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Making sense of death: A brief overview of inquest proceedings

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By its very nature, death is tragic. The death of a loved one evokes deep feelings of grief. These feelings may be exponentially compounded by other feelings—such as anger, frustration, and despair—where the circumstances surrounding or leading up to the death of a loved one are unclear. To obtain the required clarity, it may sometimes be necessary to initiate inquest proceedings.

Such will be the case in September 2026, when inquest proceedings into the death of Anele Tembe are expected to commence in the Cape Town Magistrates Court (following a postponement of the proceedings on 13 July 2026).

Ms Tembe died in April 2021 after falling from a hotel room (on the 10th floor) that she shared with her now-deceased fiancé, Kiernan "AKA" Forbes, a well-known rapper who was subsequently murdered in February 2023. Following Ms Tembe's death, questions arose about whether her death was the result of suicide or murder. Seeking clarity about the circumstances of her death, Ms Tembe's family approached the authorities, who eventually initiated the anticipated inquest proceedings.

But what is an inquest and how does it differ from other legal proceedings?

When a person dies from unnatural causes, the police are required to investigate such a death to determine whether it was caused by the commission of a crime. Once they have concluded their investigation, the police must submit a report and any supporting documents (such as witness statements and any forensic reports) to the National Prosecuting Authority (NPA) which must then decide whether there is a prosecutable criminal case in relation to the death. If the NPA elects not to prosecute, the report must then be submitted to a magistrate. If the magistrate, after reviewing the report, determines that a death has occurred and is not due to natural causes, inquest proceedings must be initiated (subject to any directions from the Minister of Justice).

Inquests are judicial proceedings in which the court is tasked with investigating the circumstances and cause of the death of a person where it appears that such death was not due to natural causes. The courts have stated that the purpose of holding an inquest is to investigate the circumstances of death seemingly occurring from unnatural causes, where the NPA has declined to prosecute. The courts have also stated that inquest proceedings are intended to promote public confidence and to reassure the public that all deaths from unnatural causes will receive proper attention and investigation so that, where necessary, appropriate measures can be taken to prevent similar occurrences and so that persons responsible for such deaths may, as far as possible, be brought to justice.

Unlike civil law or criminal law proceedings—and because of their inherently investigative function—inquest proceedings are usually conducted in an inquisitorial manner, with the presiding officer playing an active role in questioning witnesses. Although inquest proceedings

differ from the other types of proceedings, the courts have stated that they should be conducted more in line with criminal proceedings than civil proceedings. However, unlike criminal proceedings, the aim of inquests is not to determine any person's guilt beyond a reasonable doubt, nor is it to enforce a person's rights and obligations on a balance of probabilities, as in civil law proceedings.

The nature of the witnesses that may be required in inquest proceedings will differ depending on the unique circumstances of each case. Generally, however, potential witnesses may include relatives of the deceased, eyewitnesses, expert witnesses (e.g. forensic specialists), investigating officers (from the police), and any other person/s with knowledge about the circumstances of the death.

The Inquests Act 58 of 1959 provides that once all the evidence has been heard and evaluated, the presiding officer must make a finding on the following facts, which must be explicitly recorded in the inquest judgment: (a) the identity of the deceased person; (b) the cause or likely cause of death; (c) the date of death; and (d) whether the death was caused by any act or omission seemingly involving a crime by any person. Notably, if the presiding officer is unable to make a finding on any of these facts after having considered all the evidence, they must record that in their judgment. Lastly, the Inquests Act also provides that the judgment and transcribed record of the inquest proceedings must be submitted to the NPA, which must then consider whether any individual/s should be prosecuted in criminal proceedings.

While the inquest into the death of Ms Tembe has yet to commence, an inquest into the deaths of 21 youths, who died at a tavern in KuGompo City (formerly East London) on 26 June 2022 has recently concluded. On 10 July 2026, the KuGompo City Regional Court (sitting in Mdantsane) handed down judgment in inquest proceedings intended to provide clarity about the cause and circumstances of the youths' deaths. As required by the Inquests Act, the court established the identities of the deceased youths, the cause/s of their deaths (i.e. crush asphyxiation), the date of their deaths, and the acts and omissions that led to their deaths (including the people who committed them). The court found that there was prima facie evidence that several individuals—including the tavern owners, a former bouncer at the tavern, a police officer, and an official of the Eastern Cape Liquor Board—collectively caused or contributed to the occurrence of the deaths. Consequently, the court referred the findings to the NPA, which must now decide whether to prosecute the responsible individuals.

Ultimately, inquest proceedings cannot undo the tragedy (and associated grief) of deaths occurring by unnatural causes. What inquests can do, however, is to help families, the public, and the justice system make sense of the circumstances surrounding unnatural deaths and whether any individual/s should be held accountable. In this way, it is hoped that grieving families might begin to find some semblance of closure.



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