

36 Pearson Street  
Eshowe, KZN  
5 December 2024

The Honourable Justice Elizabeth Nkabinde, Constitutional Court; and,  
The Honourable Justice Ephraim Makgoka, Supreme Court of Appeal  
Cc:

The Honourable Chief Justice Mandisa Maya, Constitutional Court:  
Chairlady of the Judicial Service Commission  
By email to Mbali Sonca, Secretary to the Judicial Service Commission:  
msongca@judiciary.org.za

And cc:

*Avocat* William Bourdon, Chairman, Headquarters, Paris, France; and,  
Attorney Zanele Mbuyisa, Johannesburg Office, South Africa  
Platform to Protect Whistleblowers in Africa (PPLAAF)  
By email to info@pplaaf.org

CEO Charity Nzuza;  
Senior Legal Officer Nadira Harripersad; and,  
Senior Administrator Melissa Geldenhuys  
Legal Practice Council  
National and KwaZulu-Natal Offices  
By email to info@lpc.org.za ; nadirah@lpc.org.za ; melissag@lpc.org.za

And to multiple other local and international interested parties, listed at:  
corrupt-judges.co.za/LPC.

Dear Justices Nkabinde and Makgoka

#### KILLING THE WITNESS:

#### RETALIATION AGAINST A JUDICIAL MISCONDUCT COMPLAINANT

In the New South African tradition of murdering corruption investigators,  
complainants and whistle-blowers that we read about in the newspapers all the

time, I've been targeted for professional assassination in reprisal for complaining of the repeated criminal mendacity and other capital misconduct of then-Legal Aid SA ('LASA') chairman Dunstan Mlambo, Judge President of the Gauteng Division of the High Court, first in my several litigations against LASA and then in my complaints to the Judicial Service Commission ('JSC').

This is notwithstanding your very correct finding as members of the JSC's Judicial Conduct Committee Appeal Committee that my fulsomely documented criminal and other capital complaints against Mlambo JP were sufficiently well-made to warrant his summons before a Judicial Conduct Tribunal to answer them, and your recommendation to this effect.

More particularly: On 19 February 2024, upholding my appeal against Dumisani Zondi JA's disgracefully perfunctory, palpably biased, and manifestly inadequate (as you noted) consideration of my eight complaints against Mlambo JP, and his attempt to collegially sweep them under the rug, you most commendably honourably, honestly, impartially, fearlessly, diligently, conscientiously, and competently reviewed all the documentary and other evidence that I'd presented in support of my complaints, to wit that Mlambo JP had suborned his attorney to commit defamatory perjury against me in an interlocutory application I brought in the Durban Labour Court so as to prejudice the trial judge against me in his frantic straining to avoid being subpoenaed for cross-examination under oath in open court on the many lies he'd told the Justice Minister and the Justice Portfolio Committee of the National Assembly in false 'confidential' reports submitted to mislead and misdirect them as to the true objective facts and thereby to pervert their separately and independently enquiries instituted at my instance into high-level recruitment corruption at LASA, which I'd repeatedly called to his attention, and into its management executives' unlawful and unconstitutional obstruction of my investigation of this corruption, by repeatedly and persistently withholding documents I'd duly requested, of which grave illegalities he was full-well aware, as unequivocally proved by the communication records I put up with my complaints.

Just as criminally intended, Mlambo JP's fraudulently false reporting successfully stultified and defeated the Minister's and Parliament's essential constitutional functions and responsibilities as LASA's highest executive and oversight authorities, and enabled its top officers to escape being held to account for their corrupt and lawless mismanagement in contravention *inter alia* of the Public Finance Management Act on multiple scores, and for their defiant concealment of further documentary evidence of this in brazen contravention of the Promotion of Access to Information Act ('PAIA').

So you'll have been as amazed as I was to hear that the JSC thereafter spurned your recommendation that the President appoint a Tribunal to hear and test Mlambo JP's answers to my most serious complaints, on the unbelievably stupid and dishonestly false basis alleged in a JSC press statement, echoed in all the media, that I'd adduced 'no prima facie evidence' against him – diametrically contrary to what you found upon your meticulous review and analysis of it all set out in your exhaustive, 42-page decision granting the most important parts of my appeal.

Under PAIA, I accessed the transcript of the JSC's virtual conference to consider your recommendation, and found everything explained. The conference was a travesty, a mockery, a farce:

1. Right at the start, I was wantonly smeared and insulted as a racist and moral reprobate (for matter-of-factly noting the indications of second-language English I'd detected in the stunning criminal 'memorandum' turned up in my Labour Appeal Court file, almost certainly forged and uttered by Mlambo JP, importuning his long-time judicial brother Waglay JP to toss my petition for leave to appeal, which he did on the turn without regard to its merits, even before all the prescribed papers had been filed and the matter was ripe for decision), and as a criminal extortionist (for proposing an alternative conciliatory global resolution of the matter in the national interest to obviate the massive reputational harm to the South African judiciary portended by Mlambo JP's trial by a Tribunal and likely conviction, which I promised to publicise far and wide). Such was the virulent animus whipped up by certain

commissioners to prejudice their colleagues against me; against my extremely serious case against Mlambo JP on multiple criminal and other capital counts; and against your recommendation that a Tribunal be convened to enquire into and test my impeachable andailable charges against him.

2. There was zero serious discussion of the merits of your recommendation in relation to the documentary and other evidence I'd presented against Mlambo JP, which you so ably and comprehensively canvassed and assessed in your finely detailed decision; from which it's clear that the commissioners entrusted to consider the exceedingly important matter hadn't troubled themselves to do the necessary work of preparing for the debate by studying the enormous 811-page record – bundled, indexed and paginated for them by the JSC secretary, and posted to an internet cloud for downloading via a hyperlink supplied to them ahead of the conference.
3. But topping all this: In a grotesquely unlawful flouting of the most basic tenet of natural justice, namely the *audi alteram partem* rule, Mlambo JP was permitted to weave into his fantastically dishonest 221-page submissions (i.e. what legally ought to have been no more than his argument opposing your recommendation against him) masses of new evidence and new documents, replete with deceptive omissions of crucially material facts, sleazily cunning half-truths, and outright objectively demonstrable lies, purporting to exculpate him from my criminal and other capital charges which you'd already found facially answerable upon an evaluation of all my evidence; his two unsatisfactory responses; and my comments on them picking them apart – on the way making many false, easily refuted, defamatory allegations against me to bias the commissioners against me and my charges. And in rejecting your recommendation, the JSC majority considered and relied on all Mlambo JP's crooked new evidence and slander of me, unfairly and unlawfully admitted into the record without my knowledge and behind my back.

To his credit, the transcript records that then-Chief Justice and JSC chairman Raymond Zondo very properly urged on his fellow commissioners his view that I be given the opportunity to respond to Mlambo JP's new evidence (and

fulminating denigration of me as his accuser) before the matter was decided; and it records further that he pertinently cautioned them that unless the proceedings were conducted properly they'd be exposed to judicial review and reversal, like so many other unlawful JSC decisions overturned by the courts in recent times, as he pointed out.

Unfortunately this plainly correct legal advice proffered by the country's top jurist at the time was recklessly disregarded and scorned by all but two commissioners who agreed with his proposal that the case be adjourned for my reply in compliance with the *audi* rule; and by a majority of 9 to 3 my squarely documented criminal and other capital complaints against Mlambo JP, along with your carefully and thoroughly considered assessment of them, concluding with your recommendation that he be called to answer them before a Tribunal, were thrown out with the trash.

The Legal Practice Council ('LPC') has now leapt on this baleful development to tell me it's satisfied that my complaints about Mlambo JP's criminal and other capital misconduct disclose a *prima facie* case of unprofessional misconduct on my part, for which I'm to be tried on some future date – obviously with a view to having me disbarred as an advocate, four professionally spotless decades since my admission to practice in April 1983. Can you believe it?

Nine years ago in November 2015, LASA's top in-house attorney – likely acting on Mlambo JP's instructions again, just as he'd acted for him in strenuously resisting my application to subpoena him for cross-examination during my labour case, and had deposed to and filed an affidavit on his instructions and behalf – complained to my professional society *inter alia* but chiefly that I'd professionally disgracefully impugned Mlambo JP's integrity by pleading his impeachable misconduct in my several litigations against it.

Mlambo JP's attorney repeated this complaint to the Magistrates Commission, with the result that I was immediately thrown off bench as a contract magistrate (under a term-limit pretext – entirely false, as I learned much later) and

blacklisted from any further acting appointments (as the Pietermaritzburg Chief Magistrate informed me much later).

In sum, the utterly unlawful shambles passing for the small JSC's deliberations to consider your recommendation against Mlambo JP – practically exonerating him of his multiple crimes of dishonesty and other impeachable misconduct, which you found I'd cogently complained of on the abundant documentary and other evidence I presented – has now opened the way for my professional decapitation in revenge.

The moral of this story for the South African public would seem to be this: If to your bone-chilling horror you unexpectedly run into provable criminal corruption in the upper echelons of the judiciary, best look away and leave it festering unchecked, especially if the guilty judge is senior, powerful, and politically connected, because if on the back of supporting documents you protest his criminal and other corruption in your various litigations before the courts, and then duly complain of it to the JSC on affidavit signed on pain of the penalty for perjury – precisely as then-Chief Justice and JSC chairman Mogoeng Mogoeng repeatedly exhorted us to do in such dreadful instances – you stand to get yourself whacked for your trouble, just like in a Mafia movie.

And in the New South African tradition of murdering corruption investigators, complainants and whistle-blowers that we read about in the newspapers all the time.

Yours sincerely

A handwritten signature in black ink, appearing to be 'ADV ANTHONY BRINK', written in a cursive, somewhat scribbled style.

ADV ANTHONY BRINK

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All documents referred to herein are accessible at [corrupt-judges.co.za](http://corrupt-judges.co.za).

JSC ref: 533/17 ; LPC ref: (KZN) NH/mg