

# MY FIGHT FOR FREEDOM

Thembekile spent 11 years in prison protesting his innocence and fighting to clear his name

By GABISILE NGCOBO Pictures: LUBABALO LESOLLE



**F**ROM the minute they arrested him he said he was innocent. When they hauled him before a judge, when she found him guilty of murder, when she sentenced him to life imprisonment – all the time he maintained his innocence.

Yet nobody believed Thembekile Molaudzi and he was sent to Kgosi Mampuru II Prison in Pretoria. After all, he'd been identified by his co-accused as being part of a group of eight men who murdered policeman Dingaan Makuna in Mothutlung, North West, in 2002. Two of them placed him at the scene and he was arrested in 2003.

But Thembekile (37) was determined to prove his innocence – no matter how long it took. Every year he told himself that by June that year he'd be out of jail, but for more than a decade he remained prisoner number 203496405.

He never lost hope, even when one court after another rejected his appeals. Even the constitutional court – his last legal avenue – ruled against him.

But then a twist of fate led to his release.

We're chatting to Thembekile at his aunt Jane Malgas' home in Onderstepoort, Pretoria, a month after his release. She prepared his favourites, chicken breyani and carrot salad, when he came home.

"On my last night in prison I felt like a schoolkid going on a trip the following day," he says.

His tale is nothing short of remarkable – he enlisted the aid of a prison warder and a journalist to help prove he didn't belong behind bars and became a regular in the prison library.

"I went through a criminal-procedure book, the law of evidence and the constitution," he says. "I wanted to know why I was convicted.

Some of the books were outdated and I'd borrow books from inmates who correspond with Unisa and study law."

**H**E DOESN'T know why the other men said he was part of their group – the first time he laid eyes on them was in court.

"When I asked how I was implicated I was told my name is mentioned in the first accused's statement. He later recanted it."

One of the other accused's statements was similar in parts, sealing Thembekile's fate. The North West high court also relied on their oral testimonies to convict him despite several discrepancies in them.

"I was shocked when the judge said we were all guilty," he says. This despite the fact there were no independent witnesses, there was no gun residue on him, he wasn't in possession of an illegal firearm when he was arrested and he wasn't picked out during two identity parades. "It was like I was dreaming."

In June 2004 they were sentenced to life imprisonment for murder, 15 years



Journalist Carolyn Raphaely, Thembekile Molaudzi and warder Levi Maphakane.