



Anthony Brink <anthonybrink.sa@gmail.com>

PAIA request for JSC records - 22 September 2025

7 messages

Anthony Brink <anthonybrink.sa@gmail.com>
To: Mbali Songca <MSongca@judiciary.org.za>

22 September 2025 at 16:10

To: JSC Secretary Mbali Songca

Dear Mrs Songca

I attach a request for access to JSC records under section 18 of the Promotion of Access to Information Act.

Preceding the record specifications on my Form 2 annexure, I've set out a statement of applicable law governing the JSC's response.

In the event of any uncertainty about whether it's correct or not, the Information Regulator has the power under section 83 to advise and confirm it all.

I'd like to record my sincere gratitude to you personally for your helpful and fully cooperative response in August 2024 to my PAIA request made the month before.

(Unlike Nelson Phakola's disgraceful botching of my last request a few weeks ago, the subject of a pending complaint to the Information Regulator.)

Even if, as pointed out in the above-mentioned legal exposition, under PAIA you weren't actually legally empowered to deal with my request last year.

Please see to it that my attached request is passed to JSC information officer Maya CJ for attention.

It concerns many very serious, pressing matters.

Section 17 empowers Maya CJ to delegate a deputy information officer in writing to respond to my request.

I'll shortly submit a Form 13 '*Request for Assessment*' to the Information Regulation ('IR') to conduct a review under section 77H of PAIA as to whether the JSC is generally compliant with PAIA or not, and I'll ask that the IR monitor the JSC's response to this new records request in view of the JSC's history of repeated non-compliance with my previous PAIA requests (I've even had to sue to compel), recounted in my above-mentioned exposition of applicable law preceding my requested record specifications. I'll copy you in when I do so.

Sincerely

Anthony Brink

 **JSC_Brink_PAIA_request_22_Sept_2025.pdf**
434K

Anthony Brink <anthonybrink.sa@gmail.com>
To: Mbali Songca <MSongca@judiciary.org.za>

22 September 2025 at 19:56

Correction to Note under item 1 on the list of requested records:

NOTE: A certificate by the IR does **not** substitute

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Anthony Brink <anthonybrink.sa@gmail.com>
To: Mbali Songca <MSongca@judiciary.org.za>

24 September 2025 at 16:06

Dear Mbali

Please acknowledge receipt of my PAIA request on Monday.

I need to know it's landed.

If I don't hear back from you, I'll take it that you're away on leave and haven't seen it, and will send it again to another JSC staffer.

Thanks

Anthony

[Quoted text hidden]

Mbali Songca <MSongca@judiciary.org.za>
To: Anthony Brink <anthonybrink.sa@gmail.com>

25 September 2025 at 10:08

Dear Mr Brink

I acknowledge receipt of the emails.

Kind regards

Mbali

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Disclaimer:

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Anthony Brink <anthonybrink.sa@gmail.com>
To: Mbali Songca <MSongca@judiciary.org.za>

25 September 2025 at 10:50

Thanks, Mbali.

Best

Anthony

[Quoted text hidden]

Mbali Songca <MSongca@judiciary.org.za>
To: Anthony Brink <anthonybrink.sa@gmail.com>

11 October 2025 at 11:50

Dear Mr Brink

Having considered your email of 22 September 2025, I would like to respond as follows:

1. The Office of the Chief Justice (OCJ) was established as a government department by the then President of the Republic of South Africa by Proclamation 44 of 2010 on 23 August 2010 to support the Chief Justice as Head of the Judiciary and as head of the Constitutional Court. The Proclamation amended Schedule 1 to the Public Service Act, 1994 to make provision for the new department.

2. The then Minister of Public Service and Administration, in terms of the Public Service Act, 1994 determined the functions of the OCJ to include, amongst others, to support the Judicial Service Commission (JSC) in the execution of its mandate. The JSC is in terms of the JSC Act supported by the secretariat comprised of officials of the OCJ.

3. The Chief Justice is the chairperson of the JSC as provided for in the Constitution. The Constitution further provides in section 165(6) confirms the Chief Justice as he head of the Judiciary and also as head of the Constitutional Court. The Chief Justice is therefore the head of the Judiciary, one of the three Arms of State (Executive and Legislature). The head of the Judicial Arm of State is therefore not the Chief Executive Officer or equivalent as define in the Promotion of Access to Information Act, 2000.

4. It would be appreciated if your request to access to records relating to JSC be re-submitted to the Deputy Information Officers of the OCJ, Adv N Phakola and Adv W Lambley.

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Anthony Brink <anthonybrink.sa@gmail.com>
To: Mbali Songca <MSongca@judiciary.org.za>

11 October 2025 at 14:44

Dear Mbali

I really appreciate your professional dedication in taking your private time on a Saturday morning to write to and email me! But concerning what you said, have a look at the information conveyed in the Addendum to the Annexure to my complaint to the Information Regulator, emailed and copied to you yesterday.

You'll see from it that neither Nelson nor Wilna are OCJ deputy information officers, according to the OCJ's current version of its PAIA manual, 'Updated August 2025' (per the footer on its first page).

Relevant pages of the manual are annexed to the Addendum.

You'll see also that you get a friendly mention :)

I don't dispute that the OCJ supports the JSC in the execution of its mandate.

And that the JSC secretariat is staffed by OCJ employees.

But the fact remains, the JSC and OCJ are legally distinct organs of state - unless the Minister has determined under section 13 of PAIA that they are to be considered one and the same public body for the purposes of PAIA.

And the Minister hasn't published any such determination.

So I decline to redeliver my September PAIA request to the OCJ, after I legally effectively delivered it to the JSC by email under section 18. Which you duly acknowledged.

When I sued the JSC in April 2022 to compel its compliance with my first PAIA request for JSC records after it had been illegally ignored, the JSC's answering affidavit (substantially conceding my case) did not allege I should have requested the JSC records I wanted from the OCJ and that I should have sued the OCJ.

There was no question that I duly requested JSC records from the JSC, and that I duly sued the JSC, not the OCJ, to compel compliance with my request.

This is why I duly delivered my September 2025 request to the JSC, and not to the OCJ.

Likewise, when Nelson illegally refused my January 2025 request for any JSC record reflecting the names of the JCC Appeal Committee judges handling my Waglay JP appeal case, he didn't claim I'd addressed my request to the wrong public body and that I should have filed my request with the OCJ.

He just told me I must stick around waiting in the dark until one day I get to find out who the judges are when they finally deliver their decision.

So thoughtlessly and casually violating my constitutional right to this information!

Under section 17, nothing prevents the JSC's information officer from delegating an employee of the OCJ as a JSC deputy information officer.

I do not agree with your suggestion that the JSC doesn't have an information officer.

And with your claim that Maya CJ isn't the JSC's information officer ex officio per the definition of 'information officer' in section 1.

Frankly, all I want are the records I duly requested, or sworn certification of any that don't exist.

As long as my request is practically complied with in this way, I'm not really fussed by the legal technicalities.

This is why when you and Nelson handled my second PAIA request in 2024 so nicely and completely satisfactorily to me, I didn't take the point that neither of you held written delegations as JSC deputy information officers.

But if my constitutional right to the information I've duly requested is illegally frustrated and violated, I'll be standing firm on the strict letter of the law to enforce that crucial fundamental right that I enjoy under section 32(1)(a) of the Bill of Rights in the Constitution.

If the JSC needs more time to respond to my September 2025 PAIA request than the maximum 30 days allowed by section 25 from the date I filed it, I'll gladly consent to an extension under section 26.

Finally, why is the HSC so strangely furtively hiding from me the identities of the judges handling my appeal in the Waglay JP case?

So much wasted ink, time, and energy over it.

Just tell who these guys are, and I'll tell the Information Regulator that I now have the information I duly requested, so it can call off it's investigation, close its file, and report the JSC to the National Assembly in its next annual report as PAIA compliant, and not disgracefully PAIA delinquent.

Obviously Chief Justice Maya would prefer that. Ask her, and she'll tell you so.

From our many official correspondences, I think you'll have gathered by now that I'm working full-time on pursuing accountability for unimaginably serious judicial misconduct by very senior judges.

Indeed, I'm just waiting for the arrival of our next National Director of Public Prosecutions, to succeed Shamila Batoï in February 2026, to present him with his first criminal case to prosecute - squarely supported by the decision last year of Justices Nkabinde and Makgoka of the JCC Appeal Committee in the Mlambo DCJ case.

My criminal complaint will be copied very widely and internationally, including to all major foreign embassies here.

This is why I'm banging on the JSC's door so hard and so insistently.

But let me emphasize, my quarrel is with criminally corrupt judges, not with Chief Justice Maya's JSC.

To repeat, if the JSC wants more time to respond to my PAIA request filed last month, just tell me how much and I'll happily consent to any reasonable extension.

And please just tell me who's handling my pending appeal in the Waglay JP case coming up for discussion and decision on the 30th, a couple of weeks from now.

Again, many thanks for the trouble you took writing to me during your weekend.

All the best

Anthony

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