



31 October 2025

Webber Wentzel

90 Rivonia Road, Sandton

Johannesburg, 2196

Your Ref: A Thakor / N Thema / J Venter / LM Doubell 4017862

Dear Sir/Madam,

RE: STAY APPLICATION: CALATA AND OTHERS // GOVERNMENT OF RSA AND OTHERS (HIGH COURT OF SOUTH AFRICA (GAUTENG DIVISION, PRETORIA) CASE NO: 2025/5245)

1. Your letter dated 28 October 2025 refers. In that letter you note:

“We are of the respectful view that it would not be proper for the Commission to engage with the claim for damages while it is being litigated by the High Court in the above matter.”

2. You further state:

“Our clients’ instructions are not to participate in any Commission deliberations on their claim for constitutional damages while it is before the court.”

3. You finally invite the Commission to pronounce on how it intends to deal with this issue.
4. The Commission’s position on constitutional damages will be addressed in the Commission’s report at the conclusion of its work.
5. The Commission’s work is dictated by its Terms of Reference, a point you recognise in your letter, which includes an obligation to consider:



“1.4 whether, in terms of the law and fairness, the payment of any amount in constitutional damages to any person is appropriate.”

6. The Commission is not empowered to deviate from these terms. In the result, the Commission will hear evidence on the Terms of Reference.
7. How your clients choose to participate in the Commission's work remains at their discretion, and the Commission can only note their decision.

Kind Regards,

Adv AM Thokoa
Secretary