

OFFICE OF THE PUBLIC PROTECTOR

Public Protector Ref: CMS-46720/2025

In the matter between

ADV ANTHONY BRINK

Complainant

and

THE JUDICIAL SERVICE COMMISSION

Respondent

In re: The Public Protector's referral
of a complaint against the Judicial
Service Commission back to its
chairperson Chief Justice Maya

REQUEST FOR INTERNAL REVIEW

1. This is a request under Rule 44(1) of the Public Protector Rules for the internal review and recall by the Office of the Public Protector ('PP') of its decision taken on 28 July 2025 under section 6(4)(c)(ii) of the Public Protector Act ('PPA') to refer back to Chief Justice Mandisa Maya, chairperson of the Judicial Service Commission ('JSC'), my complaint to the PP about the JSC's failure to have resolved my judicial misconduct complaint against Portia Poyo-Dlwati JP, filed and acknowledged in November 2022, now almost three years ago.
2. The PP has all material case documents on file. They are also publicly accessible at illegal-aid.co.za/JSC/Poyo_Dlwati_ADJP or at bit.ly/3T0D1Wy.
3. This review request has been brought within the 90 day time limit that the said Rule provides. I've deliberately waited until close to the expiry of my time allowed in the hope that the JSC might belatedly get moving on my

long outstanding misconduct complaint, and that this internal review request might be avoided, but the JSC has remained unresponsive despite repeated reminders mentioned below.

4. The PP's decision in July – to refer my complaint made to the PP about the JSC's unlawful inaction on my said judicial misconduct complaint – was plainly inappropriate having regard to Maya CJ's failure in April, two months earlier, to respond to or even acknowledge my entreaty addressed directly to her as JSC chairperson, pleading for the resolution of my said judicial misconduct complaint at last.
5. The PP's referral of my complaint to Maya CJ failed to achieve the PP's obviously well-intentioned purpose, namely to spur the JSC to resolve the illegally and unconstitutionally neglected disciplinary matter in question, which delay is greatly prejudicing me for the reasons explained in my complaint to the PP – because not only did the JSC fail to act under the PP's watch to resolve my long outstanding misconduct complaint, or at least provide an assurance of attention, it failed even to acknowledge the PP's referral.
6. And even after the PP reproached the JSC on 16 September 2025, two-and-a-half silent months down the track, for not acting on or even acknowledging its referral, the JSC still failed to respond. The PP's recent email to the JSC in this regard is accessible at the above website address.
7. On 16 October, on being advised by the PP the previous day that the matter of the JSC's continuing inaction had now been escalated to senior management, I conveyed this to JSC secretary Mbali Songca; but I drew no response. My email to her about this is accessible at the above website address.
8. This is the '*new and relevant information that was not previously available [that] has a material effect on the decision made*', as contemplated by Rule 44(1)(b).

9. In sum, the referral was inappropriate in the circumstances to begin with, and it has proved predictably ineffectual – which is to say, the referral has been a failure; it has not achieved its purpose; and it has left my complaint unresolved.
10. In referring the complaint I'd made to the PP back to Maya CJ, it might have helped had the PP used the power invested by section 6(4)(ii) of the PPA to make '*an appropriate recommendation regarding the redress of the prejudice resulting therefrom or make any other appropriate recommendation he or she deems expedient to the affected public body or authority.*'
11. Also, I note that the PP's notice to me, advising me that my complaint had been referred, was defective for want of compliance with section 13(1)(a) of the PPA, in that it did not '*in writing inform the complainant ... that he or she may seek further assistance from the Public Protector if the matter remains unresolved.*'
12. But I do appreciate the PP's very professional, attentive, and helpful follow-ups nonetheless, when I reported that I'd heard nothing back from the JSC in the six silent weeks passed since the referral was made, and again after the PP urged the JSC to get a move on.
13. Since the referral: (1) was objectively wrong in the circumstances (i.e. in referring it to the chairperson of the public entity who'd ignored a preceding appeal for redress – the very reason for my complaint to the PP); (2) proved predictably futile in getting my misconduct complaint resolved, even after the PP's further unsuccessful communication with the JSC in September 2025 urging it to hurry up, and after my own communication to the JSC in October of the PP's information to me the day before that the matter was now being escalated to senior management (being '*new and relevant information*'); and (3) '*the matter remains unresolved*', I request that the PP rescind the referral; investigate the maladministration at the JSC described and proved in my complaint to the PP; and report it to the National

Assembly – more especially considering that this is now the third case in my own experience of the JSC’s reluctance to discharge its critical job to discipline delinquent judges with which it was tasked by the Constitution and by the Judicial Service Commission Act. (The other two cases feature at corrupt-judges.co.za.)

14. And really what good to us is the JSC if it won’t perform that vitally important, constitutionally imposed function in the New South Africa?

Signed electronically at Eshowe on 22 October 2025

A handwritten signature in black ink, appearing to be 'ADV ANTHONY BRINK', written in a cursive, somewhat scribbled style.

ADV ANTHONY BRINK

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