

DurossGasper

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Advocates in South Africa, Oceania, Europe, North America

UN Declaration on Human Rights Defenders A/RES/53/144

12th February 2019

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Justice Raymond Zondo
Zondo Commission
Hillside House,
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Dear Sir's

RE: UN General Assembly of the United Nations Convention Against Corruption (UNCAC)

We refer the above treaty.

We note that the republic of South Africa has conducted numerous commissions being the most recent Zondo Commission & State Capture Enquiry.

We have received a complaint from Ms [REDACTED] regarding the treatment of Mr Agrizzi in regard to his arrest after appearing before the Zondo Commission by apparatus of the ANC State Party.

As such we have taken the liberty to make further inquiries and wish to bring to your attention the following:

We note that South Africa ratified the legally binding and universal Anti-Corruption Instrument on the 22nd of November 2004 to underline its commitment to eradicating Corruption in all sectors of our society.

Both the Zondo Commission and State Capture Enquiry appear for all intents and purposes to address the systemic corruption plaguing Republic of South Africa, however it is nothing more equal to candy floss at a fair ground, lacking both form and substance.

The real actors are indeed the ANC Majority Party and other conspirators whom appear to consider themselves to be Teflon, impervious to the rule of law within the Republic of Africa.

A recent case is the testimony of Mr Agrizzi before the Zondo Commission, after giving Such testimony under oath, he was charged by the SAHR for racist comment, as well as then Charged by the South African Police force on his evidence given along with 6 others.

The Republic of South Africa in 2000 enacted legal protection to whistle blowers with the Introduction of "The Protected Disclosures Act 26 of 2000" which has since been amended By "The Protected Disclosures Amendment Act 5 of 2017."

In short, the Act gives employees and workers, both former and current, to report unlawful or irregular conduct by employers and fellow employees and workers;

The Act further indicates that the disclosure is protected if made to certain persons which include amongst others being the Public Service Commission, Auditor-General and any person prescribed in certain circumstances.

The Act does not protect the employee or worker from the consequences of any participation by them in the impropriety.

The ANC State Party by such a tactic of arresting and laying charges against Mr Agrizzi goes to the very foundation of open justice.

To the average person in the street what the action by the ANC State Party does show is that if & when other members of society does speak out against government corruption then they can be effectively silenced by legal means or non-legal means.

We attach a Sworn Statement of an Deponent dated 16th February 2010 against Mr David Mabusa who is now the Deputy Vice President of South Africa, this Sworn Statement speaks of Murder at the highest level by the then Premier of Mpumalanga Province as well as Minister of Police.

DurossGasperi Under the mandate of the Declaration on Human Rights Defenders A/RES/53/144, which its full name is the “Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms hereby submits that the Declaration is not, in itself, a legally binding instrument.

However, it contains a series of principles and rights that are based on human rights standards enshrined in other international instruments that are legally binding – such as the International Covenant on Civil and Political Rights.

As such the Republic of South Africa has a duty amongst others to the following articles 2,9,12,14,15 which include:

- a. To protect, promote and implement all human rights;
- b. To ensure that all persons under its jurisdiction are able to enjoy all social, economic, political and other rights and freedoms in practice;
- c. To adopt such legislative, administrative and other steps as may be necessary to ensure effective implementation of rights and freedoms;
- d. To take all necessary measures to ensure the protection of everyone against any violence, threats, retaliation, adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the Declaration;
- e. To promote public understanding of civil, political, economic, social and cultural rights;

DurossGasperi in closing submits that the ANC State Party of Republic of South Africa has effectively breached Mr Agrizzi's rights in failing to take all necessary measures to ensure the protection against any threats, retaliation, adverse discrimination, pressure or any other arbitrary action as a result of Mr Agrizzi giving his legitimate right to testify to the Zondo Commission under oath.

We look forward to the ANC State Party apparatus acknowledgement of the contents of our letter, which by virtue acceptance of Mr Agrizzi's rights.

In the absence of any reply, we will construct a Prima Facia Case which based on its merits we will address with an international body through respective treaty provisions.

Kindest Regards

A handwritten signature in black ink, appearing to read 'Hiraoka Gasperi', with a stylized flourish.

Hiraoka Gasperi
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