



Cash-strapped health defies N\$730k court order

25 October 2019 | Justice

The health ministry has blamed a lack of money for failing to comply with a court order to pay a grieving widower N\$730 000 by December last year.

In June, Vilho Sakaria was forced to turn to the Windhoek High Court for a second time in an attempt to force the ministry to comply with the settlement agreement reached last year.

The health ministry has filed a notice to oppose Sakaria's application. Joseph Siseho, the deputy director of legal services at the ministry, explained in a brief answering affidavit that "the non-payment is not due to wilful non-compliance but due to difficulty of budget shortfall." Sakaria sued the ministry for the death of his wife, Rachel Shaulwa, who bled to death a few hours after she had given birth to their daughter on 18 February 2015. Sakaria accused staff in the Windhoek Central Hospital's maternity ward of negligence and failure to exercise the due care and diligence that could have saved her life following a difficult two-day labour. In May 2018 the parties reached a settlement, in which the health ministry agreed to pay Sakaria N\$730 000 on or before 2 December 2018.

The settlement was made an order of the court in September last year.

In their initial plea in response to the million-dollar lawsuit brought by Sakaria, the ministry denied any wrongdoing on behalf of medical staff, and asked that the matter be dismissed without cost.

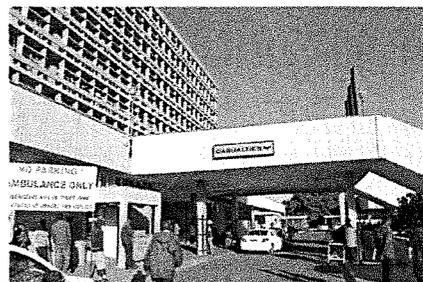
It agreed to the N\$730 000 settlement a few months later.

The money remains unpaid despite attempts by Sakaria's lawyers at the Legal Assistance Centre (LAC) to demand finalisation of payment.

In his June affidavit, Sakaria informed the court that a letter of demand was sent to the health ministry on 4 April this year.

He is asking the court to order the health ministry to comply with the agreement.

Moreover, he asked that the ministry should be held in contempt of court if it still did not comply.



(<https://d3rp5jatom3eyn.cloudfront.net/assestrapped-health-defies-n730k-court-order2019-10-250.jpg>)

PAY UP: The health ministry is struggling to pay a N\$730 000 settlement arising from the death of a woman in 2015. PHOTO: FILE

In September a joint case management report filed at court noted that the respondents acknowledged they had no defence to the claim, and the court ordered that a ministry representative should come to court “and explain if there will be any delay in signing of the settlement agreement.”

Yesterday, Judge Hosea Angula postponed the case to 6 November for a status hearing and ordered the ministry's deputy director of legal services, Siseho, to make an appearance at the status hearing.

Sharen Zenda of the LAC is appearing on behalf of Vilho, while government attorney Immanuel Wynand Dausab has been appointed to represent the health ministry.

JANA-MARI SMITH