



## IN THE CONSTITUTIONAL COURT OF SOUTH AFRICA

**Wilmot Mandla Chagi and 29 Others v Special Investigating Unit**

**CCT 101/07  
[2008] ZACC 22**

**Judgment Date: 3 December 2008**

---

### **MEDIA SUMMARY**

---

*The following explanatory note is provided to assist the media in reporting this case and is not binding on the Constitutional Court or any member of the Court.*

The thirty applicants had claimed more than a million rands in damages arising from the unlawful conduct of a Special Investigation Unit (SIU) established by the President to investigate the affairs of a state institution called the Transkei Agricultural Corporation (Tracor). The conduct relied upon was that of the members of an SIU (the First Unit) that had been replaced by another (the Second Unit). The applicants said that the Second Unit had replaced the First Unit and was liable for damages. The High Court and the Supreme Court of Appeal had held that the Second Unit could not be held liable for the unlawful conduct of the members of the First Unit.

In a unanimous judgment written by Yacoob J the Constitutional Court agreed with this finding. However the Court raised concerns that the reasoning that led to the conclusion that the Second Unit was not liable also meant that no state entity was liable for the damages concerned. The Court concluded that the First Unit could be held liable for any damages that might have been suffered by the applicant despite the fact that it had been replaced by the Second Unit. The Court also concluded that the First Unit had in fact been cited in the summons.

The matter was referred back to the High Court to be dealt with on the basis that the First Unit had been cited and that the First Unit remained liable.