



MEMORANDUM

**To : Hon. Mr A J Nyambi, MP
Chairperson: Committee on Petitions and Members
Legislative Proposals**

From: Chairperson: National Council of Provinces

Date : 4 February 2010

RE : Petitions from the Leeuwkop and Kroostand Prisoners

I refer to the correspondence from Hon. MP Jacobs, regarding petitions from two prisoners of Leeuwkop and Kroostad prisons.

These petitions may or may not relate directly to the business the select committee has before it at present, but the committee could assess whether to consider the issues raised as part of its oversight work.

Furthermore, that the Committee's attention be drawn to the fact that the petitions do not indicate whether the prisoners had exhausted all legal avenues available to them in terms of the law.

Yours Sincerely

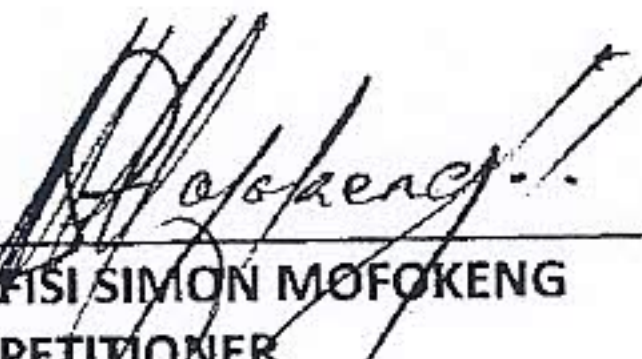
**M.J Mahlangu, MP
Chairperson: National Council of Provinces**

Fusi Simon Mofokeng
Leeuwkop Prison

The Petitioner hereunder states as follows:

1. I am currently incarcerated at the Leeuwkop prison serving life sentence for the murder and attempted murder through the doctrine of common purpose for the crime I have not committed.
2. The real people who committed the murder confessed as such and they subsequently applied for amnesty through the TRC process and that was duly granted. I had also lodged my application with them but withdrew the application before the hearings.
3. During the amnesty hearing I was in attendance represented by Mr. Mohlaba, and I explained that the reason for appearing in person at the TRC was to give evidence attesting to my non-involvement in the said crime and categorically denied any participation in the incident for which amnesty was sought.
4. The only interface I have ever had with the people who committed the crime was when they came to my house seeking refuge after the commission of the crime. This fact was attested to by them in court and they have remained consistent in exonerating me from any involvement in the said crime.
5. I humbly request the esteemed Committee to invite the said people, namely, Steven Donald Makhura, Mandla Wellington Fokazi and Thozamile Clement Ndabeni and independently verify the above facts.
6. In my regular interface with them, they remain committed to give evidence in any forum where this matter may find audience. I further wish to raise the fact that the manner in which the doctrine of common purpose was applied then, grossly prejudiced innocent people who may not even be remotely connected to the crime in question and my situation is a classic example.
7. I further confirm that to date I have already spent 17 years and five months in prison for the crime I have not committed.

Wherefore the petitioner humbly requests the Honourable Committee to intervene in this regard and come to any conclusion it may deem fit under the circumstances.


FUSI SIMON MOFOKENG
PETITIONER

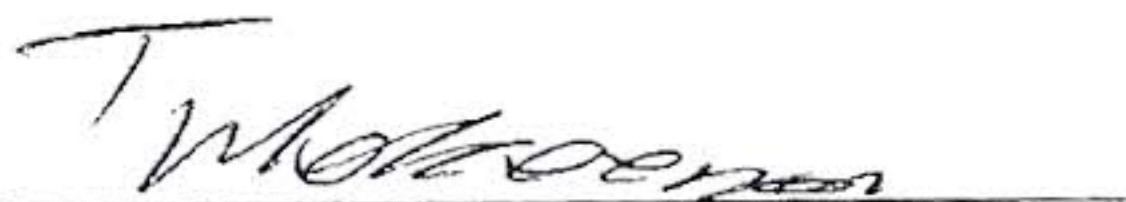
Signed in KAOOUSTAB on this 26 day of OCTOBER 2009

Tshokolo Joseph Mokoena
Kroonstad Prison

The Petitioner hereunder states as follows:

1. I am currently incarcerated at the Kroonstad prison serving life sentence for the murder and attempted murder through the doctrine of common purpose for the crime I have not committed.
2. The real people who committed the murder confessed as such and they subsequently applied for amnesty through the TRC process and that was duly granted. I had also lodged my application with them but withdrew the application before the hearings.
3. During the amnesty hearing I was in custody and our legal representative, Mr. Mohlaba, informed the TRC as such and further explained that the reason for not appearing in person at the TRC was that I remained adamant and denied any participation in the incident for which amnesty was sought.
4. The only interface I have ever had with the people who committed the crime was when they came to my house seeking refuge after the commission of the crime. This fact was attested to by them in court and they have remained consistent in exonerating me from any involvement in the said crime.
5. I humbly request the esteemed Committee to invite the said people, namely, Steven Donald Makhura, Mandla Wellington Fokazi and Thozamile Clement Ndabeni and independently verify the above facts.
6. In my regular interface with them, they remain committed to give evidence in any forum where this matter may find audience. I further wish to raise the fact that the manner in which the doctrine of common purpose was applied then, grossly prejudiced innocent people who may not even be remotely connected to the crime in question and my situation is a classic example.
7. I further confirm that to date I have already spent 17 years and five months in prison for the crime I have not committed.

Wherefore the petitioner humbly requests the Honourable Committee to intervene in this regard and come to any conclusion it may deem fit under the circumstances.



TSHOKOLO JOSEPH MOKOENA
PETITIONER

Signed in KROONSTAD on this 17TH day of OCTOBER 2009