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Volume 1

Eight complaints of gross misconduct made to the Judicial Service Commission against Legal AID SA ('LASA') Board chairperson Dunstan Mlambo, Judge President of the Gauteng Division of the High Court of South Africa

For best print resolution and legibility, this bundle contains prints of the final PDFs of the complaints before signature, but scanned copies of the signed and attested complaints can be accessed in a Dropbox folder online at: <https://goo.gl/5KQ7RV>. For easy reprinting and electronic distribution, this document bundle is accessible in the same folder.

COMPLAINT NUMBER	SUBJECT	PAGE NUMBER
1	Suborning perjury to defeat the ends of justice, with the corrupt object of defeating an application for leave to subpoena him for cross-examination, so as to avoid being cross-examined on his gross misconduct detailed in the following complaints, including his crimes in false reporting and lying on multiple scores to the Justice Portfolio Committee	1
2	Collusion in LASA CEO and information officer Vidhu Vedalankar's illegal and unconstitutional total refusal to comply with a request duly made under the Promotion of Access to Information Act ('PAIA') for access to specified records exposing recruitment corruption in which he was directly involved	25
3	Colluding again in the same	55

4	Conniving at the same	80
5	Conniving again at the same, after Vedalankar illegally refused a second PAIA request	109
6	False reporting and lying to the Justice Minister to pervert his enquiry into Vedalankar's repeated illegal and unconstitutional refusals to comply with PAIA, and thereby cover this up, with the object of covering up his own gross misconduct, as said, exposed by the illegally refused records (ultimately surrendered many years later in court, just before argument for an order compelling their delivery)	120
7	False reporting and lying to the Justice Portfolio Committee to pervert its separate, independent enquiry into the same illegal and unconstitutional suppression of public records, with the same corrupt object, in criminal contravention of section 17(2) of the Powers, Privileges and Immunities of Parliament and Provincial Legislatures Act	136
8	False reporting and lying to the Justice Minister and to the Justice Portfolio Committee to pervert their separate, independent enquiries into (a) the unauthorised, off-the-record, illegal abortion of the appointments of recommended candidates to three Senior Litigator posts under cover of a mendacious budgetary insufficiency excuse given to cover recruitment corruption favouring an unsuccessful candidate, his former long-time colleague as an acting judge in the Labour	175

	Court which he headed at the time; and, (b) the unauthorised, off-the-record, unlawful, permanent freezing of the fully funded critical posts, substantially disrupting specialist legal professional service delivery in KwaZulu-Natal and the Eastern Cape, unlawfully deviating from LASA's approved Strategic Plan, and unlawfully contravening the Public Finance Management Act in multiple other respects – in the case of the false report to the Portfolio Committee, in criminal contravention of section 17(2) of the Powers, Privileges and Immunities of Parliament and Provincial Legislatures Act	
Appendix	Proof of postal delivery of complaints to the JSC and the JSC's acknowledgement of the First Complaint, initially emailed	239

Volume 2 will include several further gross misconduct complaints against Mlambo JP to the JSC.

Volume 3 et seq. will include, inter alia:

- (a) perjury charges, supported by records evidencing them, against: LASA CEO Vidhu Vedalankar; NOE Brian Nair; HRE Amanda Clark; CE Thembile Mtati and CLM Solly Sekgota;
- (b) professional misconduct complaints against: Adv Nair to the General Council of the Bar, and attorneys Mtati and Sekgota to the Law Society for the Northern Provinces, arising from their perjury, including contradictory perjury, variously in testimony and in interlocutory and condonation affidavits to defeat the ends of justice; and in discovery and PAIA section 23 affidavits and confirmatory affidavits to conceal duly requested records to the same corrupt end;
- (c) complaints to the Auditor General against Vedalankar in her capacity as Accounting Officer of LASA for multiple ongoing

contraventions of the Public Finance Management Act involving many millions of rands annually from 2010 to date; and for authorising and allowing massive unlawful fruitless and wasteful expenditure on indefensible and meritless, corruptly motivated litigation to obstruct access to specified records duly requested under PAIA, so as to suppress further evidence of pervasive, systemic corruption at LASA (see affidavit and its supporting documents detailing it: goo.gl/ydG4Pi, and special report on LASA's persistent non-compliance with PAIA since 2010 and repeated false annual reporting on its handling of PAIA requests to conceal its contemptuous disregard for its constitutional information transparency obligations from the National Assembly: goo.gl/6Dh35o); and,

- (d) complaints against Vedalankar to the Speaker of the National Assembly and to the chairperson of the Justice Portfolio Committee regarding her repeated false and deceptive oral and written reporting to the Committee, in criminal contravention of section 17(2) of the Powers, Privileges and Immunities of Parliament and Provincial Legislatures Act, to conceal the unauthorised, off-the-record, illegal abortion of the appointments of recommended candidates to LASA's three remaining vacant Senior Litigator posts under cover of a false budgetary insufficiency excuse repeatedly advanced by her, including perjuringly on affidavit (later diametrically contradicted by NOE Nair in a report to LASA's Board, and then again in his oral evidence), to cover recruitment corruption in which Mlambo JP was centrally involved, and the unauthorised, off-the-record, unlawful, permanent freezing of the critical Senior Litigator posts – annually budgeted by LASA, annually voted by the National Assembly, and annually funded by the Justice Department to date – obstructing specialist legal professional service delivery in KwaZulu-Natal and the Eastern Cape since 2010, unlawfully deviating from LASA's approved Strategic Plan, and unlawfully contravening the Public Finance Management Act in multiple other respects.

‘Our office seeks to be the conscience of the state and ensure that it acts with integrity and justice at all times. We investigate public sector maladministration, fraud and corruption, report on it, and take appropriate action against it. ... [C]orruption is a form of maladministration that needs to be fought not just by those in the affected organisations themselves, but also by the media and by society in general. Through our work we’ve also helped highlight specific forms of public sector corruption that don’t necessarily involve bribery ... I would like to see South Africans recognising that corruption hurts – it eats away at the soul of the nation. I’d like us to get to a stage of realising that we all have a role to play in combating corruption: every time people act they should ask themselves: “Am I adding to the problem of corruption or am I helping solve it?” ... [T]he name and status of the people we investigate doesn’t matter. Acting without fear or favour means you can investigate anyone. ... We must retain respect for the rule of law ... There also needs to be better enforcement of codes of conduct. Increasingly, we are seeing emphasis placed on being found guilty in a court of law. That suggests that you can break codes of conduct until a court of law calls it crime. It’s unfair to say to people their defence against public sector corruption is the criminal justice system. People entrusted with public power should not claim privileges of criminals.’

Adv Thuli Madonsela, (then) Public Protector, interviewed by Transparency International in Berlin on winning its Integrity Award in October 2014

‘[Her] work embodies Transparency International’s ... belief that the corrupt should not be allowed to get away with their misdeeds.’

JC Weliamuna, Chair of Transparency International’s Integrity Awards Committee

‘Former public protector Thuli Madonsela has urged the public to support whistleblowers in the fight against ... corruption. Both Madonsela and former finance minister Pravin Gordhan were speaking at the Democracy Defenders Dialogue at the University of Witwatersrand in Johannesburg on Monday. ... Madonsela, who was part of a panel that discussed whistleblowers in the South African context, said for those who speak out against fraud and corruption, it is a “lonely journey”. ... “There are gaps in the whistleblower protection laws. For true protection of whistleblowers, we have to empower people to know what needs to be done. What I would like to see more is ordinary people writing to parliament and the president in terms of the access to information act,” Madonsela said. ... “We want our leaders to be accountable, and to be honest – that’s a true democracy.”

Gordhan emphasized the need for an active citizens’ movement against corruption ... “At the end of the day, we can be activists, leaders, catalysts for the revitalization of democracy, but it is the masses that make history... There’s space for all of us to become activists. If you look around the world, that’s when change really happens. It’s when citizens themselves take up these sorts of issues,” he said. He warned of certain impending dangers like ... creeping authoritarianism. How do we hold people accountable for that? The third danger is one where you can have laws in your books, but laws only exist to the extent they are enforced. It is the abuse of legitimate processes for illegitimate purposes,” Gordhan said.’

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