



**UMQULU WOLWAZI WABAHLUKUNYEZWE  
UBUGEBENGU ENINGIZIMU AFRIKA**



**UKUHLANGANISWA  
KOMTHETHO SISEKELO  
WAMANJE OMAYELANA  
NAMALUNGELO  
NOSIZO OLWENZELWE  
ABAHLUKUNYEZWE  
UBUGEBENGU**



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Department:  
Justice and Constitutional Development  
REPUBLIC OF SOUTH AFRICA



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**UMBIKO  
KANGOONGQOSHE WE-  
ZOBULUNGISWA KANYE  
NOKUTHUTHUKISWA  
KOMTHETHOSISEKELO**

Umsebenzi Womqulu Wabahlukunyezwe Ubugebengu eNingizimu Afrika (Umqulu “Wabahlukumezekile”) uyisikhali esibalulekile ukugqugquzela ubulungiswa kuwonkewonke. Umqulu Wabahlukumezekile uhambisana nomoya womthetho Womthethosisekelo waseNingizimu Afrika ka-1996. Umthetho 108 ka-1996 kanye Nesivumelwane Samazwe Ahlangene Sezimiso Zobulungiswa zabaHlukunyezwe Ubugebengu nokuHlukunyezwa kwaMandla, 1985 (GAVRES/40/34).



***Nk Bridget Mabandla:  
Ilungu Lephalamende  
Ungqongqoshe  
Wezobulungisa  
Nokuthuthukiswa  
Komthethosisekelo***



Kusukela ngo-1994, nangokuhambisana nohlelo lokubuyisa amalungelo abantu, inhloso isisukile kancane kumthetho wokubeka icala ujeziswe yayela kweYobulungiswa Kokubuyisana. Ubulungiswa Kokubuyisana kusho ukubona ubungebengu njengento engaphezulu kokudelela izwelonke nje kuphela, kodwa futhi njengokulimala noma ukwenza kabi omunye umuntu.

Lokhu kuhambisana nombono ogxile kwabahlushwayo weZindlela ZikaZwelonke zokuvikela Ubugebengu wohlelo lomthetho wobulungiswa. Injongo yakhona ukunika ulwazi ohlukunyeziwe ngokuhlangabezana nezidingo zakhe, noma ezomnotho noma ezokomoya.

Umqulu Wabahlukumezekile kanye nomqulu wemigimo ebekiwe ehambisana nawo amabhuku abalulekile ukubonelela amalungelo nezimfuneko ezihambisana nezidingo zabahlukunyeziwe nabasinde ebgebengwini baseNingizimu Afrika. Umqulu Wabahlukunyeziwe uyahambisana nokuqukethwe isigaba 234 soMthethosisekelo.




Nginesiqiniseko sokuthi ngokuzihlanganisa nokuzimisela kwabo bonke ababambi-Uqhaza e zinhlelweni zobulungiswa, Umqulu Wabahlukunyeziwe uzosiza ukuqinisekiswa kwemithetho ngendlela yokuthi kwenzeka okufanelekile – ukwenza umthetho ube yimpumelelo kuwonkewonke.

## **ISENDLALELO**

UHulumeni waseNinginzimu Afrika jikelele kanye nezinhlangano ezizibandakanya nezinhlelo zobulungiswa ngqo:

### ***Ukuqinisekisa***

Isiqiniseko sikaHulumeni sokumisa izindlela eziqonde ekuqhubezeni ushintsho ezinhlelweni zobulungiswa ukuvikela nokugqugquzela amalungelo abahlukumezekile njengoba kuhambisana nezivumelwano zomhlaba wonke ngaphansi kwamalungelo abantu kumhlaba wonke, njengeSivumelwane Samazwe Ahlangene Semigomo Yobulungiswa yabaHlukunyezwe Ubugebengu nokuHlukunyezwa kwaMandla (1985) kanye noKuvimbe-



la noKuqeda Ukuhlukunyezwa Kwabesifazane Nezingane eyisijobelelo kuSivumelwano soMkhandlu Wamazwe Asathuthuka e-Afrika (SADC) sika-1997 soBulili neNtuthuko.

### ***Ukukholelwa***

Ukuthi lokhu kuyingxenye yesibopho sombuso wezwe ukugqugquzela ukujabulela ngokulinganayo amalungelo nenkululeko eqinisekiswa kuMthethosisekelo kawonke-wonke nokuthi ubulungiswa obufanelekile bungaphu-melela kuphela uma amalungelo abahlukunyeziwe namalungelo ommangalelwa ayabonelelwa, ayavikeleka futhi alinganiswe;

### ***Ukukhumbula***

Umthelela omkhulu wobugebengu kwabahlukumezekile, nokungenza ukuthi amalungelo abantu abahlukumezekile abukelwe phansi;

### ***Ukubona***

Inqubekela phambili eseyenzekile kusukela kuqala umbuso wentando yeningi, mayelana noguquko kuzinhlelo



zobulungiswa ukuqiniseka ukufinyelela kwezobulungiswa nokuphenduleka kwezinqubo kuwonkewonke, ngaphandle kobuhlanga, ubulili, amasiko nesimo sakho. Ukuthi izindlela ngezindlela zibekiwe ukuba yingxenye yoshintsho lwezinhlelo zobulungiswa, okuhambisana nombono wokuqiniseka ukubonelela abahlukunyeziwe, kulinganiswe amalungelo abo nawabamangalelwa kuncishiswe ukuhlukumezeka okulandelayo okungenzeka kwezinye izinhlelo zobulungiswa;

### ***Samukela Umqulu Wabahlukunyeziwe***

Ukulungiselela ukuhlanganiswa komthethosisekelo wamanje eNingizimu Afrika omayelana namalungelo nosizo olwenzelwe abahlukunyezwe ubugebengu kanye noku:

- susa ukuhlukumezeka okulandelayo kunqubo yezinhlelo zobulungiswa;
- qiniseka ukuthi abahlukunyezwa bahlale bebalulekile kunqubo yezinhlelo zobulungiswa;
- cacisa izihlelo zosizo ezingalindeleka kubahlukunyezwa futhi zinikezelwe kubona noma nini mabetholana ne zinhlelo zobulungiswa; futhi



- nokwenza enye indlela yokubonelela abahlukunyezwa uma izindlela zokubasiza zingagcinekanga.

## **AMALUNGelo AKHO NJENGO MUNTU OHLUKUNYEZWE UBUGEBENGU**

Uma uke waba ohlukunyezwe ubugebengu la malungelo alandelayo njengoba kubhaliwe kuMthethosisekelo nomthetho wobulungiswa, azosebenza ngokukuxhumanisa nohlelo lobulungiswa:

### **1. Ilungelo lokuphatheka ngobuqotho nangenhlonipho ngokubhekelela isithunzi sakho kanye nengasese lakho:**

- Unelungelo lokuthi unakekelwe ngokushesha nangokucophelela, uphatheke ngokuhlonipha isithunzi sakho nokuqikelela imfihlo kuwo wonke amalungu anoma imuphi umnyango, izikhungo, izindawo noma izinhlangano ezimayelana noma ezinikeza usizo kuwena (emva kwalokho ezaziwa njengabanikezi bosizo).





- Amaphoyisa, ngesikhathi sopenyo; abashushisi noma izikhulu zenkantolo ngesikhathi sokulungiselelwa kwecala noma ngesikhathi sokuthethwa kwecala; kanye nabanye abanikela ngosizo, bazokwenza imizamo yokuzama ukunciphisa noma ikuphi ukukuxakanisa okubangwa, phakathi kwezinye izinto, ukubuzwa imibuzo ngolimi olukhethile noma olwaziyo ngasese uma kunesidingo.
- Lezi zinyathelo zizovimbela ukubekeka esimeni sokuhlukumezeka okunye.

## ***2. Ilungelo lokunikeza ulwazi:***

- Unelungelo lokunikeza ulwazi ngesikhathi sopenyo lwecala nangesikhathi sokuthethwa kwalo.
- Amaphoyisa, umshushisi kanye nesikhulu somnyango wezamajele bazothatha izinyathelo ukuqiniseka ukuthi noma ikuphi ofuna ukukufaka ophenyweni, ekushushisweni nasekulalelweni kwesicelo sokuphulelwa isigwebo kuyalalelwa futhi kucatshangelwe uma sekunqunywa ukuthi kuqhutshekwe yini nopenyo



noma ekushushisweni noma ekuphulweni kwesigwebo.

- Leli lungelo lisho ukuthi ungazibandakanya (uma kunesidingo nalapho kwenzeka) ezinhlelweni zobulungiswa, ngokubakhona ekulalelweni kwebheyili, kwecala, ekunqunyweni kwesigwebo futhi/noma ekulalelweni kweBhodi Lokwephulwa Kwesigwebo.
- Kusho ukuthi uzothola ithuba ukwenza isitatimende esinye emaphoyiseni uma ubona ukuthi isitatimende sakho sokuqala asiphelele; unganikeza futhi, la kuvuma khona, isitatimende enkantolo noma unike ubufakazi ngesikhathi sokukhishwa kwesigwebo ukuveza umthelela obangelwa ubugebengu ekwazini kwenkantolo.
- Kanti futhi ungenza isicelo esibhaliwe esiya kuSihlalo weBhodi Lokwephulwa Kwesigwebo sokuba khona ekulalelweni kwesicelo sesaphulo sesigwebo ufake nemibono yakho ebhalwe phansi.


### **3. Ilungelo lokuthola ulwazi**

- Unelungelo lokwaziswa ngamalungelo akho nokuthi ungawasebenzisa kanjani.
- Njengenxenye yelungelo lakho, ungacela ukunikezwa



incazelo yanoma ikuphi ongakuzwisi kahle ngolimi olwaziyo.

- Unelungelo lokuthi uthole ulwazi nokuthi waziswe ngalo lonke usizo olukhona olunikezwa abanikezi bosizo.
- Uzokwaziswa ngeqhaza ozolibamba ecaleni nangesilinganiso sesikhathi esingathathwa ukuthethwa kwecala. Ungacela ulwazi olumayelana nosuku lokulalelwa kwecala, nemali ekhokhelwa ofakazi nangoHlelo Lokuvikela Ofakazi.
- Ungacela ukwaziswa ngesimo secala, ukuthi ummangalelwa useboshiwe noma cha, useshushisiwe, unikeziwe ibheyili, ukhishiwe, uvalelwe noma ugwetshiwe.
- Ungabuza ngesinqumo esithathwe inkantolo mayelana necala lakho ukuthi lizoshushiswa noma cha.
- Uvumelekile ukuthola amabhuku umthetho okuvumela ukuthi uwathole.
- Ungacela ukuthola isaziso ngenqubo yecala ongaya kulona

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- Ungacela umshushisi azise umqashi wakho nangano- ma iyiphu inqubo yecala engenza ukuthi ungabikhona emsebenzini.

#### **4. Ilungelo lokuvikeleka**


- Unelungelo lokukhululeka ekusatshisweni, ekuhluku- nyezweni, ekugwazelweni, ekungcoleni nasekuse- tshenzisweni. Uma uwufakazi, kufanele ubike noma ikuphi ukusatshiswa emaphoyiseni noma kumshushisi omdala.
- Amaphoyisa, uma uhambisana nezidingo ezithile, azokufakela isicelo sokuthi ufakwe ohlelweni lofakazi abavikelekile.
- Uma lesi sicelo sivumeleka, uzofakwa ohlelweni lofakazi abavikelekile lapho uzonakekelwa khona ngayo yonke indlela, kuzo zonke izindlela zokukuphazamisa, ukuhlu- kunyezwa nokusatshiswa.
- Lokhu kuzoqinisekisa ukuphepha kwakho njengofakazi nokubakhona kobufakazi bakho, kuvimbela uku- hoxisa kwakho ukunikeza ubufakazi ngesizathu sokusatshiswa.



- Leli lungelo lifaka ukuthi kwesinye isikhathi inkantolo ingavimbela ukusakazwa kwanoma iluphi ulwazi (kufaka nolwazi ngawe), noma ingagunyaza ukuthi ukulalwa kwecala kwenzekwe ngasese (emva kweminyango evalelekile)
- Ungacela ukuthi Umnyango Wezamajele ukwazise uma ummangalelwa eqile ejele noma eshintshelwe kwelinye ijele.

### **5. Ilungelo lokuthola usizo**

- Unelungelo lokucela usizo futhi, lapho kunesidingo khona, ukwazi ukuthola usizo lwezenhlalakahle, ezipilo nokwelulekwa, kanye futhi nosizo lwezomthetho okuyilona oluzobhekana nezidingo zakho.
- Amaphoyisa azokusiza ngokukuchazela inqubo yamaphoyisa, akwazise ngamalungelo akho nokwenza kubelula kuwena ngokukulayela abanye abanokunika usizo olufanelekile.
- Ihhovisi lomphathi noma ihhovisi lesikhulu senkantolo lizokunikeza ulwazi ngokubakhona kukatolika.

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- Umshushisi uzoqiniseka ukuthi izidingo ezibalulekile ziyalandelwa uma kumayelana nokuhlukumezeka ngokocansi, udlame lwasekhaya, ukunakekelwa kwa-bantwana noma okuphathelene nesondlo, kulokho, nalapho kutholakala, amacala anjengalawa alalelwa ezinkantolo ezikhethelwe.
  - Uma unesidingo esithile, zonke izikhungo zosizo zizozama, ngokwemisebenzi yazo, ukuthatha izinyathelo ezifanele ukuhlangabezana nezi dingo zakho ngokuqiniseka ukuthi uthathwa ngendlela enozwelo.

## **6. Ilungelo lokunxeshezela**

- Unelungelo lokunxeshezela ngokulahlekelwa noma ukulinyalelwa impahla okwenzeke ngesizathu sobugebengu obukwenzekele.
- Ungacela ukubakhona enkantolo ngelanga lokuthethwa kwecala likammangalelwa bese ucela umshushisi akufakele isicelo sokukhokhelwa ngokwemigomo yesigaba 297 no-300 Senqubo Yomthetho Wobugebengu, Umthetho 51 ka-1977.



- Ukunxephezela”kusho inani lemali inkantolo ebhekana mamacala obugebengu eyinikela lowo olahlekelwe noma olinyalelwe impahla, kubala imali, ngesizathu sesenzo sobugebengu noma okuthathwe umuntu obanjelwe ukwenza ubugebengu.
- Umshushisi uzokwazisa uma isicelo sakho sokunxeshezela sibe impumelelo, akuchazele ingqikimba yaso nokusetshenziswa kwaso. Ungafaka icala lokuhlukumezeka kummangalelwa uma inkantolo iphikisana nokukunxephezela. Lokhu kuvamise ukwenzeka uma kungelula ukubeka inani lokulinyalelwa kwakho, njengokuthi uma uhlukumezeke ngokwengqondo, ngobuhlungu noma ngokomoya.
- Umabhalane wenkantolo uzokusiza ukuqiniseka ngesicelo sokunxeshezela okunikwe inkantolo

## **7. Ilungelo lokubuyiselwa**

- Unelungelo lokubuyiselwa impahla noma indawo yakho uma ithathwe ngendlela engahambisani nomthetho, noma uma impahla noma indawo yakho ilinyazwe ngokungewona umthetho.



- “Ukubuyiselwa” kuqonde amacala lapho inkantolo, emva kokubanjwa, iyalela ummangalelwa ukubuyisa impahla noma indawo yakho ethathwe ngokungemthetho, noma alungise impahla noma indawo yakho elimale ngokungemthetho, ukuze kubuyele esimeni obekuyiso ngaphambi kokwenzeka kwaleli cala.
- Umshushisi uzokwazisa ukuthi ukubuyiselwa kumayelana nani nomabhalane wenkantolo uzokusiza ukuqiniseka leli lungelo.


## **IZIKHALAZO**





Uma wazi ukuthi unelungelo lokufaka isikhalazo sakho, ungathintana nalowo mnyango kahulumeni noma isikhungo sezosizo uma unesikhalazo ngosizo olutholayo, noma uma amalungelo akho engabonelelwanga. Uma unganelisekanga ngendlela isikhalo sakho esithathwe ngayo, ungathintana futhi nezinhlangano ezinjengalezi:

- a.** Ihhovisi loMshushisi Womphakathi
- b.** IKhomishana Yamalungelo Abantu yaseNingizimu Afrika
- c.** IKhomishana Ebhekele Ukulingana Kobulili
- d.** Umnyango Wezikhalazo Ozimele
- e.** Amahovisi Amaphoyisa Endawo
- f.** IKhansela Yabamakhono Kwezempilo eNingizimu Afrika
- g.** Ummeli ozikhethela yena nozomkhokhela ngezindleko zakho



***Uma ufuna ulwazi olugcwele maqondana nanoma iyiphi ingxenye yoMqulu Wabahlukumezekile, ungabheka Umqulu weMigomo Ebekelwe Ukubhekela Abahlukunyezwe Ubugebengu. Leli bhuku liyatholakala emahhovisi eminyango kahulumeni ebamba iqhaza.***

Ababambe iqhaza e zinhlelweni zomnyango we-zobulungiswa bazoqiniseka ukuthi amakhophi oMqulu Wolwazi ayatholakala kula mahhovisi alandelayo:

- Ezinkantolo
- Amahhovisi oMnyango Wezamajele
- Amahhovisi Abashushisi Bomphakathi
- Emajele
- Eziteshini Zamaphoyisi Nasezikhungweni Zophenyo
- Amahhovisi Abezenhlalakahle noma izikhungo
- Amahhovisi Emisebenzi Yezamaphoyisa Endawo
- Izikhungo Zezempilo Zomphakathi



## ***OLUNYE ULWAZI***

Uma ufuna olunye ulwazi nanganoma ikuphi okuquke-  
thwe yilo mqulu, ungathintana noPhiko lwezoBulili loM-  
nyango Wezobulungiswa noKuthuthukiswa koMthetho-  
sisekelo kulezi ziznombolo ezilandelayo

Inombolo Yocingo: 012 315 1670

Inombolo Yocingo: 012 315 1296

Inombolo yefeksi: 012 315 1960

Kanye futhi noPhiko Lwabezosizo Lwenkantolo  
kulezinamba ezilandelayo:

Inombolo Yocingo: 012 315 1830

Inombolo Yocingo: 012 315 1378

Inombolo yefeksi: 012 315 1851

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Webhusayithi: <http://www.doj.gov.za>



## **UKUBONGA**

Umqulu Wolwazi Wabahlukunyezwe Ubugebengu eningizimu Afrika ubhalwe uPhiko lwezoBulili loMnyango Wezobulungiswa noKuthuthukiswa koMthethosisekelo, ubambisene noMnyango Wezenhlalakahle, Ezamajele, Ezemfundo, kanye neZempilo, kubala futhi uMnyango kaZwelonke Ogunyaza Ukushushiswa, Umnyango Wezomaphoyisa aseNingizimu Afrika, iKhomishini Yezomthetho yaseNingizimu Afrika, iKhomishini Yamalungelo Abantu eNingizimu Afrika, iHhovisi laBashushisi Bomphakathi, uMnyango Wezikhulazi Zangasese, amalungu eKhomishini Yokushushiswa namalungu Amaphoyisa endawo yaseTshwane.

Abomnyango Wezobulungiswa neZokuthuthukiswa koMthethosisekelo bayabonga kuzo zonke izinhlangano okungezona ezikahulumeni nezikhungo zezemfundo ephakeme ngokubamba iqhaza ekuphumeleleni ukusungula lo Mqulu Wabahlukumezekile.



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A series of 20 horizontal grey lines, evenly spaced, providing a writing area for the page.





A series of 20 horizontal lines for writing, spaced evenly down the page.





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