

## Judiciary: Another day, another attack on judges

Another move against the judiciary is being given fuel on social media with UDM leader Bantu Holomisa, disgraced former Public Protector Busisiwe Mkhwebane and her colleagues in the EFF in the vanguard of those spreading what appear to be conspiracy theories based on fake news, notes [Legalbrief](#). None of the claims has been substantiated, yet that doesn't seem to matter to Holomisa or those spreading the apparently falsehoods on social media. The State Security Agency (SSA) quickly distanced itself from the fake 'intelligence report' on alleged judicial corruption. According to a [News24](#) report, a well-known AIDS denialist confirmed he was the document's author and said he had engaged with Western Cape Judge President John Hlophe over certain claims against judges in the document. 'The SSA has noted with concern a document that is doing the rounds on social media purporting to be some intelligence report on judicial corruption, which is allegedly written by the DG, Ambassador Thembisile Majola,' the SSA said in a media statement on Tuesday. 'The SSA would like to distance itself and the DG from such a report.' The Office of the Inspector-General of Intelligence (OIGI) confirmed the same report was not the product of any state intelligence investigations. OIGI legal adviser, Advocate Jay Govender, told [News24](#): 'Our preliminary investigation indicates that the report is not an official product of the SSA or any of the intelligence services overseen by the Inspector-General of Intelligence.' Instead, the 54-page report – which Holomisa had incorrectly claimed was 'purportedly drafted by Ms Thembisile Majola, the recently resigned DG of the State Security Agency' – **was written by Anthony Brink, an advocate who has waged a litigious war against Legal Aid SA over its decision not to employ him.** This is made apparent by a footnote on the last page of the report, which stated it was 'an updated, slightly abridged, and trivially edited version (November 2023) of the original document couriered earlier in the year to SSA DG Thembisile Majola and then to Minister in the Presidency for State Security Khumbudzo Ntshavheni, both of whom ignored it'.

*Anonymous fake intelligence reports have previously been used by then-President Jacob Zuma* to fuel his antipathy towards the National Treasury, as well to justify his axing of then-Finance Minister Pravin Gordhan, but Brink has not sought to conceal his authorship of this draft document – or the personal ire that has fuelled it. On his 'corrupt judges' website, Brink accuses Judge President Dunstan Mlambo, the former chairperson of Legal Aid, of criminality linked to his non-hiring in 2009 and the litigation that followed it – all of which he lost. He told [News24](#) that Hlophe, now facing a removal vote in Parliament after being found guilty of gross misconduct, had phoned him and '**directly confirmed' claims from two unnamed sources about Mlambo, which he repeated in his draft**

**'intelligence report'**. According to Brink, Hlophe told him he had objected to the appointment of a female lawyer as part of the tribunal that would try him for gross misconduct on the basis of her alleged inappropriate relationship with Mlambo. **News24** says its attempts to verify this with Hlophe have proved unsuccessful.

*In an affidavit filed in his litigation to overturn the JSC finding of gross misconduct against him, Hlophe had admitted having been in contact with Brink.* He stated through Brink, it had come to his attention a 'serious complaint' was lodged against Mlambo about 'his alleged involvement in lobbying' to have the aforementioned female lawyer assigned to the Judicial Conduct Tribunal which investigated the complaint against him. Brink's report further seeks to revive unsubstantiated and later withdrawn claims made against Mlambo in his JSC interview for the position of Chief Justice, where he was accused of sexual misconduct against two women judges – without any complaint being made or evidence presented against him. Queries by **News24** revealed the two judges had in fact asked Mlambo for help in dealing with a predatory judge in his division – which he duly provided. **In this context, the Helen Suzman Foundation's Nicole Fritz said the apparent effort to revive the sexual misconduct claims against Mlambo were 'ridiculous'**. 'I've just skimmed it, but it seems an almost farcical attempt to smear Mlambo and revive the nonsense allegations made at the JSC,' she said. The draft 'report' also reveals Brink believed almost all the judges who had ruled against him in his various cases against Legal Aid and gross misconduct complaints against Mlambo were corrupt, or part of a 'cover up'. He is also gravely unhappy that the JSC has not supported his calls for Mlambo and certain of the judges who have ruled against him to face impeachment investigations. Appearing to write on behalf of the SSA, he has now elevated that unhappiness to the status of a potentially mortal threat to SA's democracy and its national credibility. 'The state faces an imminent threat of massive damage to its international and local reputation as regards the integrity of its judiciary, and the SSA accordingly recommends immediate intervention to avert it,' his draft report begins.

*Brink's claims have clearly grabbed the interest of certain opposition politicians,* notes **News24**. On Monday, Holomisa wrote to ANC MP Jerome Maake, the chairperson of Parliament's intelligence watchdog committee, the Joint Standing Committee on Intelligence (JSCI), and told him he had 'recently anonymously received' the 54-page 'intelligence report' and believed it should be investigated. 'It contains highly shocking and damaging assertions that could affect the local and international integrity and reputations of the SA judiciary and several prominent judges, as well as have implications for the Judicial Conduct Committee and Legal

Aid SA,' wrote Holomisa. When **News24** contacted the UDM leader, he was 'not interested' in verifying whether the document he received anonymously and the one in *News24's* possession – which are both 54-pages long – were the same. When the final page's footnote, which indicates the document was actually drafted by Brink, was put to him, Holomisa appeared unaware. However, he said that was why he referred it to the JSCI so it could investigate the source of the allegations, as well as the allegations themselves. Asked if he is concerned these as-yet unsubstantiated allegations of corruption against the judiciary were now in the public domain, without their veracity being questioned, Holomisa said: **'I don't care a damn, I didn't publish it. Whoever has written it, the Intelligence Committee must verify.'** He later added the key question about the report was whether whoever had written it 'is telling the truth'.

*In addition to targeting Mlambo, Brink's report also takes aim at Chief Justice Raymond Zondo* over the State Capture Inquiry investigations, repeating accusations by ex-Eskom CEO Matshela Koko that Zondo did not properly investigate his counter accusations of corruption against the Ramaphosa administration. Koko is pursuing litigation to challenge the findings made against him. When Holomisa posted his letter demanding an investigation into the claims made in Brink's report on X, and some politicians and other social media users soon latched onto it, notes **News24**. Several cast aspersions on the judiciary. That post was retweeted by Areta leader Carl Niehaus and EFF MP Busisiwe Mkhwebane whose husband, David Skosana, tweeted several pages of the report. **EFF leader Julius Malema retweeted a post on X from user H.M Smith, which stated: 'Judge President Basheer Waglay and Judge President Dunstan Mlambo are also implicated in the judicial corruption scandal alongside Chief Justice Raymond Zondo.'** The post also included a page from the report and in another post related to the report, H.M. Smith stated: 'Again, this proves that the "State Capture" commission was a witch hunt.' None of these tweets reflected that the report in question had not, in fact, been authored by the SSA.