

36 Pearson Street
Eshowe
15 April 2025

Your ref: NH/mg

Nadira Harripersad
Senior Legal Officer

Cc: Melissa Geldenhuys
Senior Administrator

Legal Practice Council
KwaZulu-Natal Provincial Office
Pietermaritzburg

By email: nadirah@lpc.org.za & melissag@lpc.org.za

Dear Ms Harripersad

**LEGAL AID SA v BRINK:
LASA'S PROFESSIONAL MISCONDUCT COMPLAINT
AND
BRINK'S PAIA REQUEST FOR LPC RECORDS:**

**ACKNOWLEDGMENT OF AND AGREEMENT WITH LPC'S DECISION
TO RECONSIDER HOLDING A MISCONDUCT ENQUIRY
CONSENT TO EXTENSION OF TIME FOR COMPLIANCE WITH PAIA
REQUEST AND FINAL DEMAND FOR LPC'S RESPONSE**

I refer to your email of 21 February 2025 concerning the overdue response of the Legal Practice Council ('LPC') to my request five weeks earlier for access to certain of its records, which I sought under the Promotion of Access to Information Act ('PAIA').

I was gratified to read that the LPC intends reconsidering its shameful decision to call me up for a disciplinary enquiry concerning the maliciously false charge made against me in November 2015 by certain corrupt officers of Legal Aid SA ('LASA'), to wit that I unprofessionally complained in my several litigations against it about then-Board chairman Mlambo JP's criminal and other capital misconduct.

Which complaints, repeated to the Judicial Conduct Committee ('JCC') of Judicial Service Commission ('JSC'), were found well-made by JCC Appeal Committee members Constitutional Court Justice Elizabeth Nkabinde and Supreme Court of Appeal Justice Ephraim Makgoka on the documentary and other evidence I presented, and they recommended accordingly that Mlambo JP be tried before a Judicial Conduct Tribunal on the four most serious of them.

To explain my few weeks delay in replying to you in this decade-old saga: As said in my email to you four days after yours, I was at the time *'racing to complete some papers for the Judicial Service Commission under time pressure, and will reply to you fully as soon as I'm done'*.

These papers were my appeal notice in the Waglay JP case, which I indeed later completed and filed within the prescribed time. I'll advert to this at the end.

The appeal notice and the JSC's acknowledgment of it, along with all other papers in the matter, can be accessed online via the hyperlink 'DEVELOPMENTS in the Waglay JA case' at the top of the corrupt-judges.co.za homepage.

After filing that appeal notice, I lost a couple of weeks due to some unavoidable impediments and distractions, but anyway here we go:

In your email you stated:

1. *With regard to your email dated 5 December 2024, we noted your attached letter to the Constitutional Court*

This is incorrect. My letter was addressed to Justices Nkabinde and Makgoka of the Constitutional Court and Supreme Court of Appeal respectively, and copied *inter alia* to JSC chairperson Mandisa Maya CJ. It was not written to the Constitutional Court. It's accessible online at corrupt-judges.co.za/LPC.

wherein you advised that your appeal was upheld against the dismissal of your complaint against Mlambo JP

Indeed my appeal against JCC member Zondi JA's cavalier dismissal of my eight complaints against Mlambo JP (not just one '*complaint*') was upheld, in that that Justices Nkabinde and Makgoka (a) found the four most serious of them to have been well-founded; (b) overturned Zondi JA's dismissal of these; and (c) recommended accordingly that Mlambo JP be summoned to answer my four criminal and other capital charges before a Judicial Conduct Tribunal.

Further, you had requested that the LPC refer the matter back to the Investigating committee to consider this additional information

This is incorrect. I didn't request this, but I'm glad to see from paragraph 4 of your email quoted below that, of its own accord and without being compelled to do so by the High Court on review, the LPC will be sending the case back to the Investigating Committee to reconsider its atrocious decision against me in light of Justices Nkabinde and Makgoka's 42-page ruling in my favour – *on exactly the same evidence* – in which they concluded that Mlambo JP had a case to answer before a Judicial Conduct Tribunal on multiple counts of criminal and other impeachable misconduct.

Unlike Justices Nkabinde and Makgoka, who did so very diligently and conscientiously, your Investigating Committee clearly failed to evaluate the evidence before it properly or at all.

What I actually '*requested*' was, *inter alia*, a copy of any LPC record vouching that the Investigating Committee considered Justices Nkabinde and Makgoka's decision to uphold my appeal before ruling very disgustingly that LASA had established a *prima facie* case of unprofessional conduct against me – for the

alleged offence of complaining of its erstwhile chairman Mlambo JP's criminal and other impeachable misconduct, as detailed and proved with supporting documents in my litigations against LASA and later in complaints to the JSC; see paragraph 7 of my PAIA request annexure.

2. *In order for the committee to reconsider such information we request that you provide us with a ruling confirming that your appeal was upheld or a case number for such Appeal.*

Annexed marked 'A' are material excerpts from Justices Nkabinde and Makgoka's ruling in my favour, which I've marked up to highlight their *dicta* going to the heart of the matter. Their complete ruling upholding my appeal is annexed marked 'B'.

Obviously I support the Investigating Committee's reconsideration of its disgraceful decision to proceed against me with a view to having me disbarred for duly complaining of Mlambo JP's capital misconduct – in other words its decision to have me professionally killed as the complainant and witness against him regarding his crimes and other acts of capital misconduct, all squarely documented, as Justices Nkabinde and Makgoka found in their comprehensive review and assessment of the case I'd made against him in my complaints.

3. *In so far as your email dated 14 January 2025 and your PAIA request is concerned, we advise that we are not receipt of the information contained in your paragraphs 7, 8 & 9. This information did not serve before the investigating committee for consideration as you had not provided such at the time of the matter being referred to an Investigating committee. Should you however require the Committee to consider same we request that you provide our Offices with the information together with the information in para1 above.*

Concerning *'the information contained in [my] paragraphs 7, 8 & 9'*:

- (a) Paragraph 7 of my PAIA request annexure referred to the majority decision of the Judicial Conduct Committee Appeal Committee to

uphold my appeal regarding my most serious criminal and other impeachable complaints against Mlambo JP. See annexures ‘A’ and ‘B’ hereto, mentioned above.

- (b) Paragraph 8 of my PAIA request annexure referred to the pathetically irregular and judicially reviewable (coming up) *‘decision of the small Judicial Service Commission to reject Justices Nkabinde and Makgoka’s finding and recommendation’*. It’s annexed marked ‘C’.
- (c) Paragraph 9 of my PAIA request annexure referred to the *‘the transcript of the discussion by the Judicial Service Commission (JSC) of Justices Nkabinde and Makgoka’s finding and recommendation’* revealing what an unlawful shambles it was, as Zondo CJ (as he then was) repeatedly warned his fellow commissioners. It’s annexed marked ‘D’.

4. *We advise that we will pend the Disciplinary hearing subject to the additional information to be submitted by yourself. Once we are in receipt of the information, we will refer the matter to an Investigating committee to consider.*

Good idea, but several points warrant emphasizing in this regard, to be stated at below.

5. *In the interim, I am of the opinion that it is premature to reply to your PAIA request but instead suggest that we allow for the internal processes to foll[ow].*

Your *‘opinion that it is premature to reply to [my] PAIA request’* is legally incorrect and flatly contradicted by the provisions of PAIA cited below; and the LPC’s failure to respond within the 30-day timeframe prescribed by section 25 of the Act is both an unlawful breach of the Act and a violation of my constitutionally guaranteed right to public body information guaranteed by section 32(1)(a) of the Constitution – a serious matter, especially for a lawyers’ organisation that ought to know better.

Notwithstanding your mistaken '*opinion*' about the LPC's response to my PAIA request being '*premature*', I naturally support the route you '*suggest*', namely '*that we allow for the internal processes to foll[ow]*' – specifically that the Investigating Committee proceed to reconsider its appalling decision to try me before a disciplinary enquiry on LASA's foul and baseless charge that I professionally misconducted myself in very properly protesting in my litigations against LASA Mlambo JP's documented criminal and other capital misconduct while chairman of its Board, having regard to Nkabinde J and Makgoka JA's finding upon a thorough evaluation of the evidence I presented that my most serious criminal and other capital charges against him disclosed four counts of judicial misconduct fit for trial before a Judicial Conduct Tribunal.

To correct your wrong '*premature*' '*opinion*': Section 25 prescribes that a request made under section 18 for access to public body records must be responded to within 30 days (or within an extended maximum of 60 days in certain specific circumstances defined by section 26 that justify such a delayed response). And section 23 requires that the information officer certify on oath any specified records that don't exist.

What this means is that my constitutionally entrenched entitlement to the public body records I've requested, and my right to access them within the said prescribed timeframe, is independent of, and not contingent upon, the progress of any of the LPC's '*internal processes*'.

In other words, PAIA does not permit a records requestor to be kept waiting for the records he's duly requested while the public body concerned is having frightened second thoughts about whether or not it made a total hash of a disciplinary matter before it, and then only respond to the records request once it's decided to reverse its dreadful mistake or very stupidly persist with it.

Section 11 of PAIA provides that a requester's reasons for seeking access to records, whether stated by the requester or imagined by the information officer, are irrelevant to a requester's constitutional entitlement to access a duly requested record.

I didn't state my reasons, but you'd have been correct had you surmised that I was preparing to take the LPC's ignominious decision against me on judicial review with a view to having it set aside. But such undeclared intentions at the time, which you might have correctly guessed from the contextual notes accompanying each record specification in my PAIA Form A annexure, are quite irrelevant to my right to promptly access the records in question and to receive a sworn certificate in any case that a record I've requested doesn't exist.

In other words, the operation of these provisions of PAIA giving effect to my constitutional right to public body records is not suspended, and a response to a PAIA request for public body records cannot be '*premature*', just because the public body in question has decided to revisit and clean up the scandalous mess it made of a disciplinary case by jumping to side with a criminally corrupt judge against an unusually honest advocate – having failed to consider properly or at all exactly the same documentary and other evidence of that corrupt judge's crimes and other capital misconduct that rocked Justices Nkabinde and Makgoka.

Put directly, PAIA requires the LPC to surrender the records in its possession that I've duly requested, and to certify on oath any that don't exist, within the time prescribed, irrespective of how it's getting on with revisiting its embarrassing decision to proceed with a disciplinary enquiry against me for duly complaining of Mlambo JP's criminal and other impeachable misconduct and proving it with supporting documents and other evidence, comprehensively reviewed by Justices Nkabinde and Makgoka in the 42-page review of it all, and found cogent enough to put Mlambo JP on his defence before a Judicial Conduct Tribunal.

We trust that this adequately resolves your queries raised and we will await the information required by you [sic: required by the LPC].

Actually, I didn't raise any queries. I duly requested access to a number of documents under section 18 of PAIA, and if any of them don't exist, section 23

requires the LPC's information officer or duly delegated deputy information officer to certify this on oath.

The further 30 to respond that I might have consented to under section 26(1)(e) of PAIA has expired, so the LPC is strictly in default, but I conditionally waive the point and agree to another month running from today for the delivery to me of (a) the records I've requested and (b) where any specified records don't exist, an affidavit to this effect. If the LPC belatedly complies with my request, its unlawful delay will become practically moot.

Let me repeat the legal advice I gave the LPC at the foot of my PAIA Form A annexure: Only the LPC's information officer (identified in section 1 of PAIA) or a deputy information officer *holding a written delegation* under section 17 may respond to my request; and any other person, whether a high legal officer or the tea-lady, will be legally incompetent to do so.

I'm extremely bitter about the atrocious mishandling of LASA's complaint, first by the Society of Advocates of KwaZulu-Natal* and now by the LPC, and it's caused me incalculable professional and personal harm. (*Described in paragraphs 61–325 of my response to LASA's complaint that I delivered to the LPC. It's also online at illegal-aid.co.za/LPC.)

I demand a prompt reconsideration and final decision of the case, and I will not tolerate the LPC taking another several years over the matter, like it did after I sent in my response to the complaint on 2 June 2021. With my reputation lying in the gutter all the while.

The reason I didn't take the LPC's failure to announce its decision of the complaint for so many years after I gave it my response is that I assumed it had been thrown out with the trash and had quietly died. It was inconceivable to me that after reading my response, together with my eight complaints I made against Mlambo JP to the JSC, copies of which I furnished the Society of Advocates to whom LASA originally complained against me, and which the LPC received from it on taking the matter over, the LPC could possibly have been '*satisfied that there is prima facie evidence that you are guilty of misconduct*' for

duly complaining of Mlambo JP's documented criminal and other impeachable misconduct committed while chairman of LASA's Board.

In other words, it was unimaginable to me that the complainant could find himself not in the witness stand but in the dock in place of the original accused. But then I overlooked that we live in the New South Africa, in which the most brazen corruption and its cover-up at the highest levels of state has become entirely normal, and anything goes nowadays, including in the judiciary, and, I see now, also over at the LPC, so I really shouldn't have been so terribly surprised.

But everything's changed with the Investigating Committee's untruthfully false claim to have duly considered the case, and its corrupt and derogatory verdict that I'm facially guilty of professional misconduct for having duly complained of Mlambo JP's crimes and other capital misconduct, even as Justices Nkabinde and Makgoka have found that my complaints disclose an answerable case against him before a Judicial Conduct Tribunal.

I quote from the LPC's nauseating November 2024 letter to me:

'We confirm that the complaint [of professional misconduct, made by LASA in November 2015] has been considered by an Investigating Committee and that the Committee is satisfied that there is prima facie evidence that you are guilty of misconduct which warrants misconduct proceedings to be instituted against you. The Committee has referred the matter to a Disciplinary Committee for adjudication.'

I demand that this filth poured over my personal and professional reputation by the LPC's lawyers who falsely and corruptly condemned me be hosed off immediately.

Be advised that if the LPC fails to act expeditiously to reverse its defamatory provisional judgment of professional misconduct against me, and fails to acquit me absolutely of LASA's false charge in clear and unequivocal terms, I will sue under section 6(2)(g) of the Promotion of Administration Justice Act ('PAJA') for

an order compelling it to do so, and will act without further notice, attaching this letter to my papers.

And I'm not bluffing: I'm working on this vast corruption case virtually full-time, and in pursuing it (a) I've repeatedly sued LASA and the JSC successfully in the past; (b) have several pending litigations pending against them both; and (c) have more in the pipe. All court papers in these cases are accessible online at illegal-aid.co.za and corrupt-judges.co.za.

My appeal notice in the Waglay JP case records my intention to copy it to the American Embassy, given the US Administration's express interest in the runaway corruption in our country, among other major problems here.

This concern is not new: the Biden Administration previously raised it in its *note verbale* in January 2019 co-signed by the ambassadors of the United Kingdom, Germany, Switzerland, and The Netherlands and delivered directly to President Ramaphosa, demanding that he combat more vigorously the pervasive public sector corruption in our country that had become internationally notorious.

Little did they know that this corruption had metastasized into the judiciary, as Zondo DCJ (as he then was) learned from several high-ranking and protected witnesses testifying before his State Capture Commission about 'Project Justice', a rogue operation of the State Security Agency ('SSA') to bribe judges with millions of rands in cash to corruptly throw their cases to factional political ends, which evidence Zondo DCJ accepted as true in his final report on the corruption of the SSA. I've posted highlighted material excerpts from it at corrupt-judges.co.za/Project_Justice/Project_Justice.pdf.

Shortly after filing my appeal notice in the Waglay JP case, I discovered that Acting US Ambassador Dana Brown named therein had just been succeeded by Richard Greene *pro tem*, and right after that President Trump announced his decision to appoint Brent Bozell as next permanent Ambassador here. So I've decided to hold my covering letter to the US Ambassador until he's been confirmed by Congress, has been officially appointed, and has arrived here to assume his post.

Now that South Africa is ‘*on a watch-list*’, as President Trump encouragingly announced at the Kennedy Center on 17 March 2025 for its widespread corruption and domestic and foreign policies, characteristic of your standard failed Third World state, I intend reporting to the next US Ambassador the names of those members of the LPC Investigating Committee who corruptly moved to destroy me professionally for complaining of Mlambo JP’s criminal and other impeachable corruption – and complaining about it very properly, as Justices Nkabinde and Makgoka found in their ruling in my favour – and I will propose that those corrupt LPC lawyers’ names be added to the list of public officers and political leaders that the US is reportedly preparing to sanction. Along with other judges who’ve acted to cover for Mlambo JP, not relevant to identify here.

In conclusion, I repeat my demand (a) that the LPC reverse its false finding against me without delay, or I’ll be applying to the High Court under section 6(2)(g) of PAJA for an order compelling it to do so, and (b) that the LPC’s information officer, or a duly delegated deputy information officer holding a written delegation under section 17 of PAIA, and no one else, respond to my January 2025 records request by 15 May 2025, failing which I’ll be seeking the Information Regulator’s support under section 77A, and if that doesn’t work I’ll apply to the High Court under section 78 for a *declarator* that the LPC has violated my constitutional right to information in failing to comply with my records request, and for an order compelling it to do so.

Yours sincerely

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

ANTHONY BRINK