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Adv Lawrence Mushwana  
Chairperson: South African Human Rights Commission  
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By registered post and by email: [jhollenbach@sahrc.org.za](mailto:jhollenbach@sahrc.org.za)

Dear Adv Mushwana

**SPECIAL REPORT ON LEGAL AID SA  
AN AGGRAVATED CASE OF REPEATED WILFUL NON COMPLIANCE  
WITH THE PROMOTION OF ACCESS TO INFORMATION ACT 2 OF 2000 TO  
ILLEGALLY OBSTRUCT ACCESS TO DULY REQUESTED RECORDS, AND  
REPEATED FALSE ANNUAL AND 'CONFIDENTIAL' REPORTING TO  
CONCEAL THIS FROM THE NATIONAL ASSEMBLY**

In view of the Commission's perennial complaint that it lacks the resources to intervene in Legal Aid South Africa's persistent illegal denials of my requests for access to its records made under the Promotion of Access to Information Act 2 of 2000, and LASA's repeated false annual and other reporting to conceal this, about which I've repeatedly complained since 2010, I enclose a comprehensive specimen report I've prepared under the above title to assist the Commission to fully and properly inform the National Assembly about the extraordinarily serious problem in its next PAIA section 84 report, or at the Commission's presentation of its annual report to the Justice Portfolio Committee next month. So that the Portfolio Committee can at last hold LASA's delinquent information- and deputy information officers to account.

On 1 June I alerted your then PAIA Unit director Kisha Candasamy to the fact that LASA had again filed with the Commission a non-compliant, false and incomplete section 32 report for 2015/16 – now for the fifth year – with the

ultimate object of concealing from the National Assembly its illegal obstruction and refusals of my PAIA requests in the said reporting cycle.

I'd earlier copied to Candasamy a draft section 32 report I'd drawn and emailed to LASA information officer and CEO Vidhu Vedalankar on 24 March containing all the prescribed information the section required her to report to the Commission regarding the illegal obstruction and refusal of my PAIA requests during the year – ultimately conceded at court on 11 February in a total surrender before the commencement of argument in my five applications to compel compliance with my requests. After years of prevarication and delay, LASA abandoned all its spurious justifications for refusing my requests and worthless defences to my applications, and finally undertook to hand over all the documents I'd requested or a section 23 affidavit regarding any that don't exist or can't be found. You can read the case documents and settlement agreement online at: <https://goo.gl/prqE1N>. (LASA then very predictably reneged on its undertaking. My application to compel full and proper compliance with the settlement agreement is online at the said case document archive.)

Besides acknowledging receipt of the draft section 32 report I'd drawn, Vedalankar otherwise ignored it and proceeded to falsely report to the Commission once again.

Candasamy did nothing about this, and ignored my reminder on 10 June. When I telephoned her some weeks later to follow up, she told me she'd quit the PAIA Unit and handed the matter over to Mandisa Mcanyana, to whom she referred me. When we spoke, however, the latter knew nothing about it; but she undertook to investigate.

On 19 August, your CEO Lindiwe Khumalo eventually responded by completely avoiding the issue of LASA's false and incomplete section 32 report and talking instead to several other totally irrelevant matters, and by telling me in as many words that the Commission wasn't interested in LASA's non-compliance with its annual reporting obligations.

That is, the Commission would not be requiring LASA to file a true, complete and accurate section 32 report for 2015/16 for the true, complete and accurate information of the Commission, so as to enable the latter to deliver a true, complete and accurate section 84 report to the National Assembly for it to rely and act upon in the exercise of its oversight responsibility over LASA imposed by section 55(2)(b)(ii) of the Constitution.

This is to say, in possession of the true and full facts, CEO Khumalo is happy for the Commission to make a false and incomplete section 84 report to the National

Assembly, conveying false and incomplete information received from LASA via its corrupt and non-compliant section 32 report, knowing it to be false and incomplete because I've advised it of this in fine detail – thus assisting LASA to succeed in again defrauding the National Assembly about its handling of PAIA requests during the year, again dissembling due compliance with the Act, and again concealing its multiple illegal failures to comply with its constitutional information transparency obligations.

And all this with the object of frustrating and defeating the National Assembly's constitutional oversight function over LASA, and evading detection and accountability for its determined, persistent, repeated illegal denials of access to its public documents in violation of section 32(1)(a) of the Constitution: 'Everyone has the right of access to ... any information held by the state.'

Under sections 17(2)(d) and (e) of the Powers, Privileges and Immunities of Parliament and Provincial Legislatures Act 4 of 2004, it's a serious crime to make a false report and to give false information to the National Assembly. Including by officers of the South African Human Rights Commission.

You can read the above-mentioned correspondence and documents in your files, or in this folder online: <https://goo.gl/a8vBaW>. My specimen 'Special Report on Legal Aid South Africa' is likewise online for easy sharing and copying at: <https://goo.gl/XXNuX1>.

As chairperson of our Chapter 9 constitutional watchdog specifically charged by section 83(3)(b) of PAIA with the important public responsibility to 'monitor the implementation of this Act', please let me know what you intend doing about LASA's ongoing contemptuous, illegal refusal to comply with PAIA since August 2010, and its false annual reporting to conceal this, as mentioned above and particularised in my specimen report.

Yours sincerely



ADV ANTHONY BRINK

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Cc: The Minister of Justice and Correctional Services; the chairperson of the Justice Portfolio Committee; information transparency NGOs; university law faculty deans; media; and other interested parties.