



## CONSTITUTIONAL COURT OF SOUTH AFRICA

**Minister for Justice and Constitutional Development v Mqabukeni Chonco and 383 Others**

**CCT 42/09  
[2010] ZACC 9**

**Date of Judgment: 8 April 2010**

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### MEDIA SUMMARY

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

Today the Constitutional Court handed down judgment in a dispute concerning solely the costs order it granted in a previous judgment in the same matter.

In the first *Chonco* judgment (delivered on 30 September 2009), the Constitutional Court made an unusual costs order. It penalised the Minister for Justice and Constitutional Development (the Minister) for the unreasonably long delay in dealing with applications for pardon. Although the Court held that the pardon applicants had sued the wrong party (the Minister instead of the President), it considered it “understandable” that they had done so. Hence, even though the pardon applicants had been unsuccessful, the Minister was ordered to pay their costs.

The pardon applicants informed the Constitutional Court that they have not received payment from the Minister for their bill of costs. According to the applicants for pardon, the view of the State Attorney (representing the Minister) is that “the costs order was applicable only to the case before the Constitutional Court”. In the view of the pardon applicants, the judgment covers all their litigation costs, including the costs incurred in the High Court and in the Supreme Court of Appeal.

In this judgment, the Constitutional Court found that its previous judgment and order, read as a whole, included the costs of the entire litigation, comprising costs in the High Court, the Supreme Court of Appeal and the Constitutional Court. Although this was clear from the judgment, it was not stated in the order itself. The Court therefore varied its order in the previous judgment to remedy the ambiguity.