

IN THE HIGH COURT OF SOUTH AFRICA

KWAZULU-NATAL DIVISION, PIETERMARITZBURG

Case no: 12124/16

In the matter between:

LEGAL AID SOUTH AFRICA

Applicant

and

ANTHONY ROBIN BRINK

Respondent

RESPONDENT'S SUPPLEMENTARY AFFIDAVIT:
FIVE MATERIAL DEVELOPMENTS SINCE THE
APPLICANT'S REPLYING AFFIDAVIT WAS FILED

I, Anthony Robin Brink, affirm:

Under the following heads, I report five material developments since the respondent (hereinafter 'LASA') filed its replying affidavit on 31 March 2017:

- Reversal of strike-off decision;
- Gross misconduct complaints against LASA Board chairperson Mlambo JP filed with the Judicial Service Commission;
- Gross misconduct complaint against Waglay JP, head of the Labour Appeal Court, filed with the Judicial Service Commission;
- LASA's successful strike to have me dismissed as a magistrate, and the implications for this application;
- The South African Human Rights Commission will once again be reporting LASA to the National Assembly for repeatedly falsely reporting its

repeated illegal refusal of access to its records, duly requested under PAIA.

A. REVERSAL OF STRIKE-OFF DECISION

1. The Society of Advocates of KwaZulu-Natal ('the Society') has reversed its decision – taken before hearing me – to apply that I be struck off the roll of advocates for impeaching the integrity of Dunstan Mlambo JP in his conduct as chairperson of LASA's Board of Directors.
2. Before chancing to learn of the Society's original decision upon reading it annexed to LASA's replying affidavit on 31 March 2017, I'd been unaware that LASA had laid a complaint against me fifteen months earlier on 23 November 2015, and that the Society had upheld it on 17 February 2017.
3. The reason is that in the fourteen months that they sat with the complaint, it never occurred to Mossop SC, Konigkramer and Manikum on the committee delegated to deal with it, to inform me that LASA had complained about me and to invite my response. Nor did it occur to my learned friends to notify me of their decision that I should be professionally beheaded, with the result that I was ambushed with this irritating news in LASA's replying papers in this application, six weeks later.
4. My letter to the Society of 24 April 2017 requesting that it belatedly observe the most elementary principles of natural justice and apply the audi alteram partem rule before acting against me is annexed marked 'A'.
5. The Society's advice on 12 May 2017 that it had reversed its initial decision and had agreed to hear me is annexed marked 'B'.
6. My answer to LASA's complaint is described in the next section, and I confidently await the Society's final decision to dismiss the complaint in light of it.

B. GROSS MISCONDUCT COMPLAINTS AGAINST MLAMBO JP FILED WITH THE JUDICIAL SERVICE COMMISSION

7. I answered LASA's complaint to the Society that I'd wantonly slandered its Board chairperson Mlambo JP, by filing eight gross misconduct complaints against him with the Judicial Service Commission ('JSC') and by copying them to the Society. (Paragraph 63(b) of my answering affidavit delivered in mid-February 2017 recorded my intentions to file such complaints to the JSC six weeks before I discovered from LASA's replying affidavit at the end of March that it had complained about me to the Society.)
8. Under the title 'ROTTEN TO THE CORE: CORRUPTION AT LEGAL AID SA: VOLUME 1', my eight complaints to the JSC against Mlambo JP are collectively marked 'C', and are included in a separate bundle called 'JSC Complaints Bundle'. A descriptive index outlines the contents of each.
9. The time it's taken me to complete and file my complaints, after notifying the JSC of my intention to do so on 7 November 2012, is explained in paragraph 6 of my Eighth Complaint.
10. Delivered in batches by email on 3 June and by registered post on 3 and 14 July 2017 according to the Post Office's mail tracking service, my complaints against Mlambo JP were acknowledged by the JSC on 6 June and 29 August. The JSC's acknowledgments are included as appendices to my complaints in the JSC Complaints Bundle.
11. My complaints against Mlambo JP speak for themselves and refute the suggestion that I've levelled the gravest charges against him without good grounds – a central plank of LASA's case against me in its application.
12. The Society acknowledged receipt of copies of my complaints to the JSC against Mlambo JP on 25 July 2017, informing me that it would provide LASA with copies the same day for its comment – which it later confirmed having done. The Society's acknowledgment is annexed marked 'D'.

13. On 4 September 2017 I forwarded copies of my complaints against Mlambo JP to the Justice Portfolio Committee in the National Assembly, requesting that Parliament's Legal Services Unit be directed to investigate and report on his lying and false reporting to the Committee in June 2011 to successfully pervert the Committee's enquiry instituted at my instance in March that year into LASA's repeated, illegal, total refusals of my first two PAIA requests made in 2010 probing the circumstances in which my appointment to LASA's Senior Litigator post at Pietermaritzburg had been aborted (off the record) after I'd been unanimously recommended for it by a selection panel in November 2009, and the transparently false budgetary insufficiency excuse fed me to cover the true reason for this (namely cronyism by Mlambo JP – so I eventually discovered in April 2016, long after trial and judgment in my labour case – and not unfair discrimination against me, as I'd originally apprehended and wrongly pleaded in the Labour Court in July 2011), as detailed in my Seventh and Eighth Complaints and in my answering affidavit and its annexure 'A'. My covering letter to the Portfolio Committee is annexed marked 'E'.
14. My letter to a Shadow Deputy Justice Minister and veteran Justice Portfolio Committee member, also mailed on 4 September 2017, points up a recent precedent for such an investigation and report into lying and false reporting to a committee of the National Assembly in criminal contravention of sections 17(2)(d) and (e) of the Powers, Privileges and Immunities of Parliament and Provincial Legislatures Act 4 of 2004. My letter to this Member of Parliament is annexed marked 'F'.
15. If received before the hearing of this application, I'll inform court of the Portfolio Committee's response.

C. GROSS MISCONDUCT COMPLAINT AGAINST WAGLAY JP, HEAD OF THE LABOUR APPEAL COURT, FILED WITH THE JUDICIAL SERVICE COMMISSION

16. Arising from the perversion of my petition for leave to appeal the dismissal of my labour claim, by dint of the anonymous, unsigned, undated and unstamped 'memorandum' turned up in my petition file at court, calumniating me and dishonestly urging the dismissal of my petition – discussed in paragraphs 817–25 of my answering affidavit and annexed to it – I lodged a gross misconduct complaint against Labour Appeal Court Judge President Basheer Waglay on 14 July 2017. A copy marked 'G' is included in the JSC Complaints Bundle (the second volume of this affidavit). The JSC's acknowledgement of receipt six weeks later on 29 August 2017 is in the appendices to my eight complaints against Mlambo JP (annexure 'C').
17. My complaint against Waglay JP speaks for itself and refutes LASA's charge made in paragraph 75 of its founding affidavit that I 'attacked the integrity of Waglay JP' without any basis – another idle plank of its application.

D. LASA'S SUCCESSFUL STRIKE TO HAVE ME DISMISSED AS A MAGISTRATE, AND THE IMPLICATIONS FOR THIS APPLICATION

18. On 1 June 2017, two months after learning of LASA's attempt to get me struck off the roll of advocates (canvassed in the first section above), I made the further discovery that it had got me fired as a magistrate eighteen months earlier. How it achieved this, and how I discovered it, is described in my letter on 2 August 2017 to the Director of Legal Services for the Department of Justice and Correctional Services, covering copies of my complaints against Mlambo JP to the JSC. A copy of my letter is annexed marked 'H'.

19. As appears from my letter's cc list, I copied it to inter alia the Minister via his Special Advisor and to the Magistrates Commission – in doing so providing copies of my eight complaints to the JSC against Mlambo JP.
20. In paragraph 79.4 of its founding affidavit, LASA correctly records that I'd undertaken to pay its costs in my failed Labour Court action* in substantial monthly instalments. (*I'd missed, because I didn't then know, my true cause of action: jobs for pals corruption, and not unfair discrimination.)
21. Now I find out that in November 2015, the same month in which I committed myself in all good faith to paying its bill to the best of my means, LASA had struck at me behind the scenes to prevent me doing so, by copying its complaint to the Society to the Magistrates Commission with the objective of blocking the routine renewal of my three-month rolling contracts as an acting magistrate by the Department of Justice and Correctional Services. In its complaint to the Society, LASA alleged that I was especially unfit 'to act as a magistrate' because of my 'unprofessional ... language' and 'the manner he relates to colleagues and Judges' in my pleadings and affidavits in my litigation against LASA. (As appears from my answering affidavit, I charge legal 'colleagues' and others at LASA who've told lies under oath with perjury, and I provide the clear evidence of it.)
22. I was unaware of LASA's hidden hand in the loss of my post at the time. Paragraph 832 of my answering affidavit in February 2017 records the very different reason the Department gave me at the end of November 2015 for not renewing my contract, namely that magistrates on contract are limited to serving two years – untrue, it turns out, because in early June 2017 I learned that there's no such limit on the renewal of magistrates' contracts, and numerous acting magistrates, several in KwaZulu-Natal identified to me, have served on contract for many years longer than this, and continue to do so.

23. Neither in its founding nor replying affidavits did LASA disclose to this court that it had got me sacked. Paragraph 79.4 of its founding affidavit baldly stated that I ‘proposed to make a payment plan of R10 000 per month, but failed to carry it through as he lost his job at Eshowe.’ LASA concealed from this court, and from me, that it was directly responsible for this.
24. Having succeeded in depriving me of my means to pay its costs in my failed labour case (correctly dismissed, inasmuch as I’d wrongly founded it on unfair discrimination), by causing me to lose my solid, regular monthly income as a magistrate, it obviously doesn’t lie in LASA’s mouth to now come moaning that I haven’t paid its bill as a basis for having me barred from exercising my constitutionally protected fundamental civil rights entrenched by sections 32(1)(a) and 34 of the Constitution to access public information held by the state and to apply to court to vindicate and enforce this most basic right – critical to exposing corruption in the public sector – when an organ of state violates it to suppress further evidence of corruption, maladministration, breakdown of proper corporate governance, abuse of power, flouting of internal regulations, traducing the rule of law, ongoing multiple contraventions of the Public Finance Management Act 1 of 1999 involving many millions of rands every year, and perjury on multiple counts – all detailed in my answering affidavit.

E. THE SOUTH AFRICAN HUMAN RIGHTS COMMISSION WILL ONCE AGAIN BE REPORTING LASA TO THE NATIONAL ASSEMBLY FOR REPEATEDLY FALSELY REPORTING ITS REPEATED ILLEGAL REFUSAL OF ACCESS TO ITS RECORDS, DULY REQUESTED UNDER PAIA

25. In response to my draft report submitted to the South African Human Rights Commission (‘SAHRC’) in September 2016 under the title, ‘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' (annexure 'A' to my answering affidavit), SAHRC chairperson Adv Bongani Majola informed me by letter on 7 June 2017 that the SAHRC was currently auditing 'the accuracy of LASA's PAIA section 32 reports for the previous two financial years' and that 'The SAHRC will note in its forthcoming PAIA annual report the concerns around the accuracy of LASA's previous section 32 reports as an example of the failure of public bodies in general to effectively implement their PAIA obligations.' His letter is annexed marked 'J'.

26. This will be the second time that the SAHRC has reported LASA to the National Assembly for not properly reporting its handling of my several PAIA requests since 2010 – mostly refused, illegally – thereby concealing from the SAHRC, and from the Portfolio Committee on Justice and Correctional Services in turn, its repeated, persistent, deliberate, gravely illegal non-compliance with its constitutional information transparency obligations in the democratic era, so as to evade being held to account for this by the National Assembly in the exercise of its oversight responsibility over public entities imposed by section 55(2)(b)(ii) of the Constitution.
27. The SAHRC's first such negative report to the National Assembly on LASA, also at my instance, was in October 2012. I deal with this, and how LASA CEO and information officer Vedalankar lied her way out of it, in paragraphs 148–67 of my draft report to the SAHRC (annexure 'A' to my answering affidavit).
28. According to a public statement I recently found online, 'BRIEFING ON THE WORK OF THE INFORMATION REGULATOR', issued on 13 February 2017 by the then newly appointed chairperson of the Information Regulator, Adv Pansy Tlakula, her office is currently taking over the SAHRC's obligations under sections 83 and 84 of PAIA to monitor compliance with PAIA, as contemplated by section 114, 'Transitional Arrangements', of the

Protection of Personal Information Act 4 of 2013, and subsection 4 in particular.

29. LASA's deliberate persistent, illegal, unconstitutional, ongoing refusal to open its books upon lawful request in our open democracy, and other serious problems with its implementation of PAIA – including Legal Executive Thembile Mtati's clueless corruption of LASA's PAIA manual by inserting incompetent and unlawful provisions for internal appeals against refusals of PAIA requests, and Chief Legal Executive Patrick Hundermark's equally clueless, incompetent and unlawful imposture as an internal appeal authority for such appeals – comprehensively detailed in my draft report but not addressed by SAHRC chairperson Majola in his letter to me, will accordingly be pursued with the Information Regulator in the next few weeks.
30. If received in time, I'll report at the hearing of this application the Information Regulator's response to my intended plea for its intervention in this colossal scandal.

Signed at Mtunzini on 14 September 2017

ANTHONY BRINK

Signed before me at Mtunzini on 14 September 2017 by the deponent who has acknowledged that he knows and understands the contents of this affidavit and affirms its contents to be true to the best of his knowledge and belief.

COMMISSIONER OF OATHS

Name:

Address:

Capacity:

25 Balcomb Ave
Zini River Estate
Mtunzini 3867

24 April 2017

Gardiner van Niekerk SC,
Chairman: KwaZulu-Natal Bar
3rd Floor, Durban Club Place
Durban

By email: kznbar@law.co.za

Cc: Venesen Naidoo SC,
Vice-Chairman: KwaZulu-Natal Bar
17 Prince Edward Street
Pietermaritzburg

By email: pmbbar@pmblaw.co.za

Dear Van Niekerk

REQUEST TO BE HEARD BEFORE THE BAR ACTS
ON AN UNPROFESSIONAL CONDUCT COMPLAINT

Imagine my amazement to learn from a replying affidavit filed last month (Pmb HC: 12124/16) that the Complaints Committee 2 (Mossop SC et al.) had just decided, on the strength of a complaint made in 2015 by Legal Aid South Africa ('LASA'), that I should be struck off for persistently slandering its chairperson Mlambo JP.

Without affording me a hearing.

The purpose of this letter is to request a copy of the complaint and that I be permitted to answer it before the Bar takes the matter any further. I'll be pointing out some basic factual mistakes in the Complaints Committee's finding, which it wouldn't have made had it heard me.

My enclosed letter to Corruption Watch on 6 March, particularly the last paragraph on page 3 et seq., points up the extraordinary gravity of this matter.

My answering affidavit in the above-mentioned application – 960 paragraphs, 270 pages, and 80 annexures – comprehensively traverses my disputes with LASA; addresses much of what LASA appears to have complained about; and anticipates what I'll have to say in my answering affidavit should the Bar decide

to proceed. I'll print and send it up on request. Alternatively it can be downloaded immediately from my Dropbox folder named 'For Corruption Watch' (<https://goo.gl/sKooCO>); it's item #4.

Still I'd like to see a copy of the complaint itself, and to answer it specifically.

I'll shortly be applying to the Judge President under section 13(1)(a) of the Supreme Court Act for the appointment of a full bench to hear LASA's said application (simultaneously with my own application against LASA (1118/16) brought three weeks earlier, opposed but unanswered; also in the Dropbox folder), in view of the factual density of the matter, and Mlambo JP's impeachable misconduct on multiple scores, detailed with supporting documents in my answering affidavit.

I mention this, because my capital complaints against Mlambo JP that LASA has complained about, are likely to come before court later this year. That is, they'll be aired, irrespective of the Bar's reconsidered decision of LASA's complaint, in light of the staggering documented facts set out in my answering affidavit that LASA almost certainly didn't share with the Bar when making its complaint.

To repeat my question:

Will the Bar let me see the complaint against me, and apply the audi alteram partem rule before proceeding?

Your reply by email would be preferred.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Anthony Brink', written in a cursive style.

ANTHONY BRINK

anthonybrink.sa@gmail.com

083 779 4174

SOCIETY OF ADVOCATES OF KWAZULU-NATAL

B

Tel (031) 301 3099 3rd Floor, 6 Durban Club Place, Durban, 4001
Fax (031) 304 4415 Email kznbar@law.co.za

12 May 2017

Mr Anthony Brink
Per email : anthonybrink.sa@gmail.com


Dear Mr Brink

Your letter of 24 April 2017 refers.

In view of what is contained in your letter, the Society has decided that it will, at its next meeting, set aside its decision to bring an application for your striking-off and to provide you with an opportunity of a hearing. I will refer the complaint against you back to Complaints Committee 2 who are familiar with the case and request Mossop SC to consider any representations you wish to make to that committee. I will also request him to forward to you a copy of the complaint.

I do not wish the Society to become embroiled in a lengthy debate with you about the merits of the complaint and I will accordingly request your representations to be made expeditiously and as brief as you can possibly make them.

Yours faithfully



G O van Niekerk SC
Chairman

c.c. Advocate R Mossop SC
Per email : rgmossop@law.co.za

c.c. Kate Peniston
Society of Advocates
Per email : kznbar@law.co.za

2016/2017 BAR COUNCIL

GO VAN NIEKERK SC (Chairman); VM NAIDOO SC (Deputy Chairman); TG MADONSELA SC; J NXUSANI SC
CG van der Walt : KC McIntosh : KP Thango : S Mahabeer : AR Khan : WAJ Nicholson : C Jaipal : M Mazibuko
G R Thatcher SC (Hon. Secretary); AJ Troskie SC (Hon. Treasurer); D Pillay (Hon. Asst. Secretary)
KL Peniston (Administrative Secretary)

**See Volume 2:
‘JSC Complaints Bundle’
containing annexures ‘C’ and ‘G’**



Anthony Brink <anthonybrink.sa@gmail.com>

Complaint

5 messages

Rob Mossop <rgmossop@law.co.za>

25 July 2017 at 08:23

To: Brink Anthony <anthonybrink.sa@gmail.com>

Cc: Megan Sponneck <megan@law.co.za>, Mahindran Manikam <mmanikam@law.co.za>, Kate Peniston - Society of Advocates of KZN <kznbar@law.co.za>

Dear Mr. Brink

I am in receipt thus far of eight complaints against Mlambo JP that you have sent to me.

I am today emailing those eight complaints to Legal Aid South Africa in order to allow them to reply thereto.

Upon receipt of such reply, if any, Complaints Committee 2 will revisit its earlier decision concerning yourself.

Kind regards

Rob Mossop SC

Complaints Committee 2: Convenor

**ROB MOSSOP SC**

CHAMBERS THIRTEEN NORTH
SIX DURBAN CLUB PLACE DURBAN
T 031 304 8699/301 2262 F 031 304 9922
E rgmossop@law.co.za

25 Balcomb Avenue
Zini River Estate
Mtunzini KZN
4 September 2017

Hon Dr Mathole Motshekga MP
Chairperson: Portfolio Committee on
Justice and Correctional Services
National Assembly
Parliament Street
Cape Town

Cc:

Hon Adv Michael Masutha MP: Minister of Justice and Correctional Services
Adv Zuraya Adhikarie: Chief Legal Adviser, Parliament

Dear Dr Motshekga

FALSE REPORTING TO THE PORTFOLIO COMMITTEE ON
JUSTICE AND CORRECTIONAL SERVICES BY LEGAL AID SA
BOARD CHAIRPERSON DUNSTAN MLAMBO JP

I write to request that, like the National Assembly's Ad Hoc Committee on the SABC Board did a few months ago, the Portfolio Committee on Justice and Correctional Services ('the Committee') similarly direct Legal Services Unit of Parliament to investigate and report on the prima facie evidence that Legal Aid SA ('LASA') Board chairperson Mlambo JP's deliberately falsely reported to the Committee in June 2011 to successfully pervert an enquiry it instituted in March 2011 into recruitment corruption and maladministration at LASA, and into CEO and information officer Vidhu Vedalankar's persistent illegal refusal of access to records duly requested under the Promotion of Access to Information Act 2 of 2000 – with the object of frustrating and defeating the Committee's oversight responsibility over public entities, imposed by section 55(2)(b)(ii) of the Constitution, in criminal contravention of section 17(2)(d) and (e) of the Powers,

Privileges and Immunities of Parliament and Provincial Legislatures Act 4 of 2004.

I detail this in my seventh and eighth complaints to the Judicial Service Commission ('JSC'), included in the enclosed complaint bundle titled 'Rotten to the Core: Corruption at Legal Aid SA', together with the JSC's acknowledgments of receipt. Since they reference earlier complaints, I've included the latter as well.

My complaints also detail LASA's multiple ongoing contraventions of the Public Finance Management Act 1 of 1999 involving many millions of rands.

You'll appreciate reading the complaints that, like the SABC used to be before the National Assembly's intervention, LASA is profoundly corrupt both at executive management and Board level.

The descriptive index to my complaints provides a hyperlink to the bundle online in PDF for easy electronic distribution and reprinting – in ordinary A4 format if preferred.

Your acknowledgment and reply by email would be best.

Yours sincerely

ADV ANTHONY BRINK
anthonybrink.sa@gmail.com
083 779 4174

25 Balcomb Avenue
Zini River Estate
Mtunzini KZN
4 September 2017

Hon James Selfe MP
Member: Portfolio Committee on
Justice and Correctional Services
National Assembly
Parliament Street, Cape Town

Dear Mr Selfe

FALSE REPORTING TO THE PORTFOLIO COMMITTEE ON
JUSTICE AND CORRECTIONAL SERVICES BY LEGAL AID SA
BOARD CHAIRPERSON DUNSTAN MLAMBO JP

I enclose a copy of my evenly-dated letter to the chairperson of the Portfolio Committee on Justice and Correctional Services, and the document it covers:

‘Rotten to the Core: Corruption at Legal Aid SA: Volume 1: Eight gross misconduct complaints to the Judicial Service Commission against LASA Board chairperson Dunstan Mlambo, Judge President of the Gauteng Division of the High Court of South Africa.’

Concerning the lies told by the responsible Minister, past and then current Board chairpersons and management executives to mislead the Ad Hoc Committee on the SABC Board, the newspapers quoted Mike Waters MP on 14 July 2017:

‘Lying to Parliament is a serious offence and will not go unpunished.’

DA spokesperson on communications Phumzile van Damme MP reiterated in the press on 21 August:

‘Mbetse must now ensure that she fully complies with the full recommendation of the report and lays criminal charges. Misleading

Parliament is a serious offence and the DA will ensure that this report will not stay just another report. ... Lying will not be tolerated.'

I take it this applies equally to judge presidents.

LASA Board chairperson Mlambo JP's lies and false reporting to the Portfolio Committee on Justice and Correctional Services are detailed in my seventh and eighth complaints in the bundle.

Please ensure that the matter is duly dealt with by the said Portfolio Committee.

Your acknowledgment and reply by email would be best.

Yours sincerely

ADV ANTHONY BRINK
anthonybrink.sa@gmail.com
083 779 4174

**See Volume 2:
‘JSC Complaints Bundle’
containing annexures ‘C’ and ‘G’**

25 Balcomb Avenue
Zini River Estate
Mtunzini
2 August 2017

Blendynn Williams
Director of Legal Services
Department of Justice and Correctional Services
SALU Building, 28th Floor
316 Thabo Sehume Street
Pretoria

Cc: Adv Mthunzi Mhaga, Special Advisor to the Minister
Adv Mark Grobler, Office of the Deputy Minister
Hon Evelyn Monyemore, Pietermaritzburg Chief Magistrate
Michael Nieuwoudt, Assistant Director: Magistrates Commission
DeVilliers Bosman, Ethics Division: Magistrates Commission
Vick Misser, Secretary: Magistrates Commission

Dear Mr Williams

**'CONCERNS RAISED BY LASA ... FOR ADV BRINK
TO BE APPOINTED AS AN ACTING MAGISTRATE'**

The title of an article in the Citizen yesterday highlighted one of the problems faced by corruption whistleblowers: 'Madonsela: Whistleblowers often walk a "lonely journey"'.

Not only that, they must also expect reprisal, such as professional assassination, especially where crimes have been committed in covering up the corruption involved, such as perjury and lying and false reporting to Parliament.

In your memorandum of 7 July 2017 to Justice deputy information officer Natalie-Dominique Louw, you correctly stated that 'LASA informed the Magistrates Commission during November 2015 of their concerns for Adv Brink to be appointed as an Acting Magistrate', and that 'the Magistrates Commission provided us with the concerns raised by LASA.'

These 'concerns' arose from Legal Aid SA's complaint on the 23rd of that month that I'd accused its Board chairperson Dunstan Mlambo JP of gravely dishonest, illegal and unconstitutional misconduct on multiple counts. Indeed I do, and my

charges are finely particularised with supporting documents in eight complaints to the Judicial Service Commission, combined, indexed and paginated in the enclosed bundle: 'ROTTEN TO THE CORE: Corruption at Legal Aid SA: VOLUME 1'.

I wasn't informed of LASA's complaint to get me struck off as an advocate, sacked as a magistrate, and barred from any other appointments, or I would have answered it immediately. The appalling practical result was that I was blacklisted without my knowledge.

I only chanced to learn of LASA's complaint to the Bar at the end of March 2017. Two months later on 1 June I discovered that LASA had copied it to the Magistrates Commission, when an invited application to relieve at Mahlabatini for a magistrate on regional court test was declined due to the pending complaint. That's when I realised the reason my contract as an acting magistrate at Inkanyezi had not been renewed at the end of November 2015: LASA had moved behind the scenes to get me fired. As said, I only learned about its strike against me eighteen months later.

My answer to LASA's complaint comprises my eight affirmed complaints to the Judicial Service Commission against LASA Board chairperson Mlambo JP, and I've delivered copies to the Bar accordingly.

Having lost my acting post at Inkanyezi and then been denied a short-term appointment at Mahlabatini, I hope and trust the Department will not victimise me a third time for my whistle-blowing on the pervasive, systemic top-level corruption I've encountered at LASA, closely detailed in my eight complaints to the Judicial Service Commission (more will follow); because to find oneself repeatedly punished for walking what former Public Protector Thuli Madonsela very correctly calls the 'lonely journey' against corruption is a serious disincentive to others to act against it in the Justice, Crime Prevention and Security cluster.

Your acknowledgment by email would be preferred.

Yours sincerely

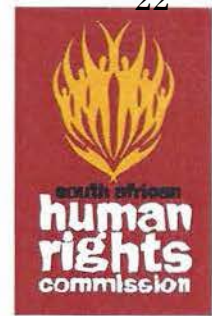
ADV ANTHONY BRINK
anthonybrink.sa@gmail.com

SOUTH AFRICAN HUMAN RIGHTS COMMISSION

33 Hoofd Street
Braampark, Forum 3
Braamfontein
2017

Private Bag X 2700
Houghton
2041

Tel.: 011 877 3600
Fax: 011 403 0668



Ref: GP/1516/0395

7 June 2017

Adv Anthony Brink
20 Baker Road
Prestbury
Pietermaritzburg

Per email: abrink@iafrica.com

Attention: Adv. Brink


RE: COMPLAINT REGARDING ACCESS TO INFORMATION FROM LASA

We refer to your letter dated 19th September 2016 requesting information in relation to Legal Aid South Africa's non-compliance with the Promotion to Access to Information.

Please kindly note that the SAHRC requested information from LASA to verify the accuracy of their PAIA section 32 reports for the previous two financial years.

The SAHRC notes that LASA has recorded in their latest section 32 report, the ongoing PAIA court matters which you initiated against the public body. The SAHRC will note in its forthcoming PAIA annual report, the concerns around the accuracy of LASA's previous section 32 reports as an example of the failure of public bodies in general to effectively implement their PAIA obligations.

Yours sincerely,



Adv. Bongani Majola
Chairperson
South African Human Rights Commission

Transforming society. Securing rights. Restoring dignity.

Chairperson: B C Majola; **Deputy Chairperson:** D P S Jana; **Commissioners (Full-Time):** M S Ameermia; A H Gaum; A M Makwetla; B Malatji; **Commissioners (Part-Time):** A C Nissen, J B Sibanyoni; **Chief Executive Officer:** T Thipanyane