** And you did not report it to the provincial treasury?

**MS HANNAH JACOBUS:** No Council.

20**ADV ADILA HASSIM:** And you did not report it to the police?

**MS HANNAH JACOBUS:** No Council.

**ADV ADILA HASSIM:** And did you report it to the MEC?

**MS HANNAH JACOBUS:** No Council, the MEC I think was in that meeting. She was in that meeting.

25**ADV ADILA HASSIM:** She was in the meeting?

**MS HANNAH JACOBUS:** In the meeting ja.

**ADV ADILA HASSIM:** This meeting you are referring to the meeting where you pointed out that these...

**MS HANNAH JACOBUS:** Where I pointed out that the financial...

5**ADV ADILA HASSIM:** Unlawful activities were going on?

**MS HANNAH JACOBUS:** Yes, yes.

**ADV ADILA HASSIM:** So she was aware that the unlawful activity was taking place?

**MS HANNAH JACOBUS:** Yes Council, that things was not in place.

10**ADV ADILA HASSIM:** And that the license were being fraudulently issued?

**MS HANNAH JACOBUS:** Yes madam.

**ADV ADILA HASSIM:** And that public money was going to go to those NGO's?

15**MS HANNAH JACOBUS:** Yes Council.

**ADV ADILA HASSIM:** You are saying she knew this because she was in the meeting?

**MS HANNAH JACOBUS:** Whether she understood it I do not know, but she was in the meeting.

20**ADV ADILA HASSIM:** And what was the date of that meeting?

**MS HANNAH JACOBUS:** I cannot recall Council, it is some time back. I cannot recall.

**ADV ADILA HASSIM:** Was it in 2015?

**MS HANNAH JACOBUS:** No, no it was much later. I think 2016,  
25somewhere in 2016.

**ADV ADILA HASSIM:** Obviously before...

**MS HANNAH JACOBUS:** After the placements, it was after or during the placements, there was a special meeting where Dr Manamela asked us to also attend with her. That was that one meeting yes.

5**ADV ADILA HASSIM:** It was after the licenses had been issued?

**MS HANNAH JACOBUS:** Yes madam.

**ADV ADILA HASSIM:** And why did you not report it to anybody else?

**MS HANNAH JACOBUS:** Madam, according my, I thought because it was dealt with in a senior meeting and all senior officials was in that  
10meeting inclusive the Chief Director of Finance, that things would be done towards it and it will escalate. That was my assumption, and I honestly with all this going on, as I have said the process was really hectic and we were really pressed because of that we had to rush and go and work again.

15**ADV ADILA HASSIM:** And you said that after you did raise the concerns, correct me if I am wrong, you said that when you did raise the concerns you were then sidelined from the project. Is that correct?

**MS HANNAH JACOBUS:** No, no, I was sidelined from the beginning.  
20What happened...

**ADV ADILA HASSIM:** From the beginning.

**MS HANNAH JACOBUS:** Yes.

**ADV ADILA HASSIM:** Hold on. One thing, one step at a time. You were sidelined – what do you mean by the beginning?

**MS HANNAH JACOBUS:** When the, there was a lot of things going on. Remember with this project it was, I mean even the court cases and all that, so the atmosphere was not conducive if I can say that and...

5**ADV ADILA HASSIM:** Atmosphere was not conducive?

**MS HANNAH JACOBUS:** Ja, in the working environment in terms of normal procedure. And then after that meeting finance called the district services to speedily submit documentation so that they can rectify and implement this.

10**ADV ADILA HASSIM:** So this was the beginning, you were talking about the litigation that was the end of 2015 and we will come to more detail about the litigation...

**MS HANNAH JACOBUS:** Much later.

**ADV ADILA HASSIM:** Later, but I just want to get your timeline. The  
15beginning – you say you were sidelined from the beginning and the beginning was late 2015?

**MS HANNAH JACOBUS:** I do not know this.

**ADV ADILA HASSIM:** It is quite, can you try to remember it?

**MS HANNAH JACOBUS:** Just ask the question again madam.

20**ADV ADILA HASSIM:** You said that you were sidelined because you raised concerns.

**MS HANNAH JACOBUS:** Yes.

**ADV ADILA HASSIM:** And then I asked you when you were sidelined and you said from the beginning.

**MS HANNAH JACOBUS:** Yes, because I was assigned, not to be the core responsible person but assigned to other tasks within the whole project.

**ADV ADILA HASSIM:** And when was that when you were sidelined?

5**MS HANNAH JACOBUS:** It was my observation during the whole this things and my assignment...

**ADV ADILA HASSIM:** But what was the beginning? Was the beginning when you started looking at NGO's? Was the beginning after they had licensed and the patients were being moved?

10**MS HANNAH JACOBUS:** I think it was sort of a bit, month or so after that. And not being given direct tasks to perform or execute.

**ADV ADILA HASSIM:** But you were not any more centrally involved?

**MS HANNAH JACOBUS:** Yes madam.

**ADV ADILA HASSIM:** Is that correct? Can we get that, is that right?

15**MS HANNAH JACOBUS:** Yes madam, from the beginning the whole project was divided into sections and of the Manamela assigned people all over and other people came in to also support, to execute the whole process.

**ADV ADILA HASSIM:** So that is fine, but you were not centrally  
20involved.

**MS HANNAH JACOBUS:** No madam.

**ADV ADILA HASSIM:** Once you were sidelined, you say that from the beginning...

**MS HANNAH JACOBUS:** I felt that it was my feeling, it was my  
25observation.

**ADV ADILA HASSIM:** So, just on the NGO's you were referred to an exhibit, LR120, which was a minute of the NGO meeting held on 13 November 2015.

**MS HANNAH JACOBUS:** I will see it here, yes Council.

5**ADV ADILA HASSIM:** 120. This was the meeting that you had called, isn't that so?

**MS HANNAH JACOBUS:** Yes, 13/11.

**ADV ADILA HASSIM:** 13 November?

**MS HANNAH JACOBUS:** Yes.

10**ADV ADILA HASSIM:** And in the minutes of the meeting it is, they are very sparse minutes, but from the attendance register there were many people who attended.

**MS HANNAH JACOBUS:** Yes madam.

**ADV ADILA HASSIM:** Including members of Life Esidimeni.

15**MS HANNAH JACOBUS:** Yes.

**ADV ADILA HASSIM:** Various NGO's.

**MS HANNAH JACOBUS:** Yes.

**ADV ADILA HASSIM:** And family members.

**MS HANNAH JACOBUS:** Yes madam.

20**ADV ADILA HASSIM:** And including the South African Federation of Mental Health.

**MS HANNAH JACOBUS:** Yes, it was quite a bit comprehensive meeting.

**ADV ADILA HASSIM:** And if you look at page two of those minutes, 25in the second, under number seven, the second block, it is written

what are the reasons for closure of Life Esidimeni, this is the question and answer session, am I right?

**MS HANNAH JACOBUS:** Yes.

**ADV ADILA HASSIM:** And then it says if it is de-institutionalisation government is shifting responsibility, government needs to find houses and let the NGO run with the process.

**MS HANNAH JACOBUS:** Yes, that was said in the meeting Council.

**ADV ADILA HASSIM:** And then in the column next to those questions, is that the response from the Department?

10 **MS HANNAH JACOBUS:** Yes, that was Dr Manamela's answer.

**ADV ADILA HASSIM:** And the answer is that the presentation has addressed the issue as twofold; one is to upscale NGO's.

**MS HANNAH JACOBUS:** Yes madam.

**ADV ADILA HASSIM:** What is the meaning of that?

15 **MS HANNAH JACOBUS:** Upscale is to strengthen NGO's and to in a legal way so that they can perform in a better way, upscaling, to strengthen what is existing, to make it in a better way more qualitative.

**ADV ADILA HASSIM:** To strengthen NGO's to provide mental health  
20 services.

**MS HANNAH JACOBUS:** Yes madam.

**ADV ADILA HASSIM:** That was one of the reasons for the closure of Life Esidimeni?

**MS HANNAH JACOBUS:** That is how it was put yes, the explanation  
25 by Dr Manamela.

**ADV ADILA HASSIM:** It would not make sense would it? Does it make sense to you?

**MS HANNAH JACOBUS:** No madam. Because this question was raised by two NGO managers and they have raised their view in terms of the Life Closure.

**ADV ADILA HASSIM:** Because the logical thing would be to strengthen NGO's before you place patients, isn't that though?

**MS HANNAH JACOBUS:** Yes.

**ADV ADILA HASSIM:** And the second is financial struggle. What is meant by that?

**MS HANNAH JACOBUS:** She was saying that the Department does not have enough money to keep on the services of Life Esidimeni.

**ADV ADILA HASSIM:** And further down on the same page, right at the end, the last question was about families having raised their concerns. It says most families who were present in the meeting raised their dissatisfaction about the termination.

**MS HANNAH JACOBUS:** Yes madam, it was, that was the truth.

**ADV ADILA HASSIM:** And in the column next to it there is no response from the Department. Why is that?

**MS HANNAH JACOBUS:** Madam, Dr Manamela was just chairing and listening this meeting so I cannot answer for her.

**ADV ADILA HASSIM:** But you were present at the meeting.

**MS HANNAH JACOBUS:** Yes madam.

**ADV ADILA HASSIM:** You called the meeting?



**MS HANNAH JACOBUS:** She instructed me to call the meeting, but she was chairing the meeting and handled everything.

**ADV ADILA HASSIM:** And you were the Deputy Director responsible for oversight of NGO's?

5**MS HANNAH JACOBUS:** Yes madam.

**ADV ADILA HASSIM:** And the family members were raising concerns?

**MS HANNAH JACOBUS:** Yes, Council.

**ADV ADILA HASSIM:** And what was the response to the family  
10members in this meeting?

**MS HANNAH JACOBUS:** Dr, in a way she has put it also was that there will also be a platform for the family members to raise their family meetings will be planned to address that situation.

**ADV ADILA HASSIM:** And did that take place?

15**MS HANNAH JACOBUS:** Yes it took place and the family members did raise but the Department did not acknowledge the family members according my observation concerns.

**ADV ADILA HASSIM:** The Department did not acknowledge the family's concern?

20**MS HANNAH JACOBUS:** Well the concerns yes.

**ADV ADILA HASSIM:** So was it just paying lip-service by having these meetings? Was the Department paying lip-service?

**MS HANNAH JACOBUS:** Council, I cannot answer that because besides the meetings there was other venues where the family

members and the family committees expressed their concern and even with senior management, but the process still continued.

**ADV ADILA HASSIM:** And this was 13 November 2015, shortly before the litigation?

5**MS HANNAH JACOBUS:** It was even after that that family members continued.

**ADV ADILA HASSIM:** Yes, no I know but I am talking about this meeting.

**MS HANNAH JACOBUS:** Yes, yes.

10**ADV ADILA HASSIM:** And you say the family members concerns went...

**MS HANNAH JACOBUS:** They raised this yes madam.

**ADV ADILA HASSIM:** Were not addressed?

**MS HANNAH JACOBUS:** Yes madam.

15**ADV ADILA HASSIM:** So you proceeded with the termination?

**MS HANNAH JACOBUS:** Yes Council.

**ADV ADILA HASSIM:** And there was a termination project plan and I would like you to have a look at the plan, it is in file 1. If you are able to find file 1.

20**MS HANNAH JACOBUS:** File 1, yes.

**ADV ADILA HASSIM:** And it is at page 494.

**MS HANNAH JACOBUS:** 494?

**ADV ADILA HASSIM:** Yes.

**MS HANNAH JACOBUS:** Can you name me the page numbers, is it 2512 or where will I find it madam?

**ADV ADILA HASSIM:** Page 494. File 1.

**MS HANNAH JACOBUS:** This is 1. It is this one? Then I do not have it.

**ADV ADILA HASSIM:** You found it?

5**MS HANNAH JACOBUS:** 491.

**ADV ADILA HASSIM:** 494 and onwards. Yes, actually it starts earlier but the relevant page that I would like you to have a look at actually is 497. And I would first like you to tell me if you are familiar with this document?

10**MS HANNAH JACOBUS:** Establish vacant beds.

**ADV ADILA HASSIM:** Sorry 497.

**MS HANNAH JACOBUS:** 497 yes.

**ADV ADILA HASSIM:** Are you familiar with the document that is in front of you?

15**MS HANNAH JACOBUS:** Yes madam.

**ADV ADILA HASSIM:** And right at the bottom it says Life Esidimeni contract termination project plan.

**MS HANNAH JACOBUS:** Yes.

**ADV ADILA HASSIM:** You know this document?

20**MS HANNAH JACOBUS:** Yes madam.

**ADV ADILA HASSIM:** And on page 497, there is a heading that says facilitation and co-ordination of the placement of the mental health care users at NGO's – do you see that?

**MS HANNAH JACOBUS:** Yes madam.

**ADV ADILA HASSIM:** And in the second block, well first it says establish vacant beds and then it says, meet with the NGO's for briefing, that was 13 November which you did.

**MS HANNAH JACOBUS:** Yes.

5**ADV ADILA HASSIM:** And then identify users to go to these NGO's.

**MS HANNAH JACOBUS:** Yes madam.

**ADV ADILA HASSIM:** And that timeframe is 01 October 2015 to 15 February – do you see that, 2016?

**MS HANNAH JACOBUS:** Yes, I saw.

10**ADV ADILA HASSIM:** How would you be able to identify the users to go to those NGO's before you have actually identified the NGO's? How would that be possible?

**MS HANNAH JACOBUS:** The, it was all the NGO's were first started for identification and readiness and while that process was on, certain  
15members were then removed from that area and assigned to the Life Esidimeni facilities to assist with identification and assessment of the users.

**ADV ADILA HASSIM:** But you would have to first identify the NGO's before you could...

20**MS HANNAH JACOBUS:** Yes madam.

**ADV ADILA HASSIM:** And you would need to know how many NGO's and what space would be available?

**MS HANNAH JACOBUS:** How many beds, yes, yes.

**ADV ADILA HASSIM:** And the next block it says identify and collect  
25users from Life Esidimeni to the NGO's.

**MS HANNAH JACOBUS:** Yes.

**ADV ADILA HASSIM:** And it gives a period 01 December 2015 to 26 February 2016. And it refers, who would have been responsible for that task?

5**MS HANNAH JACOBUS:** As I have said Dr Manamela has withdrawn two teams from our core team to assist with this process. Two people were placed at Waverly and two at Randfontein.

**ADV ADILA HASSIM:** Two people from?

**MS HANNAH JACOBUS:** Two people from the unit, from the Mental  
10Health Directorate.

**ADV ADILA HASSIM:** Were placed at Life Esidimeni facilities?

**MS HANNAH JACOBUS:** Yes madam.

**ADV ADILA HASSIM:** And their job was to?

**MS HANNAH JACOBUS:** To assess and assist with the down  
15placement or [inaudible].

**ADV ADILA HASSIM:** Were they medical professionals?

**MS HANNAH JACOBUS:** They have worked with two medical  
doctors.

**ADV ADILA HASSIM:** Were medical doctors discharging the  
20patients?

**MS HANNAH JACOBUS:** And the psychiatrists, they were part of the review board that was working at these Life facilities. Dr Whatwala and Dr Khan was assisting them. So the one Doctor...

**ADV ADILA HASSIM:** Were they Department...

**MS HANNAH JACOBUS:** Were both psychiatrists, sorry both psychiatrists.

**ADV ADILA HASSIM:** And they worked for Life Esidimeni?

**MS HANNAH JACOBUS:** And they were serving on the review board. They had sessions at Life Esidimeni, yes madam.

**ADV ADILA HASSIM:** Did they discharge the patients from Life Esidimeni?

**MS HANNAH JACOBUS:** Yes madam.

**ADV ADILA HASSIM:** And they said that these patients are eligible to discharge to where?

**MS HANNAH JACOBUS:** And according my knowledge...

**ADV ADILA HASSIM:** To where, where would they be eligible for discharge? To whom? To what?

**MS HANNAH JACOBUS:** To NGO's and hospitals.

**ADV ADILA HASSIM:** But how would they know? Were they told that these were the NGO's that are available? And can you please assess the patients to determine which NGO would be suitable for their medical condition? Is that what happened?

**MS HANNAH JACOBUS:** Yes, and in terms of placement madam, what I gather...

**ADV ADILA HASSIM:** Is that what happened?

**MS HANNAH JACOBUS:** Yes.

**ADV ADILA HASSIM:** So we have different evidence to that effect. We have evidence from Dr Morgan Mkatswa who was the manager of Life Esidimeni at the time.

**MS HANNAH JACOBUS:** Yes.

**ADV ADILA HASSIM:** And he, his testimony was that he repeatedly requested the list of them, NGO's from the Department and it was never provided. What do you say to that?

5**MS HANNAH JACOBUS:** I cannot answer that madam, because remember Dr Manamela was in charge of the project and she was handling all the...

**ADV ADILA HASSIM:** So as Deputy Director responsible for NGO's you were not, you were not aware?

10**MS HANNAH JACOBUS:** And not involved.

**ADV ADILA HASSIM:** So in this document when it refers to your name and for example, if you turn to page 499, page 499 and again this is the project plan.

**MS HANNAH JACOBUS:** Yes.

15**ADV ADILA HASSIM:** Just, under halfway down the page, identify new NGO's and assist in applications and compliance, it includes your name. Do you see that?

**MS HANNAH JACOBUS:** Yes madam.

**ADV ADILA HASSIM:** So you were of the team.

20**MS HANNAH JACOBUS:** Part of the team but remember this project plan, even if one takes one adjudication, a lot of these processes did not take place in terms of executing.

**ADV ADILA HASSIM:** So was a list of NGO's provided to Life Esidimeni?

**MS HANNAH JACOBUS:** Council, I have no idea, I cannot answer on that. It was not asked from me, I am sure it was asked from Dr Manamela and she was doing all, most of the admin.

**ADV ADILA HASSIM:** Most of the admin?

5**MS HANNAH JACOBUS:** Ja, or whatever was requested to execute that, it was not communicated to me. So I do not know whether, I have no knowledge that it was asked by Life.

**ADV ADILA HASSIM:** So Dr Makhatswa, in his testimony specifically referred to you and the request for the list of the NGO's and his  
10testimony was quite detailed because he said he also offered to assist in vetting the NGO's. Do you recall that?

**MS HANNAH JACOBUS:** No madam. I cannot recall that.

**ADV ADILA HASSIM:** In fact his testimony was and his actual words were – “we requested for that”, meaning the list, “time and time again  
15and up until the last day of the patient leaving we still did not know where they were going”.

**MS HANNAH JACOBUS:** The information was not directed to me madam so I have no knowledge about that.

**ADV ADILA HASSIM:** You have no knowledge?

20**MS HANNAH JACOBUS:** But it was maybe directed to the section, to the Mental Health Directorate madam and Dr Manamela received the information.

**ADV ADILA HASSIM:** Did anybody else request the list of NGO's from you?

25**MS HANNAH JACOBUS:** A list of NGO's?



**ADV ADILA HASSIM:** Yes.

**MS HANNAH JACOBUS:** Not really madam. Not from me directly.

**ADV ADILA HASSIM:** Not from you directly?

**MS HANNAH JACOBUS:** No.

5**ADV ADILA HASSIM:** Were you aware of requests that had been made?

**MS HANNAH JACOBUS:** No madam.

**ADV ADILA HASSIM:** If not to you directly but were you not aware of requests being made for the list of NGO's?

10**MS HANNAH JACOBUS:** The other request that was made to ask for the list was the finance section.

**ADV ADILA HASSIM:** Within the Department?

**MS HANNAH JACOBUS:** Within the Department, yes.

**ADV ADILA HASSIM:** So, do you know an organisation called  
15SASOP? The South African Society...

**MS HANNAH JACOBUS:** Yes.

**ADV ADILA HASSIM:** And they requested the list on 16 March 2015 and that is to be found in file 1, which you have open in front of you, but at page 379. The document starts at page 376. Are you at page  
20376?

**MS HANNAH JACOBUS:** Yes madam.

**ADV ADILA HASSIM:** Do you see that those are minutes of a meeting between SASOP.

**MS HANNAH JACOBUS:** Yes.

25**ADV ADILA HASSIM:** And the Gauteng Mental Health Directorate?

**MS HANNAH JACOBUS:** Yes.

**ADV ADILA HASSIM:** And it is dated 16 March 2015, and you were present. Do you see that?

**MS HANNAH JACOBUS:** Yes, I was present in that meeting.

5**ADV ADILA HASSIM:** You were present in that meeting. And the Life Esidimeni, the issue of the closure of the termination of the contract rather is at page 379 and right at the end, the last item under paragraph 6, it says that a list of patients from Life Esidimeni and the NGO's to which they are transferred – that topic – that that would be  
10provided by the Gauteng Department.

**MS HANNAH JACOBUS:** Yes, I see that.

**ADV ADILA HASSIM:** Do you see that?

**MS HANNAH JACOBUS:** Yes madam.

**ADV ADILA HASSIM:** So now do you remember that there was  
15another request?

**MS HANNAH JACOBUS:** Yes.

**ADV ADILA HASSIM:** For the list of NGO's?

**MS HANNAH JACOBUS:** Yes, I remember now. I can see this here  
ja.

20**ADV ADILA HASSIM:** And it was by SASOP.

**MS HANNAH JACOBUS:** Yes.

**ADV ADILA HASSIM:** And do you recall whether it was provided to them?

**MS HANNAH JACOBUS:** No, I cannot recall madam but I do not  
25think so. I think what also happened here, there was an answer from

Dr Manamela because at that stage the list of transferable patients to the different areas from Life, there was no, the list was not ready as yet to specific NGO's.

**ADV ADILA HASSIM:** There was no list?

5**MS HANNAH JACOBUS:** No, there was a list afterwards because the two teams constructed a list of patients that needs to go down to NGO's and some that has to go to hospitals.

**ADV ADILA HASSIM:** Was there a list of NGO's that had been accredited and licensed by March 2015?

10**MS HANNAH JACOBUS:** No.

**ADV ADILA HASSIM:** Did you have a list?

**MS HANNAH JACOBUS:** No.

**ADV ADILA HASSIM:** Why was there an undertaking to provide a list when one did not exist?

15**MS HANNAH JACOBUS:** Madam, the project plan document, we as colleagues within the Directorate was not part of this. I do not know, we, Dr Manamela was chairing this and I think what she has said there that the senior management are compiling this document.

**ADV ADILA HASSIM:** The senior management?

20**MS HANNAH JACOBUS:** Yes, I think so because my even discussing it with the, with my colleagues and ask and they all said that they were not part of compiling this project plan but we had knowledge about it afterwards, we have seen it.

**ADV ADILA HASSIM:** But the page that I just referred you to in the 25project plan, the page 499, lists your name and timeframe is 01

October 2015 to 01 January 2016 for identifying new NGO's – do you see that?

**MS HANNAH JACOBUS:** Yes madam.

**ADV ADILA HASSIM:** And assisting with compliance.

5**MS HANNAH JACOBUS:** Yes.

**ADV ADILA HASSIM:** So you were the person who had been tasked.

**MS HANNAH JACOBUS:** As I am saying this document, but when the execution started we were assigned to different areas so I did not just do all the NGO's...

10**ADV ADILA HASSIM:** So is there anything that we can make from this termination project plan that was provided to us – is there any information in it that is reliable?

**MS HANNAH JACOBUS:** I cannot account to that because some of part of these...

15**ADV ADILA HASSIM:** Did you comply with the timeframes in this project plan?

**MS HANNAH JACOBUS:** No, no we did not comply with the timeframes.

**ADV ADILA HASSIM:** And you did not comply with the substantive  
20requirements either?

**MS HANNAH JACOBUS:** Excuse me?

**ADV ADILA HASSIM:** You did not require, you did not comply with substantive requirements either?

**MS HANNAH JACOBUS:** Where is the requirements?

25**ADV ADILA HASSIM:** So assisting in compliance?

**MS HANNAH JACOBUS:** No, I did. We did. Remember as I have said, I called in the because of the haste to identify and complete the process and because we did not follow the normal route I have engaged the engineers of this to assist me with that task.

5**ADV ADILA HASSIM:** Ja, but you not comply. The next block on the same page, you are one of the members of the team responsible for adjudicating and licensing the new NGO's.

**MS HANNAH JACOBUS:** No adjudication...

**ADV ADILA HASSIM:** And the timeframe there is October 2015 to 28  
10February 2016.

**MS HANNAH JACOBUS:** No madam, we did not comply to that.

**ADV ADILA HASSIM:** You did not do that.

**MS HANNAH JACOBUS:** There were no adjudication.

**ADV ADILA HASSIM:** And then the block immediately below that  
15says transfer user to each, from each, to these NGO's, transfer user,  
the language is not very clear, to these NGO's. Do you see that?

**MS HANNAH JACOBUS:** I am trying to get back to that page now  
madam, can you just give me the page again please?

**ADV ADILA HASSIM:** Okay, it is at page 499.

20**MS HANNAH JACOBUS:** 499.

**ADV ADILA HASSIM:** Transfer the users to the NGO's.

**MS HANNAH JACOBUS:** Yes.

**ADV ADILA HASSIM:** And the people responsible, it says, as above  
and NGO managers – do you see that?

25**MS HANNAH JACOBUS:** Yes.

**ADV ADILA HASSIM:** And the timeframe there is 25 February to 31 March 2016. A period of one week.

**MS HANNAH JACOBUS:** And, but that was not, it went beyond that timeframe.

5**ADV ADILA HASSIM:** It went beyond that timeframe?

**MS HANNAH JACOBUS:** Implementation has started even later than that timeframe.

**ADV ADILA HASSIM:** Was it realistic to transfer so many patients in the period of a week?

10**MS HANNAH JACOBUS:** No Council, it was not.

**ADV ADILA HASSIM:** Do you have any explanation for why one week would be allocated in the plan?

**MS HANNAH JACOBUS:** As I have said Council, I was not part of the coming up with this document so I do not know why that  
15timeframe was written down.

**ADV ADILA HASSIM:** But you were a member of the meetings and you participated in the implementation of the project, even if you did draft this document?

**MS HANNAH JACOBUS:** Yes.

20**ADV ADILA HASSIM:** Did you raise at any time your concern...

**MS HANNAH JACOBUS:** Yes madam.

**ADV ADILA HASSIM:** With the impossibility of this plan?

**MS HANNAH JACOBUS:** We did Council, at several levels, at several meetings we have raised it.

25**ADV ADILA HASSIM:** So it was not actually implemented, this plan?

**MS HANNAH JACOBUS:** The plan, the project plan was implemented but as it is written down there was a lot of timeframes and executions that was not according to this plan.

**ADV ADILA HASSIM:** So there is actually not much use to us, that 5plan, is it?

**MS HANNAH JACOBUS:** Yes.

**ADV ADILA HASSIM:** You also received a request from SADAG, the South African Depression and Anxiety Group, for a list of NGO's – do you remember that?

10**MS HANNAH JACOBUS:** It was asked in a meeting and Dr Manamela has promised to send and forward that request. So whether it was executed, I do not know madam.

**ADV ADILA HASSIM:** So you do remember SADAG requesting the list?

15**MS HANNAH JACOBUS:** Ja, we had several meetings with all stakeholders.

**ADV ADILA HASSIM:** And you do not know whether it was ever sent?

**MS HANNAH JACOBUS:** Yes madam.

20**ADV ADILA HASSIM:** And are you aware of the meeting of 20 January 2016?

**MS HANNAH JACOBUS:** 20 January...

**ADV ADILA HASSIM:** If you look at file 2, at page 631, are you there?

25**MS HANNAH JACOBUS:** I am almost. Yes Council.

**ADV ADILA HASSIM:** These are minutes of the meeting of 20 February.

**MS HANNAH JACOBUS:** Yes.

**ADV ADILA HASSIM:** Do you remember this meeting?

5**MS HANNAH JACOBUS:** With Life and Dr Selebano – no madam.

**ADV ADILA HASSIM:** Were you not present at this meeting.

**MS HANNAH JACOBUS:** I was not part of this meeting no.

**ADV ADILA HASSIM:** Were these minutes provided to you afterwards?

10**MS HANNAH JACOBUS:** No Council.

**ADV ADILA HASSIM:** It was not provided to you?

**MS HANNAH JACOBUS:** No Council.

**ADV ADILA HASSIM:** Why would it not have been provided to you if it was such, and this is an important meeting relating to the  
15termination of the project and involving the issue of NGO's, why did you not...

**MS HANNAH JACOBUS:** Justice, if I can explain this. Due to the activities and chaoticness of this project a lot of activities happened and meetings that we were not involved with and we only see of  
20received information at a later stage when you ask something or when you get hold of these minutes. I have not seen this immediately after this meeting.

**ADV ADILA HASSIM:** Okay. So you say you were not there.

**MS HANNAH JACOBUS:** No.

25**ADV ADILA HASSIM:** And you were never informed?



**MS HANNAH JACOBUS:** No Council.

**ADV ADILA HASSIM:** About the purpose of the meeting and the contents and the discussion?

**MS HANNAH JACOBUS:** No, only at a later stage I was, when I saw  
5the minutes of this.

**ADV ADILA HASSIM:** What is the later stage?

**MS HANNAH JACOBUS:** It was much later, I think it was almost, it was after the project was concluded that I have seen this.

**ADV ADILA HASSIM:** So at the point at which the South African  
10Federation of Mental Health and SADAG and the concerned families went to court, they still did not have the list, isn't that so?

**MS HANNAH JACOBUS:** I cannot account to that madam, I cannot answer because I have not sent a list to any of the organisations. I was present I think with...

15**ADV ADILA HASSIM:** Why didn't you send a list if you were aware that some, you were not aware of all of the requests of all of the meetings, but you were aware that there were concerned organisations representing the stakeholders, representing families, representing patients. They were independent from the Department.  
20They requested a list of the NGO's, you were aware of that.

**MS HANNAH JACOBUS:** Yes.

**ADV ADILA HASSIM:** Why did you not provide it to them?

**MS HANNAH JACOBUS:** Because Dr Manamela said she would send the list from the office.

**ADV ADILA HASSIM:** And was there no space for making sure from your side that this had taken place?

**MS HANNAH JACOBUS:** Madam again, with the pressure of this project there was no always time to go back and follow up because 5after activities you have to do something else and jump again and you had to be all over. The project was really rushed.

**ADV ADILA HASSIM:** Yes. But you were aware of the concerns of the families, weren't you?

**MS HANNAH JACOBUS:** Yes, yes madam.

10**ADV ADILA HASSIM:** And you were aware of the protests and the marches that were taking place?

**MS HANNAH JACOBUS:** Yes madam. I was in two family meetings where the concerns was raised at Waverly and at Randfontein.

**ADV ADILA HASSIM:** And those were, it was perfectly reasonable 15for the family members to be that concerned.

**MS HANNAH JACOBUS:** I agree madam, yes.

**ADV ADILA HASSIM:** And in fact all of their concerns were not addressed by the Department.

**MS HANNAH JACOBUS:** No madam.

20**ADV ADILA HASSIM:** And their fears came to fruition.

**MS HANNAH JACOBUS:** Yes madam.

**ADV ADILA HASSIM:** And why was the Department so dismissive of the families concerns?

**MS HANNAH JACOBUS:** Council, I cannot answer for that because 25we have raised concerns from our side. Various organisations raised

concerns, there were court cases and we have hoped that the Department will listen. Mr Mazamisa as I have said, a week before implementation we had an informal meeting and she agreed that she will support...

5 **ADV ADILA HASSIM:** Sorry I have been asked if you can please speak up or into the microphone, people are having difficulty hearing.

**MS HANNAH JACOBUS:** Oh sorry. So there was various activities taking place to stop the process and the Department did not listen to anyone. I mean I am just the very small fish trying to execute and  
10 yes, I have participated, but as I am saying I did not anticipate that things would go wrong. I have tried my level best to support and I was thinking about the patients and if I do not act on these things. My real concerns...

**ADV ADILA HASSIM:** Well, I put it to you that you were not thinking  
15 about the patients because if you were thinking about the patients you would not have participated in this project. And you did continue to participate even though you say you raised your concerns, isn't that so?

**MS HANNAH JACOBUS:** Yes madam.

20 **ADV ADILA HASSIM:** And when, did you know that the 2015 litigation was settled out of court?

**MS HANNAH JACOBUS:** Yes, we have heard that after Dr Manamela gave us feedback in a meeting.

**ADV ADILA HASSIM:** What did she tell you?

**MS HANNAH JACOBUS:** She just said what she, when she addressed us she just says that there was a court case because there was a certain period where we did not continue and we had to do other work that she assigned to us. Then she said we must stop that work, there was a court case and everything is positive, we must continue with the identification with immediate effect. She...

**ADV ADILA HASSIM:** Was this after the case had been settled out of court?

**MS HANNAH JACOBUS:** Madam, no explanation or details were given whether it was out of settlement. I cannot talk to that.

**ADV ADILA HASSIM:** So she said to you after the settlement, are you saying that Dr Manamela said to you that just proceed as originally planned?

**MS HANNAH JACOBUS:** Yes.

**ADV ADILA HASSIM:** Is that what you are saying?

**MS HANNAH JACOBUS:** Yes madam.

**ADV ADILA HASSIM:** Do you know that the basis of the settlement agreement was that no patients would be transferred to a facility that did not provide equal or better care? Did you know that?

**MS HANNAH JACOBUS:** What we gather after we spoke and speak to the review board members we became aware of that.

**ADV ADILA HASSIM:** So why did you, that was in December 2015?

**MS HANNAH JACOBUS:** Yes madam.

**ADV ADILA HASSIM:** When did you become aware that the agreement between the Department and the parties to the litigation, the other parties?

**MS HANNAH JACOBUS:** After the court case. And I cannot remember when the court case was because we were not informed about these court cases.

**ADV ADILA HASSIM:** But you were then informed that the understanding was that the transfer of patients would only be to NGO's?

10 **MS HANNAH JACOBUS:** Yes, that was really...

**ADV ADILA HASSIM:** Where they would receive equal or better care?

**MS HANNAH JACOBUS:** Yes madam.

**ADV ADILA HASSIM:** So why did you continue, now apart from 15 having ignored other legal prescripts, to ignore this settlement agreement by placing patients in NGO's that could not provide proper care?

**MS HANNAH JACOBUS:** Council, can I just through you can I explain? After the identification, information was given through to Dr 20 Manamela...

**ARBITRATOR JUSTICE MOSENEKE:** Identification of?

**MS HANNAH JACOBUS:** Of NGO's, the readiness of NGO's, information was given to Dr Manamela of NGO's that was ready and NGO's that was not. And as I have said, there was no communication

between us and the placing team. Dr Manamela will then contact the placing team and instruct them where to place patients.

**ADV ADILA HASSIM:** But you were aware that the NGO's could not provide proper care, isn't that so?

**MS HANNAH JACOBUS:** Yes Council because of everything that was not in place.

**ADV ADILA HASSIM:** And did...

**ARBITRATOR JUSTICE MOSENEKE:** You know you are under oath, could you think through what you are saying to us? We are trying to get to the truth.

**MS HANNAH JACOBUS:** Council...

**ARBITRATOR JUSTICE MOSENEKE:** Initial evidence was that there was no list of NGO's. Now there was. It was in two parts. You really have to think through and you must be careful not to perjure yourself. Listen to the questions and answer it as honestly and as truthfully as you know. It is what that oath is about.

**MS HANNAH JACOBUS:** Can you repeat that?

**ADV ADILA HASSIM:** Isn't it true that you were aware, after the litigation, that patients were being transferred to NGO's that could not provide adequate care?

**MS HANNAH JACOBUS:** Council, as I am saying again, I am trying to answer as truthfully as I can. The placement of patients was communicated to different team members within the Directorate and Dr Manamela...

**ADV ADILA HASSIM:** So you did not know? It is again left hand not knowing what the right hand is doing?

**MS HANNAH JACOBUS:** Ja, I did not know where to.

**ADV ADILA HASSIM:** That is your answer?

5**MS HANNAH JACOBUS:** Yes. I only became aware afterwards, after the placement.

**ADV ADILA HASSIM:** Is that how the Department always functions?

**MS HANNAH JACOBUS:** No madam, this was really, this was chaotic and I agree it was not fair. It is not always.

10**ADV ADILA HASSIM:** But you were aware that the NGO's would not provide the care. The reason you were aware is because you were aware that they had not been compliance with the legal prescripts, is that not so?

**MS HANNAH JACOBUS:** Yes Council.

15**ADV ADILA HASSIM:** You knew that already?

**MS HANNAH JACOBUS:** Yes.

**ADV ADILA HASSIM:** So you did not need to be part of a bigger team or anything, you knew that. You had raised the concern yet you continued to participate. Isn't that so?

20**MS HANNAH JACOBUS:** Yes, I regret it was an omission from my side.

**ADV ADILA HASSIM:** It is a separate question from having raised it with your seniors or reported it. It is about your own continued participation.

25**MS HANNAH JACOBUS:** Yes.

**ADV ADILA HASSIM:** And you agree that you continued to participate. Were you aware of the litigation in 2016, in March 2016.

**MS HANNAH JACOBUS:** Was that the other court case?

**ADV ADILA HASSIM:** Yes.

5**MS HANNAH JACOBUS:** Yes, I was aware of that one.

**ADV ADILA HASSIM:** That was the one where families tried to prevent the transfer of patients to Takalani.

**MS HANNAH JACOBUS:** I am not yet sure because I know that Dr Manamela summoned us to one court meeting in Johannesburg and it  
10is only there that we heard what was going on within that meeting what the reasons was.

**ADV ADILA HASSIM:** A meeting of whom?

**MS HANNAH JACOBUS:** In the High Court.

**ADV ADILA HASSIM:** You mean the hearing?

15**MS HANNAH JACOBUS:** Hearing, yes.

**ADV ADILA HASSIM:** You attended the hearing?

**MS HANNAH JACOBUS:** Yes.

**ADV ADILA HASSIM:** And in the hearing the argument had been made that Takalani was not suitable?

20**MS HANNAH JACOBUS:** Yes, yes.

**ADV ADILA HASSIM:** And the Departments' position was that it had been accredited and licensed and it was suitable?

**MS HANNAH JACOBUS:** Yes madam.

**ADV ADILA HASSIM:** And you were in agreement with that?



**MS HANNAH JACOBUS:** With Takalani, yes, Takalani was a, there was, they had everything of theirs was in place with Takalani.

**ADV ADILA HASSIM:** So you were, there was no concern, you felt no concern when you were at the hearing about the position that had been taken by the Department?

**MS HANNAH JACOBUS:** The Department madam, I am just, I do not know how to put this. Because my knowledge of Takalani and what is in place, they can adequately host mental healthcare patients and they have, their HR component is in good standing.

10 **ADV ADILA HASSIM:** So they were an NGO that was taking care of children, isn't that so?

**MS HANNAH JACOBUS:** Yes madam.

**ADV ADILA HASSIM:** And in this process of the termination project, Life Esidimeni patients, adults were going to be transferred to  
15 Takalani, isn't that so?

**MS HANNAH JACOBUS:** No, according the license they were supposed to have children Council.

**ADV ADILA HASSIM:** Yes, but my point is that the project required adult mental healthcare users to be transferred to Takalani, that is  
20 what the case was about. You were at the hearing you said.

**MS HANNAH JACOBUS:** Yes.

**ADV ADILA HASSIM:** Do you remember that?

**MS HANNAH JACOBUS:** I cannot remember all the detail Council, but...

**ADV ADILA HASSIM:** Were there any children that were being transferred in the Life Esidimeni Termination project?

**MS HANNAH JACOBUS:** No Council.

**ADV ADILA HASSIM:** No. So adults were being transferred to  
5Takalani?

**MS HANNAH JACOBUS:** Yes.

**ADV ADILA HASSIM:** And Takalani was a place for children?

**MS HANNAH JACOBUS:** For children, yes.

**ADV ADILA HASSIM:** And in your experience and in your very senior  
10responsibility as overseeing NGO's responsible for mental health  
services, is it appropriate for adults and children to be in the same  
facility?

**MS HANNAH JACOBUS:** When we raised that with Dr Manamela...

**ADV ADILA HASSIM:** Is it appropriate?

15**MS HANNAH JACOBUS:** It is not appropriate.

**ADV ADILA HASSIM:** Yet it was taking place?

**MS HANNAH JACOBUS:** Yes.

**ADV ADILA HASSIM:** And when the families tried to stop it through  
the court case the Department resisted that?

20**MS HANNAH JACOBUS:** I believe so madam.

**ADV ADILA HASSIM:** Well you were there in court.

**MS HANNAH JACOBUS:** Yes, yes.

**ADV ADILA HASSIM:** That did not concern you?

**MS HANNAH JACOBUS:** Madam, it did concern me because during  
25and after the court case. I mean it was, the court case was awarded

to the Department and what can I do, I am not even a higher up, much higher body than me was handling that.

**ADV ADILA HASSIM:** Yes, but that is because there were officials in the Department that were putting false information in court.

5**MS HANNAH JACOBUS:** I am not aware who constructed that information. Madam, I cannot talk on behalf of that.

**ADV ADILA HASSIM:** Do you know how many patients died at Takalani after that move, after that court case?

**MS HANNAH JACOBUS:** No madam, I cannot say out of my head  
10but no, I cannot...

**ADV ADILA HASSIM:** 38.

**MS HANNAH JACOBUS:** Sjoe.

**ADV ADILA HASSIM:** 38 died. Did you know that men and women were not separated?

15**MS HANNAH JACOBUS:** I have heard that afterwards madam, when officials was sent in to go and work there.

**ADV ADILA HASSIM:** And do you know that there were reports of rape?

**MS HANNAH JACOBUS:** No madam, I am not aware of that.

20**ADV ADILA HASSIM:** Are you aware that there was a typhoid outbreak soon after that court case, two months later?

**MS HANNAH JACOBUS:** I have heard from, when we were going out with the environmental health they informed me that they are busy at Takalani with that outbreak.

25**ADV ADILA HASSIM:** And that was in June 2016.

**MS HANNAH JACOBUS:** Yes madam.

**ADV ADILA HASSIM:** And you still continued to participate in this project because it was not over yet, in fact it was really just now getting going, isn't that so?

5**MS HANNAH JACOBUS:** By then I think three quarter of the patients had been placed at various NGO's, most of the patients had been placed then.

**ADV ADILA HASSIM:** Yes, a lot of patients were transferred in that period and what I could like to take you to is the licensing. You said  
10that you were not involved in accrediting or licensing in checking the compliance of the NGO's?

**MS HANNAH JACOBUS:** Yes, for checking for compliance madam, you are right. We did not execute...

**ADV ADILA HASSIM:** Say that again.

15**MS HANNAH JACOBUS:** No, I did not execute any measures to check compliance of licensing, that was not involved.

**ADV ADILA HASSIM:** Do you visit any NGO's?

**MS HANNAH JACOBUS:** Yes madam.

**ADV ADILA HASSIM:** For the purposes of conducting an audit?

20**MS HANNAH JACOBUS:** Yes, we have done that as the marathon project as I have said. And hence because of the haste of the project again I have asked the facility and planning people to assist me and support of their engineers with expert advice.

**ADV ADILA HASSIM:** Can I ask you to look at file 7 please? And if  
25you could look at page 2450.

**MS HANNAH JACOBUS:** Mine ends at 2416, and continue 2450.

**ADV ADILA HASSIM:** 2450. It is an audit report for Tsepong.

**MS HANNAH JACOBUS:** Yes madam.

**ADV ADILA HASSIM:** Do you see it?

5**MS HANNAH JACOBUS:** Yes.

**ADV ADILA HASSIM:** And you conducted this audit, is that so?

**MS HANNAH JACOBUS:** As I have said I was not at Tsepong, but what happened was we were assigned to certain NGO's and one of my colleagues conducted this audit at Tsepong. I was not there in  
10person.

**ADV ADILA HASSIM:** No, actually Ms Jacobus you were there. Please turn to page 2453.

**MS HANNAH JACOBUS:** 24...

**ADV ADILA HASSIM:** 2453, just a few pages on into the audit report.

15**MS HANNAH JACOBUS:** Yes.

**ADV ADILA HASSIM:** 2453, right at the bottom of the page it says inspection conducted by? And the first name is H Jacobus, do you see that?

**MS HANNAH JACOBUS:** Oh, ja, ja, I see now. Madam, these things  
20are way back and I cannot remember all honestly.

**ADV ADILA HASSIM:** So you did conduct an inspection at Tsepong.

**MS HANNAH JACOBUS:** Yes, supported with the conduction.

**ADV ADILA HASSIM:** If you look at, you were at 2453, look at the next page, 2454.

25**MS HANNAH JACOBUS:** Yes?

**ADV ADILA HASSIM:** Under the comment section at the top there is a handwritten note.

**MS HANNAH JACOBUS:** Ja?

**ADV ADILA HASSIM:** It says presently we do not have any funds as we are still trying to renovate the institutions and start admitting the clients. That is under the section that deals with organisational information.

**MS HANNAH JACOBUS:** Yes, I see that.

**ADV ADILA HASSIM:** That is the kind of information we were talking about earlier, bank accounts, bank statements, do you have sufficient funds – all of those important factors. Right.

**MS HANNAH JACOBUS:** Is the question do we have sufficient funds?

**ADV ADILA HASSIM:** Well, I am saying that this section and organisational information if you look at it.

**MS HANNAH JACOBUS:** Yes.

**ADV ADILA HASSIM:** The information, the meaning of organisational information...

**MS HANNAH JACOBUS:** Yes, I know that.

**ADV ADILA HASSIM:** Is about whether the organisation...

**MS HANNAH JACOBUS:** Have funding...

**ADV ADILA HASSIM:** Is functioning properly and has funds and...

**MS HANNAH JACOBUS:** Yes.

**ADV ADILA HASSIM:** And it says not, presently we do not have...

**MS HANNAH JACOBUS:** Yes.

**ADV ADILA HASSIM:** Any funds.

**MS HANNAH JACOBUS:** This organisation yes.

**ADV ADILA HASSIM:** Okay. And then at 2456, again a hand written note at the bottom of the page.

5**MS HANNAH JACOBUS:** Yes.

**ADV ADILA HASSIM:** It is meant to explain the staffing, correct. So the typed question is – are these ratios, meaning the staff to client ratio, adequate for safe care? And then it says yes or no. Both boxes are ticked, well one has a cross, one has a tick – do you see that?

10**MS HANNAH JACOBUS:** Yes.

**ADV ADILA HASSIM:** And then below that it says, if no what are the minimum staffing required and so, requirements.

**MS HANNAH JACOBUS:** Yes.

**ADV ADILA HASSIM:** So, and then there is a note underneath that.

15**MS HANNAH JACOBUS:** Yes, I see that.

**ADV ADILA HASSIM:** So could we take it from that that in fact the answer was no to the question about the ratios?

**MS HANNAH JACOBUS:** Yes, when we were there, there was only one professional nurse and one care giver on the premises. And no

20other personnel.

**ADV ADILA HASSIM:** That is correct. So the note says, I will read it with you. It says – we need one nursing manager for overall administration, six professional nurses for nursing, the ward and five enrolled nurses. Five male, auxiliary male nurses and six female

25nurses... (intervenes)

**MS HANNAH JACOBUS:** Yes.

**ADV ADILA HASSIM:** 10K workers, males and females.

**MS HANNAH JACOBUS:** That was the requirement for (inaudible).

**ADV ADILA HASSIM:** That was the requirement for... (intervenes)

**MS HANNAH JACOBUS:** Yes.

**ADV ADILA HASSIM:** So if you turn the page over again 2457.

The first box at the top of the page is whether the, apart from nursing staff whether they have other medical staff... (intervenes)

**MS HANNAH JACOBUS:** That is needed.

**ADV ADILA HASSIM:** To provide services. Is that so? So medical offices, the question is are the medical offices? The answer is that there would be state medical offices for four hours a week. Is that right?

**MS HANNAH JACOBUS:** Yes.

**ADV ADILA HASSIM:** And medical psychiatrists also for four hours in the week.

**MS HANNAH JACOBUS:** Yes mam.

**ADV ADILA HASSIM:** And with these medical officers visited the NGO would they go to Tshepong once a week to see the patients?

**MS HANNAH JACOBUS:** It depends on the staffing but they would visit the NGO.



**ADV ADILA HASSIM:** Would, did they do so in Tshepong? Is that the arrangement that was made?

**MS HANNAH JACOBUS:** During the project it did not happen but what we have done we arrange and we discuss it in the district and 5the district has assigned two doctors to visit most of these NGO. I went to Kalafong and I got two doctors there to assist and that was the (inaudible)... (intervenes)

**ADV ADILA HASSIM:** To assist with Tshepong?

**MS HANNAH JACOBUS:** Not just Tshepong but also the other NGO's 10and they have divided themselves into all these other different NGO's to assist.

**ADV ADILA HASSIM:** To assist to provide four hours a week?

**MS HANNAH JACOBUS:** Ja.

**ADV ADILA HASSIM:** And did they then do so?

15**MS HANNAH JACOBUS:** Yes because some of these visits... (intervenes)

**ADV ADILA HASSIM:** They visited the NGO's themselves.

**MS HANNAH JACOBUS:** Yes to go and assist and assess for prescriptions to assist with the prescriptions and assessments of 20these patients.

**ADV ADILA HASSIM:** And is it your testimony that they did that?

**MS HANNAH JACOBUS:** Yes I am saying mam not on a regular basis that is why we have included enrobing other doctors because one from Kalafong has offered up his free time and he would assist us on a Saturday and Sunday to visit NGO's where we had problems to assist with this process and one... (intervenes)

**ADV ADILA HASSIM:** You see... (intervenes)

**MS HANNAH JACOBUS:** From Mamelodi so it was not constant because of their time primarily and also the HR concerns in the district, the people would go there on a regular basis.

10 **ADV ADILA HASSIM:** You see if you read the written note I did not (inaudible).

**MS HANNAH JACOBUS:** Yes.

**ADV ADILA HASSIM:** The plan is a little bit different from what you said. It is the other way around that if there is not a medical officer available that what you call the client be the medical healthcare user would be referred to Kalafong with the referral letter for evaluation and assessment.

**MS HANNAH JACOBUS:** Yes but... (intervenes)

**ADV ADILA HASSIM:** And was the transport available?

20 **MS HANNAH JACOBUS:** Mam... (intervenes)

**ADV ADILA HASSIM:** For the mental healthcare users?

**MS HANNAH JACOBUS:** No mam that is why I have said I have instituted enrobing the doctors to assist and then that is where I got the medical officers and (inaudible) ... (intervenes)

**ADV ADILA HASSIM:** Okay so let us just take it step by step.

5**MS HANNAH JACOBUS:** Ja.

**ADV ADILA HASSIM:** In relation to this particular NGO. There was no transport available... (intervenes)

**MS HANNAH JACOBUS:** Yes.

**ADV ADILA HASSIM:** To perform this task of taking... (intervenes)

10**MS HANNAH JACOBUS:** Yes it is right.

**ADV ADILA HASSIM:** The patients to the doctors.

**MS HANNAH JACOBUS:** Yes.

**ADV ADILA HASSIM:** Since the doctors could not come to the patients.

15**MS HANNAH JACOBUS:** Yes.

**ADV ADILA HASSIM:** Is that so?

**MS HANNAH JACOBUS:** Yes.

**ADV ADILA HASSIM:** Okay. Then the next question underneath that is there a need to improve access for clients to any of the MDT.

20By MDT it means Multi Disciplinary Team. Is that right?

**MS HANNAH JACOBUS:** Yes. Yes.

**ADV ADILA HASSIM:** And the answer is yes and the handwritten notes says “we arranged with any of the MDT” which is the medical officers, psychiatrists, doctors, occupational therapists... (intervenes)

**MS HANNAH JACOBUS:** (Inaudible).

5**ADV ADILA HASSIM:** Physiotherapists, all of that to contact him telephonically in case of emergency. If he agrees we requested him to give us his contact number. What does that mean?

**MS HANNAH JACOBUS:** That was the initial plan on this but as I am saying counsel because of our observation on what was taking place  
10we could not stick to this plan. I have had to, I enrobed a doctor in from Kalafong, Mamelodi, several doctors and I mean... (intervenes)

**ADV ADILA HASSIM:** And what did you say to the doctors? If there is an emergency can we call you?

**MS HANNAH JACOBUS:** No, no, no. I have enrobed them to come  
15and assist not emergency on a normal basis. Then those like the hospital doctors who could not get away they would do it after hours and on Saturdays in, like one from Kalafong even came out on a Sunday to assist.

**ADV ADILA HASSIM:** Were you satisfied with the access to  
20medical care for the Mental Healthcare users at Tshepong?

**MS HANNAH JACOBUS:** No mam.

**ADV ADILA HASSIM:** Can you turn to page 2461 please? Under emergency equipment right at the bottom.

**MS HANNAH JACOBUS:** Yes.

**ADV ADILA HASSIM:** Under question “are drugs for physical emergencies available?” It is ticked no.

**MS HANNAH JACOBUS:** Yes.

5**ADV ADILA HASSIM:** “Are drugs for psychiatric emergencies available? --- No.”

**MS HANNAH JACOBUS:** Yes.

**ADV ADILA HASSIM:** “Are the checklists signed and dated? --- No.”

10**MS HANNAH JACOBUS:** Yes.

**ADV ADILA HASSIM:** And then the next page, care of clients. Do you see that there is, the handwritten notes on this page?

**MS HANNAH JACOBUS:** Yes.

**ADV ADILA HASSIM:** The first topic is “nourishment.” That is the  
15word that is used. Do you see that?

**MS HANNAH JACOBUS:** Yes counsel.

**ADV ADILA HASSIM:** And then there is a note “clients must be given a well balanced diet.” Does that mean that they were not receiving a well balanced diet?

20**MS HANNAH JACOBUS:** Yes at that stage what we have observed was not a well balanced diet.

**ADV ADILA HASSIM:** Was not a well balanced diet.

**MS HANNAH JACOBUS:** Yes.

**ADV ADILA HASSIM:** And then it says “special diet to be provided to appropriate clients.”

**MS HANNAH JACOBUS:** Yes that is... (intervenes)

5**ADV ADILA HASSIM:** Example diabetics.

**MS HANNAH JACOBUS:** Ja (inaudible).

**ADV ADILA HASSIM:** Because it was not being provided at the time.

**MS HANNAH JACOBUS:** Yes.

10**ADV ADILA HASSIM:** And then under cleanliness it says “clients are severely disabled. Should be assisted in bathing.” Is that because they are not being assisted?

**MS HANNAH JACOBUS:** Mam I cannot remember the full detail of this audit because remember we were three from the office that  
15assisted and each one in different area but what I assume it should mean that.

**ADV ADILA HASSIM:** So this is, the section is 9K of client – observations on client status. I am just trying to make sense of the notes so under cleanliness it says clients are severely disabled.  
20Those who are severely disabled should be assisted in bathing. Is that a note to the NGO to be saying they ought to be doing that?

**MS HANNAH JACOBUS:** Yes. Yes mam.

**ADV ADILA HASSIM:** And under pressure sores “bed ridden clients to be changed and positioned frequently, sheep skin and other equipment for preventing bedsores must be available. Changing of positions must be recorded in the positions chart.”

**MS HANNAH JACOBUS:** Yes.

**ADV ADILA HASSIM:** Those were not taking place. All of those requirements were not in place.

**MS HANNAH JACOBUS:** At some of these things it was taken place but there was no evidence and according to record if there is no  
10evidence we cannot say it was executed.

**ADV ADILA HASSIM:** So as far as you knew they, it was not taking place.

**MS HANNAH JACOBUS:** I cannot say it happened because there was no evidence. There were no written record of this. The NGO said  
15it was done but there was no proof that it was done.

**ADV ADILA HASSIM:** Well did you find the sheep skin and the other equipment for preventing bedsores? Was that being done?

**MS HANNAH JACOBUS:** No there was not a sheep skin mam.

**ADV ADILA HASSIM:** Under open wounds the note is “Ussol for  
20cleaning wounds, wound dressings and ointment equipments must be used. Client should be seen by medical officer to check if client needs a change of medicine.” That note is being made because it is not taking place. Is that not so?

**MS HANNAH JACOBUS:** I do not know. The medication that is why I said when we have realized what was going on I robed in doctors from various places to assist us to assist with the examinations and prescriptions and all that.

5**ADV ADILA HASSIM:** Yes but apart from that point it says that wounds should be cleaned using a disinfectant.

**MS HANNAH JACOBUS:** Yes.

**ADV ADILA HASSIM:** Is that not what the note says?

**MS HANNAH JACOBUS:** Yes. Yes mam.

10**ADV ADILA HASSIM:** And was that note written because that was not taking place at Tshepong?

**MS HANNAH JACOBUS:** Yes mam.

**ADV ADILA HASSIM:** Yes it was.

**MS HANNAH JACOBUS:** If the note is written like that yes.

15**ADV ADILA HASSIM:** And so it goes. You could continue going through this audit report.

**ARBITRATOR JUSTICE MOSENEKE:** What prompted the audit?

**MS HANNAH JACOBUS:** This audit was conducted after the placement justice and we, remember we... (intervenes)

20**ARBITRATOR JUSTICE MOSENEKE:** Why did you do it? Simple language.



**MS HANNAH JACOBUS:** Because we did not have knowledge about the patients that was placed then what their conditions was, what was going on so we were visiting all these NGO's within that area.

**ARBITRATOR JUSTICE MOSENEKE:** You know what intrigues me about this evidence and what has been elicited in cross-examination is your stance was that you were sidelined. You had no role in all this. You were an innocent bystander. You first denied that you had done, you were present at the audit and now you remember everything that happened at the audit. Do you want to explain that?

10 **MS HANNAH JACOBUS:** Justice this audit were done after the placement and I said I was not sidelined as a bystander. After the doctor Manamela has developed a NGO support list where we have to go out to visit all the NGO's and at times when I had time I did not just visit all those that I was assigned to. I also supported the others  
15 when they asked me to see what was going on.

**ARBITRATOR JUSTICE MOSENEKE:** Okay my last question to you is you know you were the head of the NGO service for the province.

**MS HANNAH JACOBUS:** Yes justice.

20 **ARBITRATOR JUSTICE MOSENEKE:** And you want to leave us the impression that you were some innocent small fry sitting somewhere on the side and marginalized. Why is that your evidence?

**MS HANNAH JACOBUS:** Justice that was not my evidence. I am not saying that I was sidelined and an innocent small fry. Remember if I

was executing my core function I was supposed to have taken all these steps into consideration but because I was not alone in this project and the task has been provided to several people I could not execute it on my own.

**5 ARBITRATOR JUSTICE MOSENEKE:** Counsel.

**ADV ADILA HASSIM:** Thanks Justice. Ms Jacobus you said that it was hectic. There were many teams. You did say that you were sidelined. There were only a few NGO's that you have (inaudible) ... (intervenes)

**10 MS HANNAH JACOBUS:** I was assigned to.

**ADV ADILA HASSIM:** This is one of them.

**MS HANNAH JACOBUS:** No mam.

**ADV ADILA HASSIM:** Oh... (intervenes)

**MS HANNAH JACOBUS:** I did not, I was not assigned to  
15 support as I went with because... (intervenes)

**ADV ADILA HASSIM:** This is one NGO in which you conducted the inspection.

**MS HANNAH JACOBUS:** I was part of the team of a group that went out (inaudible) ... (intervenes)

**20 ADV ADILA HASSIM:** I am not interested in the team. You were there.

**MS HANNAH JACOBUS:** Yes.

**ADV ADILA HASSIM:** You were the most senior person present.

**MS HANNAH JACOBUS:** Yes.

**ADV ADILA HASSIM:** Is that not so?

**MS HANNAH JACOBUS:** Yes mam.

5**ADV ADILA HASSIM:** And you conducted the audits?

**MS HANNAH JACOBUS:** Yes mam.

**ADV ADILA HASSIM:** And you have these findings and you licensed the NGO anyway. Is that not so?

**MS HANNAH JACOBUS:** Counsel the NGO was licensed  
10before the audit. During the license procedure... (intervenes)

**ADV ADILA HASSIM:** So after the audit did you say that we should withdraw the license for this NGO because they are not compliant?

**MS HANNAH JACOBUS:** Counsel we have discussed it but  
15there were no other places or hospitals to place these patients and...  
(intervenes)

**ADV ADILA HASSIM:** So you continued to because there was a new license given to Tshepong.

**MS HANNAH JACOBUS:** I am not aware of a new license.

20**ADV ADILA HASSIM:** But in which you helped to prepare. It is  
page 2387.

**MS HANNAH JACOBUS:** Oh that is the license of Dr Selebano.

**ADV ADILA HASSIM:** No it is a license of Dr Manamela.

**MS HANNAH JACOBUS:** 2-8?

**ADV ADILA HASSIM:** 2387. It is in the same file that you had open and it was licensed. Do you see the license? 2387. License for 173 people. Can you confirm that please?

**MS HANNAH JACOBUS:** Yes mam.

**ADV ADILA HASSIM:** Thank you. Do you know how many people died at Tshepong?

**MS HANNAH JACOBUS:** No I am not aware mam. I think what I have been told there was two people who died at Tshepong.

**ADV ADILA HASSIM:** It was actually 13.

**MS HANNAH JACOBUS:** 13? I am not aware of all the deaths at all the NGO's.

**ADV ADILA HASSIM:** You are not aware of all the deaths?

**MS HANNAH JACOBUS:** No mam.

**ARBITRATOR JUSTICE MOSENEKE:** But why are you not aware though? I mean why are you not aware? You were the Head of the NGO's in the province. People die at NGO's and you do not know why? Because you do not care.

**MS HANNAH JACOBUS:** Can I answer that justice? Yes I do care. In the NGO's where I was part of and if NGO's called me in we were constantly taking patients to clinics and hospitals for health.

**ARBITRATOR JUSTICE MOSENEKE:** No it is your work to make sure NGO's are properly licensed, they comply with the prerequisites and they take care of Mental Healthcare users. They are the crown of your job. Your work is to look after them and you are paid to do that. Why do you not even know who died there? Why? In a place where you are in charge? Why is it so?

10 **MS HANNAH JACOBUS:** Justice with all due respect again with the hastiness of we were all over on a daily basis. We were really frantic running all over to assist the patients that was having problems.

**ARBITRATOR JUSTICE MOSENEKE:** Counsel.

15 **ADV ADILA HASSIM:** Thank you Justice. Sorry Ms Jacobus I am being asked again to ask you to please raise your voice or speak closer to the mic.

**MS HANNAH JACOBUS:** Okay.

**ADV ADILA HASSIM:** You see Ms Jacobus 13 people died...  
20(intervenes)

**MS HANNAH JACOBUS:** Yes.

**ADV ADILA HASSIM:** Between January 2016... (intervenes)

**MS HANNAH JACOBUS:** Yes counsel.

**ADV ADILA HASSIM:** And January 2017 at Tshepong.

**MS HANNAH JACOBUS:** Okay.

**ADV ADILA HASSIM:** You say that you were not aware of all the deaths. When did you first become aware of all the deaths?

5**MS HANNAH JACOBUS:** When we were called to a meeting with Dr Manamela then she informed us.

**ADV ADILA HASSIM:** When was that?

**MS HANNAH JACOBUS:** I cannot remember the exact date counsel but... (intervenes)

10**ADV ADILA HASSIM:** Do you remember the year?

**MS HANNAH JACOBUS:** 2016. It was late... (intervenes)

**ADV ADILA HASSIM:** Do you remember the month?

**MS HANNAH JACOBUS:** I cannot remember the month but it was a bit late in 2016.

15**ADV ADILA HASSIM:** And what were you told in this meeting by Dr Manamela?

**MS HANNAH JACOBUS:** That we have to visit NGO's more and also take more NGO's on because there is challenges and she feels worried about he patients at NGO's so.

20**ADV ADILA HASSIM:** And there were challenges.

**MS HANNAH JACOBUS:** Yes. (Inaudible).

**ADV ADILA HASSIM:** Did she say there were deaths?

**MS HANNAH JACOBUS:** She said there were a few deaths and (inaudible).

**ADV ADILA HASSIM:** How many deaths?

5**MS HANNAH JACOBUS:** She did not, at that stage she did not give us the amount of deaths.

**ADV ADILA HASSIM:** Did it give you concern when she informed you that people were dying?

**MS HANNAH JACOBUS:** Yes. Yes mam.

10**ADV ADILA HASSIM:** But by September 2016 you became aware?

**MS HANNAH JACOBUS:** Yes.

**ADV ADILA HASSIM:** Is that not so?

**MS HANNAH JACOBUS:** Yes.

15**ADV ADILA HASSIM:** By September?

**MS HANNAH JACOBUS:** Yes.

**ADV ADILA HASSIM:** That there were deaths were on the increase.

**MS HANNAH JACOBUS:** Yes mam.

20**ADV ADILA HASSIM:** And how did you become aware of that?

**MS HANNAH JACOBUS:** Well also through a meeting.

**ADV ADILA HASSIM:** Meeting of?

**MS HANNAH JACOBUS:** In the office by Dr Manamela.

**ADV ADILA HASSIM:** And that is also September 2016 was also when the MEC answered a parliamentary question.

**MS HANNAH JACOBUS:** Ja I have to say yes.

**ADV ADILA HASSIM:** You remember that?

**ARBITRATOR JUSTICE MOSENEKE:** But before that why did you not get out of your office and go and see what is happening to the NGO's where patients have been placed. Only wait 10for a meeting in your Head Office.

**MS HANNAH JACOBUS:** Counsel can I answer that?

**ARBITRATOR JUSTICE MOSENEKE:** Yes I want you to.

**MS HANNAH JACOBUS:** I was not, we were not in the 15offices even. We, I was in the Cullinan and all the other areas East of Pretoria working there and as I have said there was a lot of challenges with the patients in terms of... (intervenes)

**ARBITRATOR JUSTICE MOSENEKE:** Ja but you have heard of NGO's and you hear people are dying. Is it not important to 20stop further deaths?

**MS HANNAH JACOBUS:** By then all the patients have been placed Justice.



**ARBITRATOR JUSTICE MOSENEKE:** Yes they are place but are dying. Why did you not go out each one of them to go and see their lot to see how they are faring?

**MS HANNAH JACOBUS:** I was.

5**ARBITRATOR JUSTICE MOSENEKE:** Under NGO's which are under your jurisdiction. Why did you not do that?

**MS HANNAH JACOBUS:** Justice I could not go to all the NGO's myself.

**ARBITRATOR JUSTICE MOSENEKE:** Why not is the 10question?

**MS HANNAH JACOBUS:** Because of the amount of NGO's and the work it incurred. Remember these NGO's where there was a lot of challenging and patients were, at some of these NGO's the patients were very ill.

15**ARBITRATOR JUSTICE MOSENEKE:** How could you spread people all over the NGO's. They become ill and you say that you do not have any resources to look after them. How much care is there in you and your colleagues? Why must we believe you cared at all?

20**MS HANNAH JACOBUS:** We did care. We have tried our best to do and execute wherever we can on long hours.

**ARBITRATOR JUSTICE MOSENEKE:** Okay counsel.

**ADV ADILA HASSIM:** Thank you Justice. How many NGO's were there?

**MS HANNAH JACOBUS:** Of the Life of (inaudible) placements?

5**ADV ADILA HASSIM:** Yes.

**MS HANNAH JACOBUS:** 27.

**ADV ADILA HASSIM:** And there were too many for you to visit.

**MS HANNAH JACOBUS:** Each one because of the challenges, just on the Eastern side alone the patients we had to  
10transfer on a daily basis to hospitals.

**ADV ADILA HASSIM:** So what was your role drop? What were you doing?

**MS HANNAH JACOBUS:** I was placed at the Easter side to look after those NGO's there.

15**ADV ADILA HASSIM:** And did you... (intervenes)

**MS HANNAH JACOBUS:** (Inaudible).

**ADV ADILA HASSIM:** Monitor the patients after they had been transferred?

**MS HANNAH JACOBUS:** Yes counsel (inaudible).

20**ADV ADILA HASSIM:** You monitored to make sure that they were faring well?

**MS HANNAH JACOBUS:** Ja and there is everything  
(inaudible).

**ADV ADILA HASSIM:** And you did not have a problem? You did  
not find any problem?

**MS HANNAH JACOBUS:** There were counsel.

**ADV ADILA HASSIM:** And you, but you did not do anything about  
it.

**MS HANNAH JACOBUS:** I did counsel.

**ADV ADILA HASSIM:** Were you aware of the deaths yourself by  
10your own visits to the NGO's?

**MS HANNAH JACOBUS:** Oh with my visit to these NGO's I  
was not, there were no deaths the time when I was visiting them and  
the NGO's that I worked at there were no deaths mam at that stage.

**ADV ADILA HASSIM:** You see one of the things that did not take  
15place was that nobody went after the patients were transferred to the  
NGO's. Nobody went afterwards to monitor the patients progress. Is  
that not so?

**MS HANNAH JACOBUS:** We have monitored a few. As I  
have said we monitored Bophelong. There is quite a number that we  
20have monitored (inaudible) monitored patients (inaudible) ...  
(intervenes)

**ADV ADILA HASSIM:** Did you monitor patient's welfare at  
Precious Angels?

**MS. HANNAH JACOBUS:** No, somebody else was assigned to Precious Angels.

**ADV. ADILA HASSIM:** And Tshepong?

**MS. HANNAH JACOBUS:** Tshepong was also Mrs Manamela who was assigned to Tshepong.

**ADV. ADILA HASSIM:** It was not you?

**MS. HANNAH JACOBUS:** No madam.

**ADV. ADILA HASSIM:** Takalani?

**MS. HANNAH JACOBUS:** Takalani was somebody from Johannesburg.

10 **ADV. ADILA HASSIM:** Was somebody else?

**MS. HANNAH JACOBUS:** Yes.

**ADV. ADILA HASSIM:** It was not you. Anchor?

**MS. HANNAH JACOBUS:** Anchor, I was at Anchor.

**ADV. ADILA HASSIM:** You were at Anchor?

15 **MS. HANNAH JACOBUS:** Yes. Anchor, Siyabadinga, Bopolong. All those NGO's on that side.

**ADV. ADILA HASSIM:** Okay. Right, so we will come to those in a moment.

**MS. HANNAH JACOBUS:** Okay.

**ADV. ADILA HASSIM:** I just want to before you get past the licensing issue, you said Precious Angels had received a licence for Kalafong Heights.

**MS. HANNAH JACOBUS:** Yes.

5**ADV. ADILA HASSIM:** And my learned colleague drew your attention to ELAH26, the licence which says Kalafong Heights on it.

**MS. HANNAH JACOBUS:** Yes.

**ADV. ADILA HASSIM:** But we also know in the record there is another licence for Lynnwood Road.

10**MS. HANNAH JACOBUS:** Yes madam.

**ADV. ADILA HASSIM:** And you said you had nothing to do with the Lynnwood Road one.

**MS. HANNAH JACOBUS:** What I remember from the Lynnwood licence ... [interjects]

15**ADV. ADILA HASSIM:** Just yes or no.

**MS. HANNAH JACOBUS:** Yes. Yes madam.

**ADV. ADILA HASSIM:** And Kalafong you did.

**MS. HANNAH JACOBUS:** Yes madam.

**ADV. ADILA HASSIM:** Is that correct?

20**MS. HANNAH JACOBUS:** Yes.

**ADV. ADILA HASSIM:** You were responsible for that licence.

**MS. HANNAH JACOBUS:** Yes.

**ADV. ADILA HASSIM:** But why would you have issued a licence for Kalafong when the NGO was not based in Kalafong. It was Atteridgeville and you knew it was in Atteridgeville, because you visited it in 5Atteridgeville. Is that not so?

**MS. HANNAH JACOBUS:** Counsel, as I have said these licences were construct before 1<sup>st</sup> of April, and the placements was only after that and when what I was told was when Kalafong Heights was not ready, Dr Manamela has asked the Precious Angels person to look for another area 10where they could go. Then she phoned myself and Mr Thobane. We went to the venue in Atteridgeville and the place that she pointed out was suitable. But because of the, and I say it again the hastiness of the project, I said to her we do not even know what type of patients are going to be placed there, because as far as I know the children from Baneng 15project was stopped and there would be no children from Baneng. It was only afterwards that we have been said that patients was placed at Precious Angels.

**ADV. ADILA HASSIM:** But does that explain why a licence would be issued for Kalafong when there was no NGO in Kalafong?

20**MS. HANNAH JACOBUS:** Yes, the licence was [inaudible] before the 1<sup>st</sup> of April.

**ADV. ADILA HASSIM:** Ja, it was a fictional, it was fictional was it not?

**MS. HANNAH JACOBUS:** Yes madam, because the place was not ready.

**ADV. ADILA HASSIM:** Yes. So why did you do that?

**MS. HANNAH JACOBUS:** Dr Manamela instructed me to comply and made out all the licences for the new financial year according to the records that we have.

5**ADV. ADILA HASSIM:** So it was a fictional licence that you provided that Dr Manamela signed?

**MS. HANNAH JACOBUS:** According to the budget letter I have made it out according to that. There were no other ... [interjects]

**ADV. ADILA HASSIM:** Dr Manamela has testified that she was  
10dependant on you to prepare the licences and to assure her that all the criteria had been met for the licence to be issued and that you had done so and on that basis she signed it. What do you say to that?

**MS. HANNAH JACOBUS:** I said no madam, Dr Manamela was aware  
no proper orders was done, no adjudication was performed, no  
15documentation was at hand, and she is aware of that because I polluted on everything. When I engaged the district to assist with documentation she said the district should stop, because as I said there was a lot of things going on. Hence there was nothing in place and she said I must just use the budget letter and construct all these licences. That she is  
20aware it was not there.

**ADV. ADILA HASSIM:** And you did so, knowing that they were false?

**MS. HANNAH JACOBUS:** Yes madam, I know I have handled wrongly. I should have maybe ... [interjects]

**ARBITRATOR JUSTICE MOSENEKE:** Your answer is yes, is it?

**MS. HANNAH JACOBUS:** Yes. Yes.

**ADV. ADILA HASSIM:** So, and the NGO's we referred to earlier, you say they were not your responsibility, they were somebody else's responsibility?

**MS. HANNAH JACOBUS:** Yes, we were divided into different areas.

**ADV. ADILA HASSIM:** They were your juniors though?

**MS. HANNAH JACOBUS:** No, no my colleagues. My, all the deputies, we were not in the office at all. We were assigned to different NGO's, a few NGO's to support these NGO's.

**ADV. ADILA HASSIM:** And were there ever meetings between you and your colleagues ... [interjects]

**MS. HANNAH JACOBUS:** At that stage no madam. Very ... [interjects]

**ADV. ADILA HASSIM:** No meetings to discuss what you were finding, how the project was being implemented, whether the patients were fine. No joint discussions?

**MS. HANNAH JACOBUS:** No madam, not at that stage because there was a lot of challenges and we were running and sorting out all the challenges.

**ADV. ADILA HASSIM:** So the NGO's that you do admit to having some responsibility for are Anchor and Siyabadinga?

**MS. HANNAH JACOBUS:** Bopalong and Siyabadinga, yes.



**ADV. ADILA HASSIM:** And do you know how many patients died at Cullinan, including Anchor and Siyabadinga?

**MS. HANNAH JACOBUS:** I was aware at the, by the time when I was at Cullinan and Siyabadinga, and that was before the closing of Siyabadinga, 5there was only those two deaths. As I said we were extremely busy carting patients on a daily basis to hospitals. At all hospitals, and then ... [interjects]

**ADV. ADILA HASSIM:** Carting patients on a daily basis to hospitals?

**MS. HANNAH JACOBUS:** Yes madam.

10**ADV. ADILA HASSIM:** And why were you having to do that?

**MS. HANNAH JACOBUS:** The patients were ill, because we were concerned about the patients.

**ADV. ADILA HASSIM:** Why were the patients ill?

**MS. HANNAH JACOBUS:** Madam, I cannot say why the patients were 15ill, because you could just see the patients was not right, the condition was changed. After the MEC visit I have asked Mrs More to assist us, to give us more [inaudible], because the bulk of the patients were also at Cullinan and then she arranged with Weskoppies from Weskoppies staff to come and help us. So Weskoppies staff was also assigned to assist in this 20process.

**ADV. ADILA HASSIM:** Do you know how many patients died?

**MS. HANNAH JACOBUS:** At those two centres, no madam.

**ADV. ADILA HASSIM:** 29.

**MS. HANNAH JACOBUS:** I have heard afterwards.

**ADV. ADILA HASSIM:** You have heard that afterwards?

**MS. HANNAH JACOBUS:** Afterwards, yes madam.

5**ADV. ADILA HASSIM:** So you know that 29 died?

**MS. HANNAH JACOBUS:** Yes, after the deaths when it was discussed but not during the time of deaths.

**ADV. ADILA HASSIM:** But you were responsible for those NGO's and as they were dying you did not know they were dying?

10**MS. HANNAH JACOBUS:** Can I explain Justice? There was a time when Siyabadinga was closed down and ... [interjects]

**ARBITRATOR JUSTICE MOSENEKE:** You see, the normal thing is to answer a question.

**MS. HANNAH JACOBUS:** I said ... [interjects]

15**ARBITRATOR JUSTICE MOSENEKE:** And then have a long explanation ... [interjects]

**MS. HANNAH JACOBUS:** Oh, okay.

**ARBITRATOR JUSTICE MOSENEKE:** Thereafter admissible.

**MS. HANNAH JACOBUS:** No madam, I was not aware of the patients  
20that died at those centres at that stage.

**ADV. ADILA HASSIM:** You were not aware?

**MS. HANNAH JACOBUS:** Yes.

**ADV. ADILA HASSIM:** And do you know why you were not aware?

**MS. HANNAH JACOBUS:** Excuse me madam?

**ADV. ADILA HASSIM:** Why were you not aware?

5**MS. HANNAH JACOBUS:** Because I have moved myself away from that area in Cullinan.

**ADV. ADILA HASSIM:** No, you had not done that.

**MS. HANNAH JACOBUS:** Excuse me?

**ADV. ADILA HASSIM:** That is not correct. I am going to put it to you  
10that that is not true. You were based, you were responsible for moving patients from Cullinan to Anchor and Siyabadinga. Is that not so?

**MS. HANNAH JACOBUS:** No madam, I was not responsible to remove patients from Cullinan to Siyabadinga.

**ADV. ADILA HASSIM:** And to Anchor?

15**MS. HANNAH JACOBUS:** No madam, I was not removing any patients to any NGO.

**ADV. ADILA HASSIM:** So then Dr Manamela's testimony was that you called her to inform her that patients would be transferred from Cullinan to Anchor House because of the shortage of space at Cullinan, and that she  
20agreed with your plan. What do you say to that?

**MS. HANNAH JACOBUS:** Yes madam, I called Dr Manamela. Can I explain Justice?

**ADV. ADILA HASSIM:** Yes.

**MS. HANNAH JACOBUS:** With the transfer of patients from Cullinan to Anchor, when the patients was transferred, it was a lot of patients that would overcrowd the ward. So I dealt with it, with the Managers and with the CEO and they said there is nothing they can do. So I called Dr Manamela to alert her on this.

**ADV. ADILA HASSIM:** Sorry?

**MS. HANNAH JACOBUS:** It was more than what the capacity the ward could take. When Dr Manamela said we will sort it out.

10 **ADV. ADILA HASSIM:** So you did transfer patients from Cullinan ...  
[interjects]

**MS. HANNAH JACOBUS:** I did not transfer, the patients were transferred by the CEO to Anchor. I did not do transfers at all madam.

**ADV. ADILA HASSIM:** Who recommended the transfers?

15 **MS. HANNAH JACOBUS:** According, as I am saying, Dr Manamela was according to all the discussions that we had afterwards, Dr Manamela was responsible for informing people where the patients should be transferred to.

**ADV. ADILA HASSIM:** You called Dr Manamela?

20 **MS. HANNAH JACOBUS:** When the patients was at the Anchor doorstep, because when I saw the amount of patients, I counted them. When I look at the bedding I said but this is not, it cannot be sort of accepted. So I went, the Managers were still there that brought the

patients over. So I asked them to take the other patients back, and they said they were instructed they are not going to do that. So I insist to have the CEO, the CEO was gone already. It was late at night. So I ...  
[interjects]

**5ARBITRATOR JUSTICE MOSENEKE:** From where were the patients brought there?

**MS. HANNAH JACOBUS:** From Cullinan Justice. So when the CEO came, she came in from home and she says she was instructed by Dr Manamela to make way for other patients to come to Cullinan. So she  
10 must just leave the patients there.

**ADV. ADILA HASSIM:** So it was Manamela's instruction, Dr Manamela's instruction you are saying?

**MS. HANNAH JACOBUS:** Yes madam.

**ADV. ADILA HASSIM:** So when she says that you called her to inform  
15 her that there would be patients transferred from Cullinan to Anchor because of the shortage of space at Cullinan, she was lying?

**MS. HANNAH JACOBUS:** Madam, can I just explain again Counsel? I did not phone ... [interjects]

**ARBITRATOR JUSTICE MOSENEKE:** Let us answer the question first.

20 **MS. HANNAH JACOBUS:** No.

**ARBITRATOR JUSTICE MOSENEKE:** Then you can explain.

**MS. HANNAH JACOBUS:** I did not call her.

**ADV. ADILA HASSIM:** You did not call her.

**MS. HANNAH JACOBUS:** And told her about the transfer, because ...  
[interjects]

**ADV. ADILA HASSIM:** You did not?

5**MS. HANNAH JACOBUS:** No. I called her when the patients was  
already transferred and at Anchor.

**ADV. ADILA HASSIM:** Now who transferred them? Had they been  
discharged according to doctor's orders?

**MS. HANNAH JACOBUS:** I do not know how the patients was  
10discharged, but they were coming from Cullinan centre.

**ADV. ADILA HASSIM:** And you do not know how they were discharged  
from Cullinan centre, because they would have been discharged. Is that  
not so?

**MS. HANNAH JACOBUS:** Yes madam. Some of them did have some  
15notes, discharge notes, but they did not have files and when I enquired the  
... [interjects]

**ADV. ADILA HASSIM:** And do you remember when this happened?

**MS. HANNAH JACOBUS:** If I can remember, I am not sure under  
correction, but I think it was on the 23<sup>rd</sup> of June or somewhere there.

20**ADV. ADILA HASSIM:** That is right. 23<sup>rd</sup> June 2016.

**MS. HANNAH JACOBUS:** Ja.

**ADV. ADILA HASSIM:** And at the time Anchor was already struggling with funds, is that not so?

**MS. HANNAH JACOBUS:** All the NGO's were struggling Counsel.

**ADV. ADILA HASSIM:** And they were also short of space, is that not so?

5**MS. HANNAH JACOBUS:** Yes Counsel.

**ADV. ADILA HASSIM:** And they did not have sufficient food, is that not so?

**MS. HANNAH JACOBUS:** My knowledge, Anchor did have sufficient food. There were community, the Section 27 community was supporting  
10Siyabadinga. That is what I have observed and people that I have met there, and ... [interjects]

**ARBITRATOR JUSTICE MOSENEKE:** Who was Section 27?

**MS. HANNAH JACOBUS:** It is the people from Section 27, it was Helping Hands. They say that was their name.

15**ADV. ADILA HASSIM:** So it is a different organisation?

**MS. HANNAH JACOBUS:** Yes, and they were supporting Siyabadinga and there was another organisation that was supporting Anchor.

**ADV. ADILA HASSIM:** Do you know why they were supporting Anchor?

**MS. HANNAH JACOBUS:** Because all the patients ... [interjects]

20**ADV. ADILA HASSIM:** And Siyabadinga.

**MS. HANNAH JACOBUS:** Yes madam, because all the patients ... [interjects]

**ADV. ADILA HASSIM:** Because they had, they were short of food.

**MS. HANNAH JACOBUS:** Yes.

**ADV. ADILA HASSIM:** And they were dependant on donations and charity.

**MS. HANNAH JACOBUS:** Yes madam.

**ADV. ADILA HASSIM:** And at the same time patients were being transferred to those NGO's?

**MS. HANNAH JACOBUS:** Yes madam.

**ADV. ADILA HASSIM:** Putting them under further pressure, is that not 10so?

**MS. HANNAH JACOBUS:** Yes Counsel.

**ADV. ADILA HASSIM:** And as we now know, 29 patients died.

**MS. HANNAH JACOBUS:** Yes Counsel.

**ADV. ADILA HASSIM:** And Anchor did not have a licence when it began, 15is that not so?

**MS. HANNAH JACOBUS:** No, not at their premises no Counsel.

**ADV. ADILA HASSIM:** And why did they not have a licence?

**MS. HANNAH JACOBUS:** As I have said, it was a rush and at that time I, there is a stage where I said to Dr Manamela I am not going to do 20licence, I think I have just done a few, because it was really chaotic and I myself now I do not even understand. Then she says we would sort it out after the project.



**ADV. ADILA HASSIM:** Did you prepare the licence for Anchor House?

**MS. HANNAH JACOBUS:** At Cullinan Heights, but not for Cullinan.

**ADV. ADILA HASSIM:** But there was no such NGO at Kalafong Heights.

**MS. HANNAH JACOBUS:** Yes.

5**ADV. ADILA HASSIM:** Is that not so?

**MS. HANNAH JACOBUS:** Yes Counsel.

**ADV. ADILA HASSIM:** So that was another one of the fictional licences?

**MS. HANNAH JACOBUS:** Yes.

**ADV. ADILA HASSIM:** And did you know that Ms Dorothy Franks was  
10the Manager of Anchor?

**MS. HANNAH JACOBUS:** Yes Counsel.

**ADV. ADILA HASSIM:** And did you know that Ms Franks had no  
qualifications in mental health care?

**MS. HANNAH JACOBUS:** According my knowledge Counsel, yes  
15qualifications but experience for children she did have.

**ADV. ADILA HASSIM:** For children?

**MS. HANNAH JACOBUS:** Yes Counsel.

**ADV. ADILA HASSIM:** But not for mental health care, is that not so?

**MS. HANNAH JACOBUS:** No, not for mentally ill.

20**ADV. ADILA HASSIM:** So she had no experience?

**MS. HANNAH JACOBUS:** Yes Counsel.

**ADV. ADILA HASSIM:** In fact she has herself said so before these proceedings.

**MS. HANNAH JACOBUS:** Yes Counsel.

5**ADV. ADILA HASSIM:** That she did not have qualifications, nor did she have experience.

**MS. HANNAH JACOBUS:** Yes Counsel.

**ADV. ADILA HASSIM:** Yet she was granted a licence, but with an incorrect address.

10**MS. HANNAH JACOBUS:** For children, yes.

**ADV. ADILA HASSIM:** And is it not so that that licence is for a child residential facility?

**MS. HANNAH JACOBUS:** Yes, facility yes.

**ADV. ADILA HASSIM:** But they did not receive children at that facility, is  
15that not so?

**MS. HANNAH JACOBUS:** No Counsel.

**ADV. ADILA HASSIM:** And Ms Franks has testified that you instructed her to take adults.

**MS. HANNAH JACOBUS:** No, I was even, I did not even transfer or  
20place patients. When I was realised what was that and then asked her, then she says that she has discussed or made Dr Manamela aware and

she says that the patients is a temporary measure and the patients would be later on after the project, be sent to appropriate NGO's.

**ADV. ADILA HASSIM:** Sorry, can you just repeat that?

**MS. HANNAH JACOBUS:** That was both Precious Angels and Anchor 5that was assigned to receive children.

**ADV. ADILA HASSIM:** But they did not receive children.

**MS. HANNAH JACOBUS:** No, they received adults.

**ARBITRATOR JUSTICE MOSENEKE:** Did you know Ms Franks before this project started?

10**MS. HANNAH JACOBUS:** Yes Justice.

**ARBITRATOR JUSTICE MOSENEKE:** How did you know her?

**MS. HANNAH JACOBUS:** She was operating AFM community centre, a children centre for seven years.

**ARBITRATOR JUSTICE MOSENEKE:** And how did she become an 15NGO owner?

**MS. HANNAH JACOBUS:** Excuse me?

**ARBITRATOR JUSTICE MOSENEKE:** How was she selected? I have asked you this question before, I got no answer.

**MS. HANNAH JACOBUS:** Seven years.

20**ARBITRATOR JUSTICE MOSENEKE:** How did you choose the NGO's, how was she selected?

**MS. HANNAH JACOBUS:** Seven years ago she applied to run that centre.

**ADV. ADILA HASSIM:** You are talking about the AFM?

**MS. HANNAH JACOBUS:** The AFM, yes.

5**ADV. ADILA HASSIM:** That had nothing to do with this project.

**MS. HANNAH JACOBUS:** No, no nothing.

**ADV. ADILA HASSIM:** Okay. You assisted Ms Franks to find space for Anchor, is that not so?

**MS. HANNAH JACOBUS:** Yes, on Dr Manamela's instruction. Dr  
10Manamela has instructed me to ask the four Managers that was supposed to go to Kalafong Heights, if they would go to Sterkfontein and Cullinan. There is space there.

**ADV. ADILA HASSIM:** So Ms Franks has testified that you assisted in finding space for her NGO. Do you disagree with that?

15**MS. HANNAH JACOBUS:** Yes, with the instruction of Manamela I have done that, yes.

**ADV. ADILA HASSIM:** And you know Ms Franks, you knew her prior to issuing a licence to her, is that not so?

**MS. HANNAH JACOBUS:** Yes madam.

20**ADV. ADILA HASSIM:** And are you related to Ms Franks?

**MS. HANNAH JACOBUS:** No Counsel.

**ADV. ADILA HASSIM:** Do you have no relationship, no familiar relationship?

**MS. HANNAH JACOBUS:** No Counsel.

**ADV. ADILA HASSIM:** Are you friends with Ms Franks?

5**MS. HANNAH JACOBUS:** No Counsel.

**ADV. ADILA HASSIM:** Did you know her at all before this?

**MS. HANNAH JACOBUS:** Yes, we are staying in the same small community in Eersterus. So called coloured community. We stay all the same there.

10**ADV. ADILA HASSIM:** But other than that, other than the fact that you live in the same area you did not ... [interjects]

**MS. HANNAH JACOBUS:** No.

**ADV. ADILA HASSIM:** Know each other, were not friends and ... [interjects]

15**MS. HANNAH JACOBUS:** No, no Counsel.

**ADV. ADILA HASSIM:** Can I ask you to have a look, Justice I am not sure whether you have received it. It has been circulated to my colleagues. It is now ELAH125.

**ARBITRATOR JUSTICE MOSENEKE:** ... [inaudible], I am sure it will  
20shortly. Is it the article?

**ADV. ADILA HASSIM:** It is the article ... [interjects]

**ARBITRATOR JUSTICE MOSENEKE:** Yes.

**ADV. ADILA HASSIM:** Esidimeni vested nepotisme.

**ARBITRATOR JUSTICE MOSENEKE:** Is it now ELAH125?

**ADV. ADILA HASSIM:** ELAH125.

**ARBITRATOR JUSTICE MOSENEKE:** Thank you. You may proceed.

5**ADV. ADILA HASSIM:** Have you seen this article before Ms Jacobus?

**MS. HANNAH JACOBUS:** No, I was told about it.

**ADV. ADILA HASSIM:** You were told about it.

**MS. HANNAH JACOBUS:** Yes.

**ADV. ADILA HASSIM:** But you have not actually seen it?

10**MS. HANNAH JACOBUS:** Yes, I have not had a chance to see it as yet.

**ADV. ADILA HASSIM:** It is an article written by a Ms Suzaan Venter.

**MS. HANNAH JACOBUS:** Venter, yes.

**ADV. ADILA HASSIM:** And it was published in the Rapport newspaper.

**MS. HANNAH JACOBUS:** Yes.

15**ADV. ADILA HASSIM:** On 3 December 2017.

**MS. HANNAH JACOBUS:** Yes.

**ADV. ADILA HASSIM:** And at the start of the fourth paragraph of the article.

**MS. HANNAH JACOBUS:** Yes.

**ADV. ADILA HASSIM:** The reporter says the following. Pardon my pronunciation:

*“Rapport kan vandag onthul dat Jacobus baie hegte vriende is met Dorothy Franks, die stigter van die NRO wat meer as een miljoen 5rand uit die tragedie geskep het.”*

Do you take issue with that?

**MS. HANNAH JACOBUS:** Yes Counsel.

**ADV. ADILA HASSIM:** Is that not true?

**MS. HANNAH JACOBUS:** Yes Counsel.

10**ADV. ADILA HASSIM:** And later on in the article there are quotes, if you look at the second hand column. There are quotes from Frank se bure saying:

*“Die twee is baie hegte vriende.”*

And then it says other things about you, and you are saying that this is not  
15true. That the neighbours in this community were lying.

**MS. HANNAH JACOBUS:** Yes Counsel, can I explain that, because I spoke, this reporter called me and according her version, she spoke to my neighbours.

**ADV. ADILA HASSIM:** Whose version?

20**MS. HANNAH JACOBUS:** Suzaan Venter, the reporter.

**ADV. ADILA HASSIM:** You spoke to the reporter.

**MS. HANNAH JACOBUS:** She called me to ask me about these things in written down here, and I said to her yes, I know Ms Franks. I have worked with her. I knew her now for these seven years professionally working with her. I know her as a community member of Eersterus, but we are not close friends.

**ADV. ADILA HASSIM:** And you are certainly not related to her?

**MS. HANNAH JACOBUS:** I am not related to her in no circumstances.

**ARBITRATOR JUSTICE MOSENEKE:** Is it true that you received more than a million from the department?

10 **MS. HANNAH JACOBUS:** I have no idea.

**ARBITRATOR JUSTICE MOSENEKE:** She told us, remember she has already testified. How much did she receive from the department?

**MS. HANNAH JACOBUS:** Justice, I did not follow up all the NGO's payments. So I have no idea.

15 **ARBITRATOR JUSTICE MOSENEKE:** But why do you not know this? This one was the one that you, it was under you allegedly.

**MS. HANNAH JACOBUS:** As I have said earlier on Justice if I can explain. There was after the Siyabadinga closure, I removed myself from the Siyabadinga and Cullinan area, because my life was in danger and I was then, Dr Manamela assigned me to other NGO's. I was almost killed there one evening.



**ARBITRATOR JUSTICE MOSENEKE:** No, it is just that one, there will be many other questions, but you know that Ms Franks received over a million for activities related to the, to this project.

**MS. HANNAH JACOBUS:** No Justice, I am not aware. I did not go through any of the NGO's financial payments or anything. I have not seen it.

**ARBITRATOR JUSTICE MOSENEKE:** Okay, let us hear the reason now.

**MS. HANNAH JACOBUS:** Justice, remember with the time of the project 10... [interjects]

**ARBITRATOR JUSTICE MOSENEKE:** Why do you not know this?

**MS. HANNAH JACOBUS:** Because that time with the, as I was away from Cullinan when their payments were starting, I was assigned at other NGO's.

15**ARBITRATOR JUSTICE MOSENEKE:** I am talking about the money. I am talking about the money. Why do you not know how much money she got out of the Life Esidimeni project?

**MS. HANNAH JACOBUS:** Because I have no idea what money was assigned to the NGO Justice.

20**ARBITRATOR JUSTICE MOSENEKE:** Did you know that she had cards, SASSA cards of her patients?

**MS. HANNAH JACOBUS:** I have heard about that in the arbitration.

**ARBITRATOR JUSTICE MOSENEKE:** Why did you not know then?  
When you were ... [inaudible], why did you not know that she had SASSA  
cards of patients?

**MS. HANNAH JACOBUS:** Justice, if I can, what happened with Anchor  
5and Siyabadinga they were closed down and the minute the NGO are  
being closed, they are supposed to hand over everything back to the state.  
So in the process of closure I was not involved, and the people that was  
dealing the closure was supposed to have informed or supporting them to  
take the necessary steps, so I do not know.

10**ARBITRATOR JUSTICE MOSENEKE:** But months and months she  
withdrew money with cards of deceased patients?

**MS. HANNAH JACOBUS:** I have no idea Justice.

**ARBITRATOR JUSTICE MOSENEKE:** Why do you not know?

**MS. HANNAH JACOBUS:** Because I have no idea. I do not know  
15Justice.

**ARBITRATOR JUSTICE MOSENEKE:** No, the question is why do you  
not know?

**MS. HANNAH JACOBUS:** I was not aware ... [interjects]

**ARBITRATOR JUSTICE MOSENEKE:** You see, you are not just some  
20citizen standing by and watching. You are the person in charge of NGO's  
and their operations and how they look after patients and about patient's  
welfare. That is what you are paid for. That is why I am asking you this.  
Why do you not know? That is your work. You were paid to do that.

**MS. HANNAH JACOBUS:** Yes, I agree. I agree Justice.

**ARBITRATOR JUSTICE MOSENEKE:** Why do you not know?

**MS. HANNAH JACOBUS:** During the, I think, I cannot remember back clearly, but it was only a few months when these NGO's were in operation. 5Then most of these NGO's were closed down, and we were not allowed to have any contact with any NGO, or continue with our normal daily work.

**ARBITRATOR JUSTICE MOSENEKE:** You might be luckier Counsel.

**ADV. ADILA HASSIM:** Thanks Justice. Why were you not involved in the closure?

10**MS. HANNAH JACOBUS:** Because other people was assigned to do the closures.

**ADV. ADILA HASSIM:** Why were they assigned when these were, you said there were only a few NGO's that you were responsible for.

**MS. HANNAH JACOBUS:** Yes.

15**ADV. ADILA HASSIM:** These two being amongst your responsibility.

**MS. HANNAH JACOBUS:** Yes.

**ADV. ADILA HASSIM:** So why were other people assigned?

**MS. HANNAH JACOBUS:** Because the quality Assurant teams, there was a special task team appointed by the ... [interjects]

20**ADV. ADILA HASSIM:** But you had no role whatsoever?

**MS. HANNAH JACOBUS:** No Counsel.

**ADV. ADILA HASSIM:** They had no questions for you, there was no need for you to transfer information to them?

**MS. HANNAH JACOBUS:** No Counsel. There was, the person in the office was, there was a person in the office or they would request information from us from the office and we will get paper work and all that and transfer it over to them.

**ADV. ADILA HASSIM:** So you know nothing about it after that?

**MS. HANNAH JACOBUS:** But financial was from the finance side.

**ADV. ADILA HASSIM:** And you knew very little in the process as well it would seem?

**MS. HANNAH JACOBUS:** Of closure, yes.

**ADV. ADILA HASSIM:** Well, you did not know about the deaths.

**MS. HANNAH JACOBUS:** Yes madam. Not in the areas that I have operated in.

15 **ADV. ADILA HASSIM:** Did you know that they were not receiving their subsidy?

**MS. HANNAH JACOBUS:** Yes madam.

**ADV. ADILA HASSIM:** And that it was your responsibility to ensure that they received their subsidy, is that not so?

20 **MS. HANNAH JACOBUS:** Yes madam.

**ADV. ADILA HASSIM:** So why did you not ensure that they received their subsidy?

**MS. HANNAH JACOBUS:** Counsel, as I said earlier on with the hastiness of the project, when I instruct the district people to assist with documentation, Dr Manamela stopped that process and without documentation finance could not execute ... [interjects]

5**ADV. ADILA HASSIM:** So was Dr Manamela the reason for the delay in the subsidies?

**MS. HANNAH JACOBUS:** Because we could not have any documentation.

**ADV. ADILA HASSIM:** Was she, was Dr Manamela the reason for the  
10delay in subsidies?

**MS. HANNAH JACOBUS:** According my observation, yes.

**ADV. ADILA HASSIM:** And at Siyabadinga you were aware of the pressure they were under, is that not so?

**MS. HANNAH JACOBUS:** Yes madam.

15**ADV. ADILA HASSIM:** As with Anchor?

**MS. HANNAH JACOBUS:** Yes madam.

**ADV. ADILA HASSIM:** And you had delivered the licence to Siyabadinga to start off with?

**MS. HANNAH JACOBUS:** No madam.

20**ADV. ADILA HASSIM:** Who provided the licence to Siyabadinga?

**MS. HANNAH JACOBUS:** I do not know madam.

**ADV. ADILA HASSIM:** The licence that was made out for Life Disciples.

**MS. HANNAH JACOBUS:** Yes Counsel.

**ADV. ADILA HASSIM:** You say you had nothing to do with that?

**MS. HANNAH JACOBUS:** No Counsel.

**ADV. ADILA HASSIM:** So if it was not you, who could it have been?

5**MS. HANNAH JACOBUS:** I have no idea Counsel.

**ADV. ADILA HASSIM:** And that was around 30 June 2016?

**MS. HANNAH JACOBUS:** That was the, when the, when I have called Dr Manamela to bring out more help so that we could assess the troubled NGO's.

10**ADV. ADILA HASSIM:** But the licence was provided to Siyabadinga around 30 June 2016.

**MS. HANNAH JACOBUS:** I have no idea who provided the licence to them.

**ADV. ADILA HASSIM:** But you were there at the time?

15**MS. HANNAH JACOBUS:** I was there yes madam, but I did not, prior to that there was no licence.

**ADV. ADILA HASSIM:** I am not asking you about whether you now issued the licence or forced it to be issued. I am saying the licence was only provided to Siyabadinga on 30 June 2016.

20**MS. HANNAH JACOBUS:** I do not know madam. I do not know Counsel.

**ADV. ADILA HASSIM:** They started to receive patients before they received a licence, is that not so?

**MS. HANNAH JACOBUS:** Yes Counsel.

**ADV. ADILA HASSIM:** That is correct, and when they received the 5 licence it was made out to a different organisation. Is that not so?

**MS. HANNAH JACOBUS:** Counsel, the, they did not receive a licence. Siyabadinga.

**ADV. ADILA HASSIM:** They never received a licence at all.

**MS. HANNAH JACOBUS:** Yes.

10 **ADV. ADILA HASSIM:** In fact you are more accurate.

**MS. HANNAH JACOBUS:** Yes Counsel.

**ADV. ADILA HASSIM:** It is true.

**MS. HANNAH JACOBUS:** Yes Counsel.

**ADV. ADILA HASSIM:** They never operated with a licence at all, is that 15 not so?

**MS. HANNAH JACOBUS:** Yes.

**ADV. ADILA HASSIM:** And you, it was Ms Dianne Noyila, my learned colleagues already put this to you, has told us that you informed her that she should put the licence up on the door, because senior management 20 was arriving.

**MS. HANNAH JACOBUS:** No madam.

**ADV. ADILA HASSIM:** You say she was lying when she said so?

**MS. HANNAH JACOBUS:** Yes Counsel. Yes.

**ADV. ADILA HASSIM:** And did you tell Ms Noyila that there was a lot of time pressure and that the irregular licence and the subsidies and so on would be sorted out later on?

**MS. HANNAH JACOBUS:** No Counsel.

**ADV. ADILA HASSIM:** And it is correct that there was no audit of Siyabadinga before patients were moved there.

**MS. HANNAH JACOBUS:** Yes.

10**ADV. ADILA HASSIM:** Is that so?

**MS. HANNAH JACOBUS:** Yes Counsel.

**ADV. ADILA HASSIM:** And there were no doctors or professional nurses at Siyabadinga, is that not so?

**MS. HANNAH JACOBUS:** Yes Counsel.

15**ADV. ADILA HASSIM:** In fact there was not a single staff member at Siyabadinga qualified to care for mental health users. Is that not so?

**MS. HANNAH JACOBUS:** Yes Counsel.

**ADV. ADILA HASSIM:** It is also correct that medicine was being dispensed by auxiliary nurses who were not permitted to dispense?

20**MS. HANNAH JACOBUS:** Yes, that was my observation yes.



**ADV. ADILA HASSIM:** And while you knew all of this you still transferred further patients from Life Esidimeni to Siyabadinga?

**MS. HANNAH JACOBUS:** I am not aware of patients being transferred to Siyabadinga madam from Life. I am not aware of that.

5**ADV. ADILA HASSIM:** From Cullinan to Siyabadinga in order to make space for Life Esidimeni patients? Yes?

**MS. HANNAH JACOBUS:** Yes. Previously I only heard about a few patients afterwards that was instructed by Dr Manamela to be sent to Siyabadinga. One of the sisters ... [interjects]

10**ADV. ADILA HASSIM:** Instructed by Dr Manamela?

**MS. HANNAH JACOBUS:** Ja, that is what I have heard.

**ADV. ADILA HASSIM:** And you were not involved at all?

**MS. HANNAH JACOBUS:** No madam.

**ADV. ADILA HASSIM:** And this is one of the NGO's that you were  
15responsible for?

**MS. HANNAH JACOBUS:** Yes madam.

**ADV. ADILA HASSIM:** And you say you were present, on site.

**MS. HANNAH JACOBUS:** Yes madam, but remember the patients  
came, I think the patients came late and I was not every day always there,  
20because I was also supporting the other NGO's and NGO's have  
challenges then I go back.

**ADV. ADILA HASSIM:** So now you were not there either. Okay. So you were not aware of all of this.

**MS. HANNAH JACOBUS:** Yes.

**ADV. ADILA HASSIM:** And you, it all happened and passed you by?

5**MS. HANNAH JACOBUS:** Not passed me by, I was not aware Counsel.

**ADV. ADILA HASSIM:** Well, it took place. We know it took place.

**MS. HANNAH JACOBUS:** Yes, yes.

**ADV. ADILA HASSIM:** Do you disagree with the objective fact that that is what happened?

10**MS. HANNAH JACOBUS:** That took place. Yes, I heard that yes.

**ADV. ADILA HASSIM:** It took place. You were not aware of it.

**MS. HANNAH JACOBUS:** Yes Counsel.

**ADV. ADILA HASSIM:** And in the delays in payments, do you know how long there were delays?

15**MS. HANNAH JACOBUS:** If I can recall back, the NGO's were paying differently because of the paper work that had to be put in place for payment.

**ADV. ADILA HASSIM:** Just repeat that.

**MS. HANNAH JACOBUS:** The NGO's were paying in different months.

20**ARBITRATOR JUSTICE MOSENEKE:** The question is how long was the delay.

**MS. HANNAH JACOBUS:** It was quite a few months Counsel.

**ARBITRATOR JUSTICE MOSENEKE:** And did that give you concern?

**MS. HANNAH JACOBUS:** Yes Counsel, the whole time.

**ADV. ADILA HASSIM:** But there was not much you could do about it.

5**MS. HANNAH JACOBUS:** Excuse me?

**ADV. ADILA HASSIM:** There was not much you could do about it. Is that what your testimony is?

**MS. HANNAH JACOBUS:** Yes Counsel.

**ADV. ADILA HASSIM:** One of the themes that arises from the report of  
10the Ombud, is that there was a culture of fear in the department, and that  
you were one of those people who felt most fearful and in his words  
paralysed. Unable to perform their responsibilities correctly. What is your  
response to that?

**MS. HANNAH JACOBUS:** To perform my responsibility correctly is what  
15I am supposed to do. As I said earlier, right in the beginning when I  
started talking Counsel, that there was a lot of differences between me  
and Dr Manamela and hence the work was then distributed to everybody  
and I was assigned certain tasks. Like ... [interjects]

**ARBITRATOR JUSTICE MOSENEKE:** You have not dealt with the  
20question. The question is fear of your senior. Just deal with the question.

**ADV. ADILA HASSIM:** Were you fearful of Dr Manamela?

**MS. HANNAH JACOBUS:** In a way, because she would not listen to a person and at the stage you were just numb and you just carried out instructions.

**ADV. ADILA HASSIM:** Were you fearful of anybody else?

5**MS. HANNAH JACOBUS:** Not really fearful, but apprehensive of them.

**ADV. ADILA HASSIM:** Apprehensive.

**MS. HANNAH JACOBUS:** Yes.

**ADV. ADILA HASSIM:** What caused your apprehension?

**MS. HANNAH JACOBUS:** Because we were raising our concerns, we  
10were talking, we were, we have done numerous things. Numerous  
processes was in place and the project was still continuing. So what we  
have done, we have done our best to secure and assist the NGO's that  
cares for the patients. So that is why we continued on ... [interjects]

**ADV. ADILA HASSIM:** You see, the NGO's did not receive support,  
15those who needed it and they should not have been licensed in the first  
place.

**MS. HANNAH JACOBUS:** Yes, I agree Counsel.

**ADV. ADILA HASSIM:** And what were you afraid of?

**MS. HANNAH JACOBUS:** That patients ... [interjects]

20**ADV. ADILA HASSIM:** No, I am talking about this culture of fear in the  
department now.

**MS. HANNAH JACOBUS:** Oh.

**ADV. ADILA HASSIM:** What were you afraid of?

**MS. HANNAH JACOBUS:** Counsel, at that stage I was ... [interjects]

**ADV. ADILA HASSIM:** What would happen if you said I am out, I am not doing this?

5**MS. HANNAH JACOBUS:** I have done that. I have done that in Cullinan. That is why I was removed from there and I said I cannot continue like this. I was removed from there and placed elsewhere.

**ADV. ADILA HASSIM:** Which is not a bad thing, if you did not want to, is that not so? What were you afraid of?

10**MS. HANNAH JACOBUS:** Excuse me?

**ADV. ADILA HASSIM:** What were you afraid of then when you say you felt fearful?

**MS. HANNAH JACOBUS:** Counsel, if I can explain Justice. At that stage one was really tired of this process was chaotic and very, very  
15emotionally taxing and one was tired of fighting and kicking and screaming with the result. I do not know. It was just, I cannot describe it.

**ARBITRATOR JUSTICE MOSENEKE:** The question was what were you afraid ... [interjects]

**MS. HANNAH JACOBUS:** I cannot describe it Justice. I cannot describe  
20it.

**ARBITRATOR JUSTICE MOSENEKE:** Just deal with that question. What were you afraid of?

**MS. HANNAH JACOBUS:** Justice, as I am trying to answer, at that stage one was really tired, really emotionally tired of kicking and screaming and because you report there was various processes in place that the department did not adhere to. So I cannot explain further. It was just, it is a mixture of emotions.

**ADV. ADILA HASSIM:** Did, but it prevented you from reporting it further? Your fear.

**MS. HANNAH JACOBUS:** It was reported. Yes. It was reported.

**ADV. ADILA HASSIM:** To Dr Manamela, but you did not take it any further. You have already said that. You did not take it any further.

**MS. HANNAH JACOBUS:** Counsel, we discussed it with the project manager who will also raise his concerns and submitted the report ... [interjects]

**ADV. ADILA HASSIM:** Yes, but it did not go anywhere. So you did not then go to the next level.

**MS. HANNAH JACOBUS:** Dr Mazamisa was the next level.

**ADV. ADILA HASSIM:** And nothing happened. Nothing happened.

**MS. HANNAH JACOBUS:** Yes. She said she will take it up and discuss it further.

**ADV. ADILA HASSIM:** But nothing happened, is that not so?

**MS. HANNAH JACOBUS:** Yes madam.

**ADV. ADILA HASSIM:** And you did not take it any further after that?

**MS. HANNAH JACOBUS:** Madam, at that stage I could not think because of all the work it incurred because she was concentrating on the work that needs to be executed.

**ADV. ADILA HASSIM:** But the work that was executed resulted in death.

5 Do you agree?

**MS. HANNAH JACOBUS:** Yes madam.

**ADV. ADILA HASSIM:** Ms Franks, sorry. Ms Jacobus, are you still employed at the department?

**MS. HANNAH JACOBUS:** Yes Counsel.

10 **ADV. ADILA HASSIM:** Are you still in the same position as you held previously?

**MS. HANNAH JACOBUS:** Yes Counsel.

**ADV. ADILA HASSIM:** You were not, were you placed under any disciplinary inquiry?

15 **MS. HANNAH JACOBUS:** Yes Counsel.

**ADV. ADILA HASSIM:** And what was the outcome of that inquiry?

**MS. HANNAH JACOBUS:** It is still continuing.

**ADV. ADILA HASSIM:** It is still continuing?

**MS. HANNAH JACOBUS:** Yes Counsel, it is not yet concluded.

20 **ADV. ADILA HASSIM:** And you have the same responsibilities as you had before?

**MS. HANNAH JACOBUS:** Yes Counsel.

**ADV. ADILA HASSIM:** And why should we believe that you would carry out the responsibilities any differently now?

**MS. HANNAH JACOBUS:** I cannot answer that Counsel. You can answer that. I cannot.

**ADV. ADILA HASSIM:** Do you think you faced adequate consequences for your actions?

**MS. HANNAH JACOBUS:** Yes Counsel. I have tried everything to assist patients where I could. It was hectic. It was on a 24 hour basis.

10 **ADV. ADILA HASSIM:** My question was about the consequences to you. Do you think that you are appropriately suited to this job?

**MS. HANNAH JACOBUS:** Yes Counsel.

**ADV. ADILA HASSIM:** And how do we know that this would not happen again?

15 **MS. HANNAH JACOBUS:** Because after ... [interjects]

**ADV. ADILA HASSIM:** What would be different going forward?

**MS. HANNAH JACOBUS:** Different going forward, as I have learnt because this was a learning curve for me, and for all the officials working, and to know now that you should take things further than just the  
20 department in terms of getting help elsewhere or reporting things, and to execute according to legislation.



**ADV. ADILA HASSIM:** And are you playing any role in trying to get to the bottom of what happened in this project? Are you assisting with that, within the department?

**MS. HANNAH JACOBUS:** In what way Counsel? How do you mean?

5**ADV. ADILA HASSIM:** Providing information like you have been providing today, have you already provided that information to anybody else, to the current MEC for example?

**MS. HANNAH JACOBUS:** We have an acting Director now who is executing that, so we assist her providing information.

10**ADV. ADILA HASSIM:** Somebody else is doing that?

**MS. HANNAH JACOBUS:** Yes.

**ADV. ADILA HASSIM:** Is it somebody new?

**MS. HANNAH JACOBUS:** Yes.

**ADV. ADILA HASSIM:** So can they really have the insight that you have,  
15having been there before?

**MS. HANNAH JACOBUS:** According to my observation and our working relationship she according to what she said to me, it was just said that we did not really speak up further than just the department and engaging other avenues of reporting our concerns, but she could see that we are  
20well qualified to execute what we are doing and that everything should be the way it is, because prior to Life things were executed in a legislative procedure on a yearly basis and throughout the year. When Life came we were asked to stop that and do it in that way.

**ADV. ADILA HASSIM:** But the test of a functional department is how it deals with the problem, how it deals with the crisis, is that not so?

**MS. HANNAH JACOBUS:** Yes Counsel.

**ADV. ADILA HASSIM:** It is easy to perform well when everything is going smoothly and there are not any, is that not so?

**MS. HANNAH JACOBUS:** Not really Counsel, because remember with the, if I can Justice ... [interjects]

**ADV. ADILA HASSIM:** I mean relatively easier.

**MS. HANNAH JACOBUS:** Yes.

10 **ADV. ADILA HASSIM:** I mean obviously I am not suggesting that this is an easy job for anybody.

**MS. HANNAH JACOBUS:** Yes.

**ADV. ADILA HASSIM:** I am not at all suggesting that.

**MS. HANNAH JACOBUS:** Okay. Yes Counsel.

15 **ADV. ADILA HASSIM:** All I am saying is that the real test of one's metal is when you are put under pressure. Is that not so?

**MS. HANNAH JACOBUS:** Yes Counsel.

**ARBITRATOR JUSTICE MOSENEKE:** Who do you think is responsible for the 143 deaths?

20 **MS. HANNAH JACOBUS:** Justice, that is a difficult question. I do not know.

**ARBITRATOR JUSTICE MOSENEKE:** Who acted in a way that was wrong and should be held accountable for the marathon project?

**MS. HANNAH JACOBUS:** I do not know Justice. I cannot answer that and say who should be held responsible.

5**ARBITRATOR JUSTICE MOSENEKE:** Just throw your voice up.

**MS. HANNAH JACOBUS:** I say I do not know. I cannot say who should be held responsible for the marathon project.

**ARBITRATOR JUSTICE MOSENEKE:** Who in your view now, after this devastation, after the death of so many people and the harm of so many  
10survivors, when you think back you have been there for 30 years. When you think back, who did what wrong?

**MS. HANNAH JACOBUS:** We did all the things wrong by not following procedure Justice.

**ARBITRATOR JUSTICE MOSENEKE:** No, no, no we do not talk about  
15we. I would like to know you have a lot of experience. You have assured us you care for mental health care users, and you are a committed civil servant you tell us. Who should be held accountable for the wrong that came out of the marathon project?

**MS. HANNAH JACOBUS:** Counsel, Justice again I cannot pin point, but  
20what we have been told was instruction from above, and we never received a written document from that instruction. The only time that we became aware was when this project was, the ombudsman project was only that we saw that was a letter signed by Dr Selobano.

**ARBITRATOR JUSTICE MOSENEKE:** Who would you, judging the whole situation and you worked for them, you say firstly start with you. Do you think you must be held to account for any of your conduct?

**MS. HANNAH JACOBUS:** I was working under instruction Justice.

5**ARBITRATOR JUSTICE MOSENEKE:** No, no but answer the question.

**MS. HANNAH JACOBUS:** And delegation.

**ARBITRATOR JUSTICE MOSENEKE:** So you say you are not accountable for anything?

**MS. HANNAH JACOBUS:** Yes, I am accountable because I have  
10executed some duties within the project.

**ARBITRATOR JUSTICE MOSENEKE:** What are you accountable for?

**MS. HANNAH JACOBUS:** By executing the work, going to NGO's looking for beds, placing beds, doing the marathon all that.

**ARBITRATOR JUSTICE MOSENEKE:** So you are prepared to be held  
15accountable for, in clear words so that we hear you?

**MS. HANNAH JACOBUS:** Yes Justice, because I am already being disciplined. I am under disciplinary hearing because of that, of my action.

**ARBITRATOR JUSTICE MOSENEKE:** And besides you who else ought to be held accountable for the failure of the life of the marathon project?

20**MS. HANNAH JACOBUS:** Justice, that I cannot really answer, because remember with the execution and this was the very painful learning curve. We did not anticipate that things would go that way.

**ARBITRATOR JUSTICE MOSENEKE:** You said nothing about all the forges licences.

**MS. HANNAH JACOBUS:** That is why I have said Counsel I have acted wrong, and that is why I say I am guilty of that because I have executed that instruction. I did not stop that instruction.

**ARBITRATOR JUSTICE MOSENEKE:** Counsel.

**ADV. ADILA HASSIM:** Sorry, my last, I am almost done Justice, but Ms Jacobus you say that you are currently facing disciplinary hearing?

**MS. HANNAH JACOBUS:** Yes Counsel.

10**ADV. ADILA HASSIM:** Is it not so that the disciplinary hearing is complete and you received a final written warning?

**MS. HANNAH JACOBUS:** Yes Counsel.

**ADV. ADILA HASSIM:** So there is no disciplinary inquiry ... [interjects]

**MS. HANNAH JACOBUS:** Yes, that has been, ja.

15**ADV. ADILA HASSIM:** That you are facing now.

**MS. HANNAH JACOBUS:** Ja, I forgot. Sorry.

**ADV. ADILA HASSIM:** There is not. Is that not so?

**MS. HANNAH JACOBUS:** Ja, but it is not yet complete. It is not yet complete.

20**ADV. ADILA HASSIM:** Well, there was a hearing.

**MS. HANNAH JACOBUS:** Ja, some time ago.

**ADV. ADILA HASSIM:** And you pleaded guilty.

**MS. HANNAH JACOBUS:** Sorry?

**ADV. ADILA HASSIM:** Did you plead guilty?

**MS. HANNAH JACOBUS:** Yes, because of the execution of my  
5functions.

**ADV. ADILA HASSIM:** And did you then receive a final written warning?

**MS. HANNAH JACOBUS:** Yes madam.

**ADV. ADILA HASSIM:** And that was the end of the matter, not so?

**MS. HANNAH JACOBUS:** No, not yet. It is not yet finalised.

10**ADV. ADILA HASSIM:** Was there an appeal?

**MS. HANNAH JACOBUS:** Sorry? No, no appeal.

**ADV. ADILA HASSIM:** What do you mean by it is not finalised?

**MS. HANNAH JACOBUS:** We are still under the disciplinary, I do not  
know how to term it. It is not yet, the final written warning process is not  
15yet finalised.

**ADV. ADILA HASSIM:** What do you mean it is not finalised? You have  
not received it?

**MS. HANNAH JACOBUS:** I received it, but remember there is a time  
period that that is subjected to and that process is not yet finalised. We  
20are still under, working under that.

**ARBITRATOR JUSTICE MOSENEKE:** You are still under what?

**MS. HANNAH JACOBUS:** The final written warning is subjected to a certain period.

**ADV. ADILA HASSIM:** Time period.

**MS. HANNAH JACOBUS:** Time scale, and that is not yet finalised.

5**ADV. ADILA HASSIM:** You mean the time period?

**MS. HANNAH JACOBUS:** Yes, yes.

**ADV. ADILA HASSIM:** What was the period of the written warning?

**MS. HANNAH JACOBUS:** It was six months.

**ADV. ADILA HASSIM:** And what, where are we now?

10**MS. HANNAH JACOBUS:** I think five months.

**ADV. ADILA HASSIM:** Five months?

**MS. HANNAH JACOBUS:** Yes madam.

**ADV. ADILA HASSIM:** Thank you Justice.

**ARBITRATOR JUSTICE MOSENEKE:** Thank you. But is this disaster  
15not so big that you should be falling on your sword?

**MS. HANNAH JACOBUS:** Excuse me Justice?

**ARBITRATOR JUSTICE MOSENEKE:** Is the disaster, the death of all  
the people here and the trauma and pain of all the survivors, are both of  
these not of such a size that you actually should be resigning from your  
20job to show your remorse and you accept accountability? So much wrong  
has happened under your watch as head of NGO's in Gauteng and mental

health care in particular. That is why you have been called here. Is that not of such magnitude that a rational human being should be saying I am obliged to resign, to show remorse and to show accountability?

**MS. HANNAH JACOBUS:** Justice, with all due respect I am and I am very saddened on what happened and I tried ... [interjects]

**ARBITRATOR JUSTICE MOSENEKE:** Just say it louder.

**MS. HANNAH JACOBUS:** I say I am very saddened with what happened. I am still going through that, and what I have done during the process of the project, trying everything, working 24 hours day in and day out at different NGO's to do what I can do to assist patients, and not me alone. I was roping in district staff to support and they really support when we were doing that.

**ARBITRATOR JUSTICE MOSENEKE:** Are you done Counsel?

**ADV. ADILA HASSIM:** I have no further questions. I am done. Thanks.

**ARBITRATOR JUSTICE MOSENEKE:** You are done, thank you. It is 16H40 pm and I mindful of our program for tomorrow. So I need advice, I need guidance.

**ADV. LILLA CROUSE:** Justice, I am ready to proceed now, but I think lots of the ground I wanted to cover has already been covered. If I could have overnight to just compact that.

**ARBITRATOR JUSTICE MOSENEKE:** Sure.

**ADV. LILLA CROUSE:** I think it would be a shorter period and not extending the witness's stay in the witness box.



**ARBITRATOR JUSTICE MOSENEKE:** Ja. It is not unreasonable. I do not think it is. I am inclined so to that you be given the opportunity to gather your thoughts and to ... [interjects]

**ADV. LILLA CROUSE:** Thank you Justice.

5**ARBITRATOR JUSTICE MOSENEKE:** And we will continue tomorrow. I am more concerned about the expert witnesses. That is generally what I am talking about. What arrangements should we make perhaps for them to start at, be here only at eleven? I mean at after tea, at twelve.

**ADV. ADILA HASSIM:** Justice, if we could start after tea that would be  
10sufficient time for our witness. There is only one witness other than Ms  
Jacobus tomorrow.

**ARBITRATOR JUSTICE MOSENEKE:** So there will be one expert  
witness tomorrow, not two.

**ADV. ADILA HASSIM:** Yes, just one.

15**ARBITRATOR JUSTICE MOSENEKE:** So Mr Grobler will ... [interjects]

**ADV. ADILA HASSIM:** It will be Professor Di.

**ARBITRATOR JUSTICE MOSENEKE:** Mr Grobler will come later?

**ADV. ADILA HASSIM:** Yes.

**ARBITRATOR JUSTICE MOSENEKE:** So it will only be one?

20**ADV. ADILA HASSIM:** That is right.

**ARBITRATOR JUSTICE MOSENEKE:** Okay. That, so to avoid inconvenience Professor Di should be informed that she need only be here at twelve I think.

**ADV. ADILA HASSIM:** That would be ... [interjects]

5**ARBITRATOR JUSTICE MOSENEKE:** That would be in order?

**ADV. ADILA HASSIM:** That would be in order.

**ARBITRATOR JUSTICE MOSENEKE:** Is that arrangement in order?

**ADV. PATRICK NGUTSHANA:** Yes. The arrangement is in order.

**ARBITRATOR JUSTICE MOSENEKE:** Advocate Groenewald?

10**ADV. DIRK GROENEWALD:** The arrangement is in order, thank you Justice.

**ARBITRATOR JUSTICE MOSENEKE:** Advocate Hutamo, is that good?

**ADV. TEBOGO HUTAMO:** We do concur with the arrangement.

**ARBITRATOR JUSTICE MOSENEKE:** Okay. Can I just raise two  
15 matters just before we adjourn, which may require Counsel's assistance.  
The first is to you Advocate Hassim. It would be helpful if you were to  
enquire from your clients whether any of them had been approached by Dr  
Selobano following his much vointed public apology, seeking to have a  
door to door, house to house apology that he publically promised. So if  
20 you might not be able to, you might want to canvass with your clients and  
report on this tomorrow, unless you have the answer?

**ADV. ADILA HASSIM:** I do.

**ARBITRATOR JUSTICE MOSENEKE:** You do have the answer?

**ADV. ADILA HASSIM:** I do have the answer.

**ARBITRATOR JUSTICE MOSENEKE:** Shall we put it on record?

**ADV. ADILA HASSIM:** To that. The Attorneys for the families received a letter from the Attorneys for Dr Selobano, Ramsey Webber Attorneys. The letter was actually sent to one of the family Representatives, Ms Christine Nxumalo, and she forwarded it to the Attorneys, Section 27. The letter is dated 17 January 2018. So yesterday, and it is a letter written on behalf of Dr Selobano asking for Section 27 to facilitate a meeting with the families. So the former HOD has taken steps to begin a series of meetings with the families. If that answers the question.

**ARBITRATOR JUSTICE MOSENEKE:** Yes, it does. Thank you.

**ADV. ADILA HASSIM:** Thank you.

**ARBITRATOR JUSTICE MOSENEKE:** The second matter, again a follow up matter Advocate Hutamo. When Attorneys and or Counsel for the state enquire from the General who appeared before us and gave evidence about criminal investigations to prepare a brief report in writing, as the Ombud did, telling us how far the criminal investigations have gone. It has been about three months or four months that he had been here, is it something that the state will be able to assist in?

**ADV. TEBOGO HUTAMO:** Justice, we should be able to make that follow up enquiry with the General, and we should also be able to obtain a written report to that effect.

**ARBITRATOR JUSTICE MOSENEKE:** Yes, that will be quite helpful. Remember, it is also tied up with the other proceedings that started in one of the courts. So it will be helpful just to get a report on that so that we can clear the matter up.

**ADV. TEBOGO HUTAMO:** We will endeavour to make that follow up.

**ARBITRATOR JUSTICE MOSENEKE:** And give us a sense of what they are doing with criminal prosecutions.

**ADV. TEBOGO HUTAMO:** Indeed so.

**ARBITRATOR JUSTICE MOSENEKE:** Thank you. Those are my two matters. Counsel, is there any matter that any of the Counsel would like to raise before we adjourn? We are adjourned to tomorrow at 09H30. I am sorry, I am sorry. Ms Franks, you I am sorry. Ms Jacobus, you are instructed to be here tomorrow at 09H30.

**MS. HANNAH JACOBUS:** Okay.