

## THE VOICE OF AN OPPRESSED

To: Thuli MADONSELA- Public Protector, South-Africa.

Her Excellency;

With my highest degree of respect, I hereby come before your authority, soliciting your assistance from this dramatic situation i am enduring. I gave taken the right procedure to submit myself to the mercy of justice but unfortunately, I have not received any favorable solution in return. I entrust the Legal Aid system which is I presumably thought it was trustworthy government entity, I was dead wrong. They abandoned me for speaking the truth.

Just to get to the point, on February 5, 2013 I was home watching news on television like everybody else, the anchorperson was relating a story about nineteen Congolese arrested in Limpopo province. On February 7, 2013 I was very surprised to hear mentioned on the news that I was the leader for the group of those nineteen Congolese. Without any request or act by the police, I then neither danger to the public safety nor individual safety.

After diligently seeking help from International Institution as Human Rights and International Amnesty which I thought their "MOTO" was to ensure to protecting oppressed citizens from human rights abuses; But I did hit the wall, I found no satisfactory solution, they careless about me.

Her Excellency, the motive of this letter it's not pertaining to ask you to intervene for me so I can get out the prison. But rather to see the justice system works incorruptible and impartially impartial. I also beseech you, if it's possible as Public Protector you can delegate somebody to come listen to all details before you can conduct your investigation.

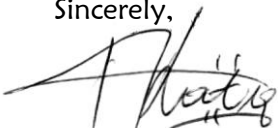
I am willing to tell the truth nothing but the truth. I promise you will be scandalized to find out about what am I being accused and reality are world apart. It's very regrettable a person should be treated in democracy country like this the way I am being treated; injustice is very tangible and well live. I'm being oppressed in every angle. For instance, my accusation documents, visual materials that I had asked Legal Aid to bring them, so I can be prepared for the trial; I never got it, even the court refuse to give me bail so I can be able to get ready for the trial.

Even an accused on death row has right to say his last word and I figured I had that right also, but here I am deprived my freedom. During the police illegal search in my home, Lt Colonel Noel G. ZEEMAN violated my family intimacy and traumatized my little daughter, of six years old.

I am humiliated, castigated and libeled on South-Africa Media meanwhile; I am facing arbitrary and unlawful imprisonment, with no idea if the trial will ever take place. As death sentence prisoner, I have come before you the "PROTECTOR OF PUBLIC" to utter my last word prior to my expiration through hunger strike.

Her Excellency, I know your time is very precious, due to you busy schedule, and nevertheless any time that you devote to read this letter is much appreciated.

Sincerely,



Etienne Taratibu Kabila

Etienne Taratibu Kabila  
Local Correctional Centre  
Private bag X45  
Pretoria 001

March 5, 2014

## **OPEN LETTER TO MINISTER OF JUSTICE OF SOUTH AFRICA**

His Excellency,

It's unprecedented privilege to me, to come before your high authority with my entire utmost respect to present my predicament.

My name is Etienne Taratibu Kabila. I have been incarcerated over a year in prison in Pretoria Correctional Centre. I am being represented by Legal Aid South Africa Lawyers, Dirk Human, Francois Van As and Van Zyl Nel. The aim of this letter is to explain my arbitrary arrest, my detention without a comprehensive judgment and I am as well being subject to discrimination that I reserved the rights to get into the details.

On March 22nd 2013, the judge Salomons Nkhugela had refused to grant me bail while I met all the pre-conditions required by a South African Constitution. He stated during the bail hearing that "we had a secret meeting with officials from DRC, and they advised us not to give them a bail". That sentence only has convinced me being a DRC's authority prisoner. Since when a sovereign country like South Africa could possible be under the DRC's authority?

On July 25th 2013, Mr. Attorney Francois Van as from the Legal Aid came to visit me in Prison, made me sign a document which will allow him a permission to ask the High Court in Pretoria to forward my file to Bloemfontein's Supreme Court of Appeal of South Africa; so that he can apply for my temporary release so far but nothing is done.

On September 16th 2013 in the Pretoria's Magistrate Court, Judge Deleray deliberately said to the Prosecutor Mr. Pretorious "I have read through all the accusations sheets, nowhere had I seen Etienne Taratibu Kabila has committed any crime"; Mr. Pretorious responded by saying "we know that Mr. Etienne Taratibu Kabila is not involved in a coup d'Etat" the Judge would proceed by saying you are all adults and you know the ramification of holding somebody in Prison longer without any evidences and I was surprised to see my attorney Mr. Dirk Human keeping silent without even saying a word.

On October 13th 2013, the Prosecutor Mr. Pretorious declared that the investigation is over and trial date is set for July 21st to August 24th 2014 in Pretoria North High Court.

On October 31st 2013, My Attorney Francois Van As came back to see me in Prison and said "Flavia Issola (Number one of Legal Aid) called him and said she received a phone call from the Office of the President Jacob Zuma, so I can go ask for Etienne's Temporary Release". From that statement, I firmly believe that my arrest has nothing to do with Judiciary Entity; it is simply Politics programmed by the President of South Africa and his counterpart President of DRC and yet my attorney has not done anything.

In November 29th 2013, Mr. other Attorney Van Zyl Nel came in prison and made me signed a second document that suppose to give him a permission from North High Court, to go to Bloemfontein, ironically to apply for my bail and assuring me he would get it done before Christmas 2013. Nothing is done up till at this moment I am writing this letter.

His Excellence, I never seen Mr. Van Zyl Nel contrary to all this. Mr. Van As my other Legal Aid Lawyer came to see me on January 20th 2014 just to inform me that, the trial date that was scheduled on July 21st 2014 has been postponed to October, because the previous date was not available. When that date was set between the Authority of High Court and my accusers; Since October 2013 just a pure conspiracy to keep me illegally in prison.

In the same date of January 20th 2014 my other Lawyer Francois Van As guaranteed that he would be in Pretoria High Court to get that mysterious authorization to go to Bloemfontein. It took place in January 28th 2014.

On January 31st 2014, Mr. Francois Van As would come back and told me that the judge refused to transfer my case to Bloemfontein because he said, my case is very strong than he would tell me again. The second procedure would consist of submitting a new petition which would allow me to go to Bloemfontein. The petition would expire on February 11th 2014.

My spouse Rachel Kibonge contacted Mr. Van As on my behalf to find out about the petition, Mr. Van As told her “there is no problem at all, Flavia Isola is taking care of it”; it was on February 5th 2014.

Wednesday February 12th 2014, a day after the expiration date of that famous petition, I called Mr. Van As myself from the prison to ask him about the petition, he changed the version this time by telling me that the petition will expire in 21 days and not 14 days. Meaning the expiry date will be on February 18th 2014.

Despite all this, many go around and I have seen neither Mr. Van As nor Mr. Van Zyl Nel. With all this bewilderment, His Excellency, I do believe that My Legal Aid Lawyers are also part of the conspiracy for my illegal detention. I also would like to take advantage of this moment to briefly tell you the inhuman condition of prison I am enduring. I have been having problems with my eyes, but I do not get any appropriate treatment.

It is very important to me to let you know about the abduction of my 6 years old daughter Cecilia Kipili Wa Taratibu by Lt Colonel Noel G. Zeeman on August 28th 2013, my legal Aid Lawyer Mr. Francois Van As and Mr. Dirk Human had asked me to give them the details about the abduction so they can a Law Suit against Lt Colonel Noel G. Zeeman. Just for the reference; here is a case number OCU5/10213 Bellville South Cape Town Police Station, Investigator phone number 0714813259. After all this, Mr. Van As would tell me that, Legal Aid Lawyers do not have authority to file a Law Suit against the Police or take them to Court.

So far, nothing has been done, a six (6) years old girl being traumatized by a Superior Officer of Police. I wonder if she was a Caucasian little girl, would not it be a strong case? It is really Apartheid in real from. Or if she was a South African Citizen daughter, would it be possible? It is xenophobia pure and simple. Talking about all this discrimination and injustice that I am subject to,

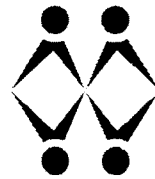
my last alternative would be to deserve a endless hunger strike till I will expire then those people that wanted my life can be satisfied.

His Excellency, your time that you spare reading this letter is greatly appreciated.

Yours Sincerely

A handwritten signature in black ink, appearing to read 'Etienne Taratibu Kabila', with a stylized flourish at the end.

Etienne Taratibu Kabila



**Legal Aid**  
South Africa

Our Ref: F Isola/  
Your Ref:

Date 17 March 2014  
Etienne Taratibu Kabila  
Per email: [kabila\\_eti@webmail.co.za](mailto:kabila_eti@webmail.co.za)

**BY HAND**

Pretoria Justice Centre  
FNB Building 2<sup>nd</sup> Floor  
Church Square  
P.O Box 1281  
Pretoria  
0001

Tel: 012 401 9200  
Fax: 012 324 1950

[www.legal-aid.co.za](http://www.legal-aid.co.za)

Dear Mr Kabila

### **CONTINUED LEGAL AID - X488259314**

We refer to your letter dated 5 March 2014 emailed to Adv Nel on the 13 March 2014.

The content thereof is noted. We will not deal with each and every allegation state therein however we reserve our rights to deal with same should the need arise.

The content of your letter is false, untruthful and misleading. The allegations are of a very serious nature as the conduct and professionalism of the legal representatives and this office has been placed into disrepute.

As a result of your letter the legal representatives have no option but to withdraw from your criminal trial, your bail petition and your wife's civil claim on ground of their ethical and professional duties and responsibilities.

Furthermore, the allegation in your letter is equal to a termination of the mandate of your legal practitioners.

Paragraph 6.3.1(a) of the Legal Aid Guide provides:

#### **The legal aid recipient**

Examples of how the legal aid recipient can cause legal aid to terminate:

- \* By terminating the mandate of the legal practitioner instructed unreasonably and without just cause (a good reason).
- \* By making it impossible for the legal practitioner to carry out his/her mandate.

As a result of we wish to inform you that legal aid is terminated.

FMS ISOLA  
JUSTICE CENTRE EXECUTIVE  
PRETORIA JUSTICE CENTRE

**Your voice. For justice.**

Etienne Taratibu Kabila  
Local Correctional Centre  
Private bag X45  
Pretoria 001

March 28, 2014

## **SECOND OPEN LETTER TO MINISTER OF JUSTICE OF SOUTH AFRICA**

His Excellency,

With deep regret and sorrow, here I come again before your High Authority with all my utmost respect. After going through lot difficulties just to get my letter into your office, via email as an "open letter", I wanted to inform you that, after you had received my previous mail; one copy of the same letter went to the office of legal aid.

The legal aid office counter attacked me with a harsh letter, underlining their intention and obligation to stop representing me for my bail process, my trial and furthermore my wife civil case which pertain to my 6 years old daughter that, Lt Col. Noel Zeeman of South-Africa police abducted.

Mrs. Isola Flavia had no remorse toward an oppress man like me, she should have thought about a different avenue, instead of making a rush judgment to drop me as client. And I do believe that decision was made unilaterally they completely forgot their mission, which was to defend me in court.

My letter was not meant to breach my engagement with them subsequently. I was only demanding my rights as a detainee, in accordance to the notification of law on the constitution section 35 act 108 of 1965 that allowed-Detainee to have a legal representative of his choice.- Detainee has rights to contest legality of his detention in person before the court of law, and to be released if that detention is illegal. And it was for that matter I chose them (legal aid) to represent me.

My nightmare started on Monday March 17, 2014 early that morning a warden name Sadike FHATUWAN opened the first door of my prison cell and told me to get ready to be escorted to the court. Twenty minutes later his supervisor Mr. SIBANYONI came to confirm that, I was being escorted to the court by the police and they are on their ways, they won't be long. That was the longest day of my life. I waited in vain for the police to come.

The warden would tell me that, the court might have cancelled; I don't have any idea why I was cancelled. Surprisingly on Wednesday march 19, 2014. Instead of my legal aid attorneys to come and discuss the contain of my letter as they usually do, having fear to handle the truth, they preferred to send an usher to deliver to me a letter of resignation which I did refuse to sign, because it was remotely far from my objective. They stated that their reasons for withdrawing were because my allegation was unfounded.

His Excellency, along with this letter, I hereby submit the copy of their letter you may read for yourself. This letter was signed by Mrs. Isola Flavia, unfortunately, she could not indicate a single line in my letter which I lied. And hereby testify that, everything I said in previous letter was nothing but the truth. I can demonstrate that I am victim a junta who put together an inventive charge against me.

During Mr. Francois Van As (Attorney) last visit, I had begged him to bring my accusation documents (video pictures) so I could be prepared for the trial, he never showed up. Aren't they contributing to my imprisonment? Despite all the obstacles I am encountering, I dare to believe that somebody will listen to my outcry, especially in democracy country like South-Africa where bail is a right not a favor as Judge Salomon NKHUBELA was saying in court on February 27, 2013 and I believe I do meet all the conditions.

Not having real evidences, my accusers only brought forward electronic video and fictitious witness, the court should have granted me a bail so I can have time to visualize that video, and contact my witness in order for me to be prepared for the trial, next July 21, 2014 accordingly. His Excellency, being a victim of this theatrical and bogus charges, I find it necessary to surrender to the mercy of the justice.

Hoping a solution will emerge in my way, I felt I was abandoned by the legal aid, when nowhere in my letter mention anything about breach of my contract with them. And you would understand that my imprisonment has nothing to do with foreign military assistance. I am purely and simply political prisoner. I would be very appreciative if you could look into this matter and try to come with adequate solution for an oppressor once again.

I know your time is very precious due to busy schedule but I sincerely thank you for any minutes devote to read this letter.

May God almighty bless you

Sincerely

A handwritten signature in black ink, appearing to read 'Etienne Taratibu Kabila', with a stylized flourish extending from the end.

**Etienne Taratibu KABILA**