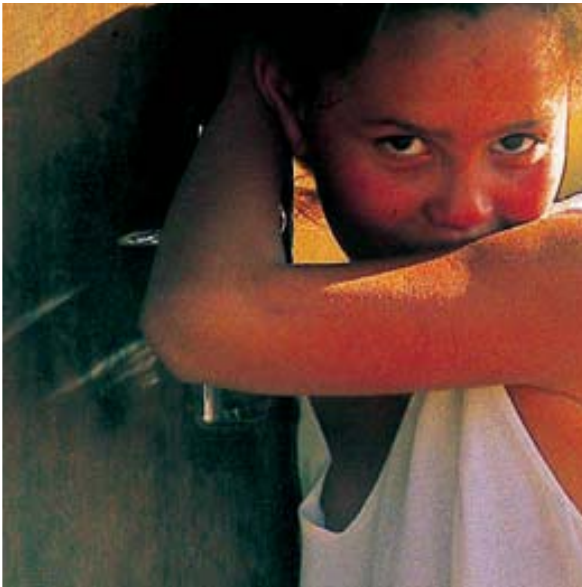




IMIGOMO EBELWE UKUBHEKELA ABAHLUKUNYEZWE UBUGEBENGU



the doj & cd

Department:
Justice and Constitutional Development
REPUBLIC OF SOUTH AFRICA



INJONGO YEMIGOMO EBELIWE iii

ISETHULO iii

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AMANOTHI



INJONGO YEMIGOMO EBKIWE


Imithetho yokulinganisa eqondene nalabo abahlukunyezwe ubugebengu, ingumqulu wolwazi, owabhalelwa ukuchaza kabanzi ngamalungelo akho njengoba enjalo kwinqubomgomo ephathelene nokuhlukunyezwa ubugebengu eNingizimu Afrika. ukuze la malungelo abe yiqiniso. INqubomgomo yokuhlukunyezwa ubugebengu, kanye nemithetho yokulinganisa, kuhlose ukukunika ulwazi oluphelele oluphathelene nokuzibophezela kukaHulumeni ekukhuphuleni izinga lokusiza labo abahlukunyezwe ubugebengu. Umthetho wokulinganisa uhlose ukuchaza kabanzi igalelo okumele lithathwe ukusiza labo abahlukunyezwe ubugebengu. Umthetho wokulinganisa akukhona ukuthi kumele undlale amalungelo nemigomo, kodwa nokukunika ulwazi olunzulu oluzokusiza ukuba ukwazi ukusebenzisa amalungelo akho kanye nokusiza labo abaqondene nokwenza lo msebenzi ukuze balandele kahle umgomo wamalungelo ohlukunyezwe njengoba enjalo kwiNqubomgomo, ngokubeka obala imigomo okumele ilandelwe yilabo abaqondene nokwenza lo msebenzi.



ISETHULO

Uma ubika ubugebengu unikeze nobufakazi enkantolo, usuke ubambe iqhaza elibalulekile ekusizeni umnyango wezokuvikela ukukwazi ukubhekana nezidingo zomphakathi wenze nesiqiniseko sokuthi abahlukumezi bamela izenzo zabo. Okulandelayo, umnyango wezokuvikela kumele ubhekane nawe ngokushesha nangokucophelela, ukuphathe ngendlela yenhlonipho evikelekile ukuhlangabezana nezidingo zakho. Imigomo Ebekiwe izama ukuqiniseka ukuthi lokhu kuyenzeka, ngokukunika ulwazi oludingekayo ukuze ukwazi ukuqiniseka ngamalungelo akho.





Imigomo Ebekiwe ihlukaniswe izingxenyane ezine. Ingxenyane yokuqala ikunika kafushane ulwazi ngamalungelo akho nokuthi ubani ongasebenzisa lamalungelo. Ingxenyane yesibili ichaza kafushane ngenqubo yabezomthetho wobulungiswa nokuthi kuzokwenzakalani kuwena uma uzithola uhlukumezeka ngobugebengu nokubika ubugebengu emaphoyiseni. Ingxenyane yesithathu iqukethe imigomo ebekiwe yosizo ongayilindela kubabambi-qhaza bomthetho wobulungiswa, mayelana nelungelo ngalinye njengoba kuchaziwe kuSomqulu Wabahlukumezekile. Ingxenyane ebaluleke kakhulu kwiMigomo Ebekiwe, njengoba yenzelwe ukuthi amalungelo abhalwe kuSomqulu abe impumelelo kuwena. Ikulesigaba lapho uzothola ukuthi inani lemigomo yoBulungiswa Kokubuyisana liyingqikimba yophenyo lwezomthetho njengoba kuchaziwe kuSomqulu Wabahlukumezekile nakwiMigomo Ebekiwe.

Ingxenyane yesine ichaza ngokubekwa kwezikhalazo. Nakuba ababambi-qhaza kwezomthetho wobulungiswa bezama ukuqiniseka ukuthi ukungakhululeki okungumuthelala wesimo sobugebengu awubhebhethekiswa okungenzeka kamuva, bezama nokukuphatha ngendlela ephephile enobuciko futhi bakunikeze nosizo oluhle, kwesinye isikhathi izinto ziyaye zingahambi ngendlela.

Imigomo Ebekiwe yenzelwe ukuthi kubelula ukuhlola ukuthi umsebenzi uhamba ngendlela imigomo ebekwe ngayo uma kuqhathaniswa ngendlela umsebenzi owenziwa ngayo. Izikhungo eziqondene nokulawulwa kwemigomo, iminyango ethile, izobhekela ukusetshenziswa kwamalungelo nendlela yokusebenzisana njengoba kuvela kwiMigomo Ebekiwe futhi, njengenxenyane yokuhlola nokubonisana, lezizinhlangano zingabuye zixhumane nawe. Eminye yemiphumela yalokuhlolwa nokubonisana kungashicilelwa.

INGXENYE I

INGXENYE YOKUQALA: AMALUNGelo AKHO

NJENGOHLUKUNYEZWE UBUGEBENGU

Uma uke wahlukumezeka ngobugengu, ungalindela ukuthi ababambi-qhaza kumthetho wobulungiswa baqiniseke ukuthi amalungelo akho, njengoba kuchaziwe kuSomqulu Wabahlukumezekile, ayoqinisekiswa nokuthi imigomo ebekiwe yokukusiza eshicilelwe kulelibhuku iyasetshenziswa.

Ngokwesizathu salelibhuku, nangokwenzazelo yeNgqikimba Yocaciso Loku-bonelela Abahlukunyezwe Ubugebengu noKuhlukunyezwa Kwamandla Yezizwe Ezimanyeneyo (GAVRes/40/30), lapho neNingizimu Afrika isayinile, ohlukunyezwe ubugebengu uchazwa njengomuntu ohlukumezeke ngokulimala, okubala ukulimala komzimba noma kwengqondo, ukuhlukumezeka emoyeni, ukulahlekelwa kwezomnotho; noma ukuphazamiseka kwamalungelo akhe, okubangwe izenzo noma ukungalandeleli okungahambisani nomthetho wobudlova. Igama 'lohlukunyeziwe' libala futhi, lapho kunesidingo, izihlobo ezisondelene nawe noma abathembele ngqo kohlukunyeziwe.

Umuntu angabalwa njengohlukumezekile noma ngabe umhlaseli engatholalalanga, engaxwayiswanga, washushiswa noma waboshwa, futhi nangale kokuthi umhlukumezi nohlukunyeziwe bazana kangakanani.

Izinhlelo eziqukethwe kwiMigomo Ebekiwe zibhekelele bonke abahlukumezekile ngaphandle kokubacwasa nganoma iyiphi indlela ngokwebala, ngokobulili, ngokocansi, okhulelwe, isimo somshado, imvelaphi yakho, ibala, ubulili ozikhethele bona, iminyaka, ukukhubazeka, unembeza, ukuthembeka, inkolelo yakho, isiko, ulimi nala uzalelwe khona, njengoba kubhaliwe kwiSigaba 9 so Mthetho-Sisekelo waseRiphabliki yaseNingizimu Afrika (ACT 108 ya 1996).

Ngesikhathi sokuxhumana kwakho nomyango wezobulungiswa, lamalungelo alandelayo, njengoba kuchaziwe kuSomqulu Wabahlukumezekile nangokuhambisana no Mthetho-Sisekelo nelegislation efanelekile, kuzomiswa.

INGXENYE II

INGXENYE II: INDLELA YOKUSEBENZA KANYE NOKUZIBOPHEZELA

KWABEZOMNYANGO OQONDENE NOBUGEBENGU


Kuzokwenzakalani?

Uma umuntu enze icala:

1. Uma kwenzakale ubugebengu, ukukubika kwabo eMaphoyiseni aseNingizimu Afrika kuzoholela ekunyakaziseni umnyango wezobulungiswa. Amaphoyisa aseNingizimu Afrika amelene nokuphenya ubugebengu alethe nabamangalelwa ecaleni. Uma icala selivuliwe, iphoyisa lizovula idokodo bese lenza uphenyo ngecala. Uma amaphoyisa engenasiqiniseko sokuthi kuzoba nokushushiswa kwecala, angeke icala libekwe ngokusemthethweni ngokushesha. Kodwa-ke, amaphoyisa azoqhubeka enze uphenyo bese enikela idokodo lawo kumshushisi ozokwenza isinqumo.
2. Kusukela ngomzuzu wokwenzeka nokubikwa kobugebengu, kubalulekile ukuthi ubufakazi bonke buqoqwe bese buvikelwa ngendlela ezosiza ekuphenyeni icala nokuthethwa kwalo okuzolandelega. Ukulimala nokuhlukumezeka okukwenzekela kungasebenza njengobufakazi bakho bokumangalela umhlukumezi. Umbiko kadokotela wokulimala kumele ugcwaliswe bese unikezelwa, lapho kunesidingo khona.
3. Uma umuntu esebekwe icala, icala lidluliselwa enkantolo lapho umshushisi eszokwenza umsebenzi wakhe wokushushisa ecaleni.

Uma icala selidluliselwe kumshushisi:

4. Umshushisi uzobheka imininingwane yalelonalelo cala ngokucophelela. Umshushisi angenza okunye kwalezinto ezintathu:


- 
- Anganquma ukuthi kunobufakazi obanele bokuthi angashushisa aqhubeke nokulishushisa.
 - Anganquma ukuthi kusadingeka olunye ulwazi ukuze akwazi ukwenza isinqumo esinolwazi bese ngaleyondlela atshele umseshi aqhubeke nokusesha icala.
 - Ngezizathu ezithile, njengokwaneliseka komphakathi, anganquma ukusula icala.

Umshushisi uzokucabangela okukulungele uma ethatha noma isiphi salezinqumo futhi anganqumo ukushintsha icala elibekiwe, kuyangobufakazi obunikiwe mayelana necala.

5. Ungalindela inqubo esheshayo nesebenzayo, ezoqiniseka ukuthi icala lingene phambi kwenkantolo ngokuphazima kweso.
6. Ungalindela ukuthi umshushisi uzofuna ulwazi olufanele ukuthola inqubekelaphambili kumseshi bese eyiveza enkantolo, ukuqiniseka ukuthi isinqumo esivumela noma esalela ibheyili kummangalelwa kwenziwa ngokucabangela iizifiso zakho nokukuvikela.
7. Ngaphambi kokwamukela ukuvuma kwakho ukuthi wonile, umshushisi uzobhekelela izidingo zakho, nalezo zomndeni wakho.

Uma ubizelwa ukuzoba ufakazi ekushushiseni:

8. Amaphoyisa azokwazisa uma kumele uvele enkantolo. Amacala amaningi athethelwa enkantolo kamantshi, bese lawo anzima kakhulu aye kwisikhungo noma enkantolo enkulu.

- 
9. Ukufaka icala enkantolo yamacala kungabanzima, ikakhulukazi uma kuhlanganisa abantu abaningi. Labo abaphathelene nalelocala benza okusemandleni abo ukuthi lingena enkantolo ngokushesha okukhulu.
 10. Umseshi, umshushisi kahulumeni noma omele iNkantolo yoMphathi ya-Bashushisi baHulumeni (Public Prosecutions) bazoqinisekisa ukuthi emuva kokuhlolisisa kokuqala nalapho kuhlangebazanwe nezidingo zonke, ubekwa kofakazi abavikelekile uma impilo yakho isengcupheni noma usatshiswa.

Uma kumele ube ufakazi enkantolo:

11. Ukunikeza ubufakazi enkantolo kungakukhathaza. Lapho abathintekayo – amaphoyisa, abashushisi nabasebenzi basenkantolo – bazokuzimazisa, bakulungiselele futhi bakunike nalo lonke ulwazi ngokungase kwenzekile.
12. Uzonikezwa incwadi ekubizela enkantolo (subpoena), ekwazisa ngokuthi icala lizolalelwa nini nakuphi. Ipheshana elikuchazela ngongase ukulindlele enkantolo, kwesinye isikhathi lihambisana nalencwadi ekubizela enkantolo. Uma uzoya enkantolo yemantshi futhi unemibuzo ofuna ukuyibuza mayelana nesimo senkantolo, kumele uthintane nomseshi oqondene nalelocala noma, uma ekhona, umsizi wohlukumezekile nomlungiseleli cala, okuwuyena ozokutshela noma akuyalele okunguyena muntu ozokuxhumanisa nenkantolo.
13. Uma ufika enkantolo, ungase ufile izimpawu ezizokusiza ukuthola ukuthi uyaphi. Uma zingacacile lezimpawu kanti awazi ukuthi ikuphi inkantolo, uma kukhona, buza endaweni Yokubuza/Yolwazi/Yokweluleka ukuze uthole ukuthi ikuphi inkantolo ekuzolalelwa kuyona ubufakazi bakho noma la ngezinto ezikhona. Ungaqonda futhi kumalunga okushushisa,


- Uma kumele uzofakaza enkantolo, inqubo kungaba ukuthi, ngokwezimo ezithile, ubufakazi benzelwe endaweni evalelekile (emva kweminyango la kungavunyelwe abantu abangathintekile khona)

17. Kufuneka ubufakazi obukhulu ngaphambi kokuthi umuntu atholakale enecala. Umshushisi kumele akhombise ngokungathandabuzi ukuthi ummangalelwa unecala. Lokhu kungase kusho ukuthi umuntu okholelwayo ukuthi unecala, umthole engenacala. Lokhu akusho ukuthi ukwehlulela kwakho, kodwa kuyamelele ekuqineni kokushushiswa kwecala ngokuphelele.

18. Umshushisi uzobiza ofakazi bahlumeni abahambisana nawe ngokwalecala elibekwe ummangalelwa kwesinye isikhathi. Utolika uzobakhona uma kunesidingo. Omangalelwe uzonikwa ithuba lokukubuza imibuzo, lokunikeza ubufakazi nokubiza ufakazi. Emuva kokuba inkantolo isizwe bonke ubufakazi bomshushisi nomvikeli, abommangali nabommangalelwa bazonikwa ithuba lokubingelela inkantolo ngaphambi kokukhishwa kwesigwebo.

Emuva kokugwetshwa:

19. Uma ummangalelwa etholakala enecala, umshushisi nomvikeli bazothula ubufazi obubekiwe bayalele inkantolo ngesigwebo esifanele icala. Lokhu kwenziwa ngokubeka izizathu ezibophelela isimo (uma isigwebo sinzima) noma isimo esibangelekile (uma isigwebo sisincane). Uma inkulumo yesigwebo esincane sinenkulumo engelona iqiniso, leyonkulumo kumele ishiwo enkantolo yamacala. Ngesikhathi sokwethulwa kwesigwebo ungafuna ukubeka noma kukhokhelwa ngezindleko/ngokuhlukumezeka obhekane nazo/nakho. Uma inkantolo izokubhekelela lokho, akuthathwa njengesigwebo, ngakhoke lokho kukhokhelwa kwenziwa ngaphezu




kwesigwebo esikhishiwe. Inkantolo futhi ingasilengisa isigwebo ngokwez-izathu ezithile, kubala kuko ukuthi ummangalelwa kumele akukhokhele. Umshushisi anganikela isitatimende sokuhlukumezeka kommangali noma aqhubezele ubufakazi ukusaphotha isigwebo esifanelekile, uma sikhona noma kunesidingo.

20. Ngaphambi kokukhipha isigwebo, omele icala, umshushisi noma ovike-
la icala, angacela omele owezikhalo noma omunye onekhono uku-
lungisa isiphumo ngawe noma ngommangalelwa. Isiphumo lesi singa-
faka ucwaningo olukhombisa ubungako bomthelela wokuhlukumezeka
ilobugebengu kuwena. Lolwazi kungaba oluthathwe kwistatimende
sakho osenze emaphoyiseni, noma i-probation officer ingakubuza yona
bukhoma noma ubizwe ukuzothula ubufakazi ngesikhathi sokukhishwa
kwesigwebo.

21. Uma ukholelwa ukuthi isigwebo silula kakhulu, ungabonisana ngaso ne-
sikhulu sezokushushisa, ekuyisona esinganquma ukudlulisela udaba kuM-
phathi Wabashushisi Bahulumeni. Abashushisi Bahulumeni bangasiphiki-
sa isigwebo enkantolo yamacala engalalela ukuphikiswa kwesigwebo.
Uphikiso kumele lubhalwe phansi singakapheli isikhathi esithile esinqu-
nyuwe.

22. Ummangalelwa angasiphikisa isinqumo nesigwebo esibekwe inkantolo
yamacala. Uma isicelo sokubukeza icala sifakiwe, kumele kucelwe um-
shushisi obephethe ukuqala kwecala, noma ijaji likahulumeni eliphethe
isicelo sokubukeza icala, bahlale bazi ngakho konke okusha okwenzakala
ngecala, njengokuthi, usuku olubekelwe ukulalelwa kokuphikisana nesig-
webo, ukuthi ummangalelwa uphumile ngebheyili, nemiphumela yem-
pikisano yesigwebo.



23. Uma kunokungakhululeki mayelana nokuphepha kwakho nokwalabo abangofakazi bahulumeni, amaphoyisa, umshushisi noma omele iUnit Yokuvikelwa Kofakazi (Witness Protection Unit) bazokwazi ukukunika icebo ngokumele kwenzeka ukuze uvikeleke. Bazokusiza ngayo yonke indlela abangakusiza ngayo.

Uma isigwebo sesikhishiwe:

24. Umnyango Wezobulungiswa uzokwenza isiqiniseko sokuthi izigwebo zokuboshwa zenzeka ngendlela ehambisana nomthetho. Uma kucatshangwa ukudedela ummangalelwa, uMnyango Wezobulungiswa uzobheka ngokucophelela ukugada ummangalelwa okhishwe ngokuphulelwa isigwebo.

25. Ungacela ukuya ukuyolalela Ukulungiswa Kwezigwegwe noma iBhodi Yokuphula Izigwebo. Uma uthanda ukuya, uzokwaziswa ngosuku lokulalelwa kanti futhi iBhodi izozicabangela izinto ezingakukhathaza uma icabanga ukukhulula ummangalelwa ngokumephulela isigwebo.

26. Kuwowonke amacala lapho ummangalelwa ekhishwe ngokuphulelwa isigwebo, iBhodi Yezigwebo ibeka imbandela ehambisana nokukhishwa kummangalelwa, uma ibona ukuthi lokhu kugondene nezidingo zakho.

27. Uma, emva kokuba usukhishwe ngokuphulelwa isigwebo, ummangalelwa eziphatha ngendlela yokuthi ukhombisa ukuba nobungozi emphakathini, noma uphula noma imuphi wemibandela ehambisana nokukhishwa kwakhe, angaboshwa futhi ukuze adonse insalela yesigwebo sakhe ngaphakathi ejele.

INGXENYE III

INGXENYE YESITHATHU: IMIGOMO EBELWE UKUBHEKELA

ABAHLUKUNYEZWE UBUGEBENGU

1. ILUNGELO LOKUPHATHEKA NGENDLELA NANGE NHLONIPHO

1.1 Ungalindela ukuthi bonke ababambi-qhaza kumnyango wezobulungiswa bazokuphatha ngokukucabangela, ngendlela enenhlonipho, nangendlela enozwelo, bavikele isithunzi nezimfihlo zakho.

Uma ubugebengu sebubikiwe emaphoyiseni, ungalindela ukuthi –

1.2 Ubugebengu buzobhekisiswa;

1.3 Uma ubike ubugebengu ngokuthintana namaphoyisa, bazobuyela nombiko kuwena ngokushesha.

1.4 Kuzothathwa izinyathelo ezizonciphisa ukungakhululeki kwakho;

1.5 Iphoyisa lomthetho lizothatha istatimende kuwena ligcwalise nefomu ebika ubugebengu;

1.6 Uzoyalelwa ukuyohlolwa abazempilo nabezengqondo uma kunesidingo;

1.7 Uma uhlukumezeke ngokocansi, uzobuzwa imibuzo ngasese ilunga lamaphoyisa;

1.8 Uzobuzwa imibuzo ngolimi olwaziyo, kanti uma lona okubuzayo engalwazi ulimi olukhulumayo, ungacela ukuba notolika; futhi

1.9 Ungacela ukubuzwa ilunga lamaphoyisa eliwubulili obubodwa nawe, uma likhona, kuzokwenzeka lokho.

Uma icala liya enkantolo, ungalindela:

Ophethe icala –


- 1.10 Uzokwenza isiqiniseko sokuthi inqubo yecalala yenzeka ngendlela yokuthi ayihlukumezi amalungelo akho okukuphatha ngenhlonipho ukubamba isithunzi sakho nelungelo lakho lokuhlonipha ubuwena nezimfihlo zakho.

Umshushisi –

- 1.11 Uzothatha izinyathelo, ikakhulukazi emacaleni okuhlukunyezwa ngokocansi nawodlame lwasekhaya, ukuqiniseka ukuthi lakwenzeka khona, icala liphathwa umshushisi oyedwa kusuka ekuqaleni kuya ekugcineni.
- 1.12 Uzokubiza ukuzothula ubufakazi ngokushesha; kanti uma kube nokubambezeleka, umshushisi ophethe icala lakho uzokwazisa isizathu sokubambezeleka nokuthi kuzothatha isikhathi esingakanani ulindile;
- 1.13 Uzokunika ithuba lokuthi uzikhumbuze ngokwenzeka, ufunde isitatimende sakho kanti, uma kunesidingo, axhumane nawe; futhi
- 1.14 Ilunga lomsebenzi wasenkantolo yamacala uzokwazisa ukuthi kufuneka umele ukukhokhelwa izindleko zakho zokuhamba (zokugibela) nezinye izindleko zesikhathi osihlala enkantolo ukunikeza ubufakazi, futhi uzokunika ulwazi ngalokho abuye akusize ekufuneni inkokhelo.

Abasebenzi basenkantolo yamacala -

- 1.15 Bazokwenza okusemandleni abo ukukuvikela ukuthi ungabe usasatshiswa noma uhlukunyezwe okwenzeka enkantolo;

- 
- 1.16 Bazobeka, uma bekhona, abasebenzi noma amavolontiya aqeqeshiwe kwiVictim Support Services ukusiza wena nomndeni wakho enkantolo ngaphambi kwecala, ngesikhathi secala nangemuva kwecala.
 - 1.17 Bazokuvumela, uma ucelile futhi indlela ikhona, ubone inkundla yamacala ekuzothethelwa kuyona icala ngaphambi kokuqala kwecala ukuze uzijwayeze nezinto zasenkundleni yamacala, ukuze wazi ukuthi uzolindelani uma sewubeka ubufakazi;
 - 1.18 Bazovumela okuxhasile ohamba naye (isihlobo noma umngani) akuphelezele ukuya enkundleni yamacala; futhi
 - 1.19 Bazokuvumela, uma ucelile futhi indlela ikhona, ukulinda uhlukaniswe nommangalelwa nofakazi bakhe ecaleni.

Kubasizi abavela kwezenhlalakahle nakumavolontiya ungalindela lokhu –

- 1.20 Uma uzobuzwa imibuzo, uzobuzelwa ngasese, izingxoxo zizohathwa njengemfihlo futhi uzobuzwa ngolimi olwaziyo;
- 1.21 Awuzuyekelelwa ukuthi ubhekane necala ngokwakho. Uma ungakalifaki icala emaphoyiseni, abasizi bezenhlalakahle bazokusiza ukubika icala; futhi
- 1.22 Uma uhlukumezeke ngokocansi, amaphoyisa angase adinge izingubo zakho njengobufakazi, kulesosimo ungacela abasizi bezenhlalakahle bakusize ngokuthola ezinye izingubo.




Kubasebenzi bezempilo ungalindela lokhu –

- 1.23 Uhlolo oluphelele luzokwenziwa kuwena emzimbeni, emoyeni, nasesimweni sengqondo.
- 1.24 Bazoxhumana nawe endaweni eyaziwa uwena, enemfihlo nesizotha futhi ukuxoxisana ngokuzokwenziwa ngolimi olwaziyo;
- 1.25 Uzocelwa ukuvumela ukuhlolwa empilweni nokunikwa amakhambi, kodwa uzokwaziswa ukuthi uvumelekile ukuphikisana nokuhlolwa empilweni noma ukucwaningwa ngokwengqondo, kulokho uzochazelwa nokungaba yinkinga ekungahlolwanga kwakho;
- 1.26 Uma uhlukumezeke ngokocansi, uma ucela futhi kungenzeka, ukuthi ucwaningo lomzimba wakho namakhambi kwenziwe udokotela onobulili obufana nobakho.
- 1.27 Bazokwenza isiqiniseko sokuthi yonke imininingwane yakho yokuhlolwa ikhona kwifayela lakho lecala; futhi
- 1.28 Uzokwelashwa ngokushesha okukhulu futhi kuhambisane namalungelo akho njengoba ebhaliwe kuSomqulu Wamalungelo Eziguli.

Kwizikhulu Zomnyango Wezamajele ungalindela –

- 1.29 uma uceliwe ukuthi ubekhona ekulalelweni kokwehliselwa isigwebo, uMphathisihlalo weBhodi elibhekele Ukweliswa Kwesigwebo, ngaphambi kokulalelwa, uzokwazisa ngolimi olwaziyo, inqubo ezolandelwa nokuthi yini elindelwe kuwena;

- 
- 1.30 uma uzoyolalela iBhodi elibhekele Ukwehliswa Kwesigwebo futhi kumele ubeke nombono, ungacela noma ubani ozikhethele yena akuphelezele ukuyolalela ezokusingatha; futhi
 - 1.31 uma uzoyolalela iBhodi elibhekele Ukwehliswa Kwesigwebo, yonke imizamo izokwenziwa ukukuvikela ekusatshisweni nasekuhlukumezekeni okunye ngesikhathi kulalelwe.

2. ILUNGELO LOKUNIKA ULWAZI

Ngesikhathi sopenyo lwecala ungalindela ukuthi –

- 2.1 a. Ilunga lamaphoyisa lizothatha isitatimende sakho bese likucela usifunde bese uqiniseka esikuqukethe ngokusisayina.
 - b. Uma ungakwazi ukufunda, lazise iphoyisa, ngaleyondlela ilunga lephoyisa lizokufundela isitatimende bese likucela usifunde bese uqiniseka esikuqukethe ngokusisayina noma ubeke uphawu lwesithupha sakho kusona, futhi
 - c. uma utolika ekhona nawe ufuna ukuthi isitatimende sifundwe ngolimi olwaziyo ngaphambi kokuba uzibophelela ngokusisayina noma ngokubeka uphawu lwesithupha sakho, utolika uzosetshenziselwa lesisizathu.
- 2.2 Uma uthola ukuthi isitatimende sakho asiphelele noma asilona iqiniso, uzovunyelwa ukufaka okungekho noma ukushintsha obukusho ekuqaleni noma ukwenza esinye isitatimende;
- 2.3 Uzonikezwa ithuba lokuchaza esitatimendeni sakho ukuthi ubugebengu lobu bube namuphi umthelela kuwena futhi, la kunesidingo khona, izidingo zakho zizobhekelelwa.

2.11 boninisana nawe ngaphambi kokuvumelana nesicelo sokwehliselwa futhi akubuze ukuthi bukhlukumeze kangakanani lobugebengu wena nomndeni wakho.

Kulokubonisa uzothola ithuba lokuveza imininingwane yakhokonke ukulahlekelwa nokulimala okukwehlela ngenxa yalobugebengu. Umshushisi uzobheka zonke lezozimo ngaphambi kokuba enze isinqumo sokuvuma isicelo sokwehlisa isigwebo. Imihuzuko ebangelwe ilobugebengu kuwena nomndeni wakho izothulwa enkundleni yamacala noma uzonikezwa ithuba lokuthula ubufakazi enkundleni yamacala noma umbiko olungiswe uchwepheshe uzothulwa enkundleni yamacala ngesikhathi sokuthulwa kwesigwebo; futhi

2.12 ngesikhathi sokuxoxisana uzokucela ukuthi uveze konke okunye okungabhalwanga kwisititimende sakho. Uma lokhu kunomthelela ecaleni, umshushisi uzokwethula kubathethi becala ngaphambi kwecala.

Abasizi bezenhlalakahle bazo –

2.13 uma kunesidingo, bazokubuza imibuzo futhi uma kutholakala ukuthi ubufakazi bezempilo buzoba nomthelela ecaleni, bazokwenza amalungiselelo okuthi uyohlolwa abezempilo; futhi

2.14 ngayoyonke indlela, bazame inqubekela phambili ngokuqiniseka ukuthi usebenzisane nomsizi wezenhlalakahle oyedwa noma ivolontiya elilodwa kusukela ubika icala kuze kubesekupheleni kwecala.

Abasebenzi bosizo lwezempilo bazo –

2.15 Uma inkantolo (umshushisi noma imantshi) ibacela ukuthi banikeze inkantolo amarekhodi okuhlolwa kwakho nalo lonke olunye ulwazi obanike lona olungasiza ecaleni.

- c. Inombolo yecala lenkantolo
- d. Usuku lokulalelwa kwebheyili
- e. Imiphumela yokulalelwa kwebheyili (ukuthi ummangalelwa uzo-phuma ngebheyili)
- f. Inqubekela phambili yophenyo nokushushiswa kwecala.
- g. Noma isiphi isinqumo sokuhoxisa noma ukushintsha umumo wecala.
- h. Ukuthi kuzomele ubekhona kwinqubo yecala, nosuku noma izinsuku zaleyonqubo
- i. Usuku lwecala nemiphumela yokugcina
- j. Usuku lokugweba nemiphumela yakhona
- k. Ukuthi ummangalelwa uyaphikisana yini neziphumo zecala noma isigwebo nemiphumela yophikiswano.
- l. Izimpahla ezithathiwe zizobuyiselwa nini futhi kanjani.
- m. Iziphi izinhlelo zosizo ezikhona ezizokusiza ukuthi ubhekane nezidingo zakho nokuthi ungaluthola kanjani lolosizo.

Uma icala liya enkantolo ungalindela lokhu:

Abasebenzi basenkantolo bazo –

- 3.5 La kunesidingo khona futhi nawe ufake isicelo, bazokuvumela ukubona inkundla yamacala ngaphambi kokuba icala lingene, ukuze wazi ukuthi ulindeleni; futhi
- 3.6 Bazoqiniseka ukuthi izimpawu nencazelo kuyatholakala enkantolo baphinde bakuyalele indlela yenkundla yecala. Lapho betholakala khona, abenkantolo Yosizo/Yolwazi/Yeziyalo bazokwazisa ukuthi iyiphi inkundla yamacala ekuzothulelwa kuyo ubufakazi bakho.



Umshushisi oqondene necala lakho uzo –

- 3.7 Kwazisa umqashi wakho ngayo yonke inqubo yenkantolo engase ikuphuthise emsebenzini;
- 3.8 Kwazisa uma Umshushisi enquma ukungalishushisi icala, ukuthi ungakwazi ukuzifunela umshushisi wangasese nangenqubo engalandela maqondana nalokho;
- 3.9 Kwazi ukubhekana nemibuzo maqondana nenqubo yenkantolo futhi, uma kunokubambezeleka, akutshele ukuthi uzolinda isikhathi esingakanani ngaphambi kokwethula ubufakazi.
- 3.10 Uma kunesidingo, uzokunika ithuba lokuxoxisana ngaphambi kwesinqumo senkantolo;
- 3.11 Kwazisa ngemiphumela yokulalelwa ibheyili, ngemibandela ethile ehambisana nebheyili, akunike nencazelo yonke ngemithelela yebheyili;
- 3.12 Kuvikela ekuhlukunyezweni, ukulimizeka noma ukubuzwa imibuzo elulazayo; futhi
- 3.13 Kwazisa ngemiphumela yecala nokuthi sifakiwe yini isicelo sokuphikisa isigwebo .

Osiza abahlukumezekile noma osebenza kwezenhlalakahle uzo –

- 3.14 Kuchazela ngamalungelo akho nangenqubo ezolandelwa;
- 3.15 Uma ucelile, uzokusiza ukulandela icala ngendlela;

3.16 Uma kwenzeka, bazokuphelezela ukuya enkantolo ngaphambi kokungena kwecala ukuze uzijwayeze nenkundla yamacala kanye nayo yonke indawo yasekantolo; futhi

3.17 Bazokuxhasa bakunike bakukhansela noma bakudlulisele kochwephesha kwezobukhansela bakuxhase nangosizo.

Uma umsebenzi wezempilo eyingxenye yecala, ungalindela ukuthi uzo –

3.18 kunika ulwazi ngokuhlolwa noma ngamakhambi okungase kwenziwe kuwena;

3.19 Uma ucelile, akunike ikhophi yokuhlolwa kwakho; futhi

3.20 Kwazisa ngezikhungo zomphakathi ezikhona ezisizayo kanye nengezikhungo ongazishayela ukukusiza.

Izikhulu ezivela kumnyango wezemfundo zizo –

3.21 Uma ucelile, zizokwazisa ngezikhungo zezemfundo ezikhona endaweni eziqondene nokubhekelela abahlukumezekile.

Uma ummangalelwa ethole isigwebo sokutoka ejele, Umnyango Wezamajele uzo

3.22 Uma ucelile, kwazisa uma ummangalelwa engathola ithuba lokwephulelwa isigwebo;

3.23 Uma ucelile noma uma kunesidingo, kwazisa ngesikhathi sokulalelwa kweBhodi Yokwephula Isigwebo iluphi uxhaso noma usizo lokukhansela olukhona;



- 3.24 Kwazise ngokubhala phansi uma kunoshintsho losuku lokulalelwa kwesicelo noma uma kuhlehliwiwe, iziphumo zokulalelwa kweBhodi Yokwephula Isigwebo nazo zonke izimo ezihambisana naso;
- 3.25 Uma uceliwe ukuthi ubekhona ekulalelweni kwesicelo, uSihlalo uzokwazisa ngolimi olwaziyo ngenqubo ezolandelwa ngesikhathi sokulalelwa kwesicelo nangokuthi yini elindelwe kuwena; futhi
- 3.26 Uma ucelile, nangemvume yommangalelwa, kwazisa ngezinhlelo zokulungiswa ummangalelwa azihambile, noma azozihamba ukuze asizwe ukushintsha indlela aziphethe ngayo.

4. ILUNGELO LOKUVIKELEKA

Uma ubugebengu seubikiwe emaphoyiseni –

- 4.1 futhi uwufakazi futhi uyilungu lomndeneni osatshiswayo noma impilo yakho isengcupheni, kufanele ngokukhulu ukushesha ubike udaba lwakho emaphoyiseni noma kumshushisi omkhulu wasenkantolo bese ufake isicelo sokufakwa kofakazi abavikelwayo, ngaleyondlela ungalindela ukuthi:
- 4.1.1 ukusatshiswa kwakho kuzophenywa amaphoyisa;
- 4.1.2 uma sekunesiqiniseko sokuthi uyasatshiswa, kuzolindeleka ukuthi wenze isivumelwano Nabezokuvikelwa Kofakazi ngaphambi kokuba ufakwe ohlelweni Lwezokuvikelwa Kofakazi;
- 4.1.3 uma ufakwe ohlelweni, kumele uhambisane nayo yonke imithetho njengoba ibekiwe esivumelwaneni. Ulwazi olukulesivumelwano luzohlala luyimfihlo;

4.1.4 uma unгахambisani nesivumelwano uzozifaka wena ebungozini futhi ungase ugcine ukhishwa Ohlelweni Lokuvikelwa Kofakazi;

4.1.5 kungenziwa amalungiselelo okukhokheleka ngalesikhathi usoluhlelweni, njengoba kusho Umthetho Wezokuvikelwa Kofakazi.

4.1.6 kuyodingeka unike yonke imininingwane yakho yezezimali kubaphathi Bohlelo Lokuvikela Ofakazi ukuze bakwazi ukhokheleke ngendlela ekuyiyo.

4.1.7 uma uvunyeliwe ukungena kuloluhlelo, uyohlaliswa endlini ephiphile kanti akukho noyedwa oyonikwa ikheli lalapho ukhona, ngisho namalunga omndeni wakho

4.1.8 ngemuva kokuba usubunikile ubufakazi, uzonikezwa incwadi ekutshelayo ukuthi usuzokhishwa ohlelweni emuva kwesikhathi esithile; futhi

4.1.9 ungathintana nomseshi wecala esiteshini samaphoyisa noma umshushisi omkhulu nganoma yiluphi ulwazi oludingayo mayelana nohlelo lokuvikela ofakazi

4.2 uma ungafuni ukuthi ummangalelwaininingwane yakho, ungathintana nomseshi kanye/noma nomshushisi ucele ukuthi imininingwane yakho ingadalulwa kummangalelwa;

4.3 umsebenzi othembekile uyoqininseka ukuthi ngaso sonke isikhathi noma iyiphi impahla yakho egcinelwe ukusetshenziselwa ubufakazi, igcinwa isesimeni esigculisayo futhi ibuyiselwe kuwena uma ingeke isadingeka;

4.4 Uma kunguwena obeke icala lokuhlukunyezwa ngodlame ekhaya, futhi kulicacela iphoyisa ukuthi ungase ube sengozi ngenxa yokwepfulwa kwesinqumo senkantolo sokuvikela ngumsolwa;



4.4.1 unganikeza inkulumo efungeliwe emaphoyiseni echaza ngezimo lapho umsolwa ephula khona isinqumo senkantolo; futhi

4.4.2 Amaphoyisa ayobe esembopha ngalesosikhathi umsolwa ngokuphula isinqumo senkantolo ngaphansi kwengxenye 7 yomthetho obhekene nodlame lwasekhaya umthetho 116 wango 1998

Uma loludaba luya enkantolo, nakhu ongase ukulindela –

4.5 Ukwaziswa ukuthi uma ummangalelwa engaphansi kweminyaka engu 18, ungase ungavunyelwa ukubakhona enkantolo ngesikhathi sokuthethwa kwecala ngaphandle uma ubukhona bakho budingekile furhi sekugunyazwe inkantolo: noma lapho kunofakazi ongaphansi kweminyaka engu 18 ungase ungavunyelwa ukulalela ubufakazi bakhe;

4.6 ukwaziswa ukuthi, kwesinye isikhathi, inkantolo ingavimbela ukusakazwa kwezindaba eziqondene necala (okungabalwa kukona amagama abahlukunyeziwe kanye nawofakazi) noma ikuphi okunye okuhlelelwe ukwenzeka ngemuva kweminyango; futhi

4.7 lapho kunesidingo khona, uyokwazisa ukuthi noma ubani oyokhipha ulwazi ngokungekho emthethweni, noma akhiphe amagama ofakazi, unecala, futhi uyoshushiswa.

Abezenhlalakahle bazo –

4.8 thatha izinyathelo zokuqiniseka ngayo yonke indlela ukuthi wena nomndenani wakho niphophile.



Abezempilo bazo –

4.9 bikela noma badlulisele emaphoyisela noma iluphi udaba abasola sengathi lunobugebengu phakathi.

Abezokulungiswa Kwezimilo –

4.10 uma ucele ukwaziswa indlela isigwebo sommangalelwa esihamba ngayo, abezokulungiswa kwezimilo bayokwazisa uma kwenzeka eqa ekuvalelweni noma eshintsha indawo avalelwe kuyona, nakhokonke okunye okuqondene nokuvalelwa kwakhe; futhi

4.11 uma kungamacala okudlwengulwa nokuhlukunyezwa ngokocansi, iBhodi Lezicelo Zokwephulelwa ingabeka izingqinamba ezithile emigomweni yokumephulela isigwebo uma kubonakala ukuthi kunesidingo sokumvimbela ukuthi axhumane nawe engavumelekile.

5.1 ILUNGELO LOKUTHOLA USIZO

Ungalindela ukuthi amaphoyisa azokusiza –


5.1 ngokukuthumela kweminye iminyango ezoba nosizo, ixazulule nezinkingo eziphuthumayo, njengosizo lokuqala;

5.2 ngokuchaza inqubo yasemaphoyiseni;

5.3 ngokukwazisa ngamalungelo akho;

5.4 ngokuqiniseka ukubaluleka kokuphepha kwakho;

5.5 ngokugcina ubufakazi buphephile;

- 
- 5.14 umphathi wecala uyoqiniseka ukuthi uma ozokukhulumela eseqokiwe, yonke imibuzo ebhekiswe kuwena izodluliselwa kuyena akukhulumele;
- 5.15 umphathi wecala uzokwazisa umkhulumeli wakho unayo imvume yokukuchazela ukuthi imibuzo isho ukuthini, ngaphandle uma lokhu kungavumelani nenkantolo;
- 5.16 umphathi wecala angakwazi ukuthi uma umkhulumeli eseqokiwe asho ukuthi ubufakazi ungabunikeza kunoma iyiphi indawo –
- ehleleke ngedlela ezobangela ukuthi ukhululeke
 - eme ngendlela yokuthi wonke umuntu ongase uphatheke kabi uma umbona noma umuzwa angabi lapho ezobonakala noma ezwakale khona
 - ezovumela inkantolo nabo bonke okufanele babekhona kulolu-phenyo ukuthi bakwazi ukukuzwa nokukubona wena nomkhulumeli wakho ngesikhathi unikeza ubufakazi. (Kungasetshenziswa nemishini yokulalela uma kunesidingo)
- 5.17 amacala athinta abantu abazwelayo azothathelwa phezulu ashushiswe ngokushesha; futhi
- 5.18 uma kuzosetshenziswa iclosed-circuit television (CCTV) ngesikhathi secala, umshushisi uyokuchazela ukuthi isebenza kanjani, futhi lapho kunokwenzeka khona akukhombise wena kanye nabazali ukuthi isebenza kanjani singakafiki isikhathi secala.

Abezenhlalakahle bayokwenza lokhu , uma isimo sivuma futhi betholakala –

- 5.19 Bayonikeza izeluleko kanye noxhaso

5.24 Uma kunesicelo bayozama ukwakha uxolo phakathi kwakho nomman-
galelwa uma siba khona isidingo; futhi

525 Uma ucela noma uma kunesidingo, njengokuthi uhlukunyeziwe kodwa
uboshiwe, noma uma kuvela ngesikhathi kuhlangele ibhodi lokuxolela
ukuthi udinga uxhaso, uyosiwa emnyangweni ofanele ukuze uthole uk-
welulekwa noxhaso olufanele

Ungalindela ukuthi osebenzela ukunakekelwa kwezempilo uzoqiniseka ukuthi -

5.26 lapho kufanele incwadi kadokotela, ekugunyaza ukungayi emsebenzini
noma esikoleni uyayinikezwa;

6. ILUNGELO LOKUNXEPHEZELWA

“Ukunxeshazelwa” kusho isamba semali eyaye ikhishwe inkantolo ebhek-
ene nobugebengu uma ulahlekelwe, noma ulinyalelwe impahla (okufaka
nemali) ngenxa yobugebengu bomman-galelwa oboshelwe lesosehlakalo.
Lokunxeshazelwa kuzama ukubuyisela isimo sommangali kuleso simo ayeku-
so ngaphambi kokulahlekelwa noma ukulinyalelwa .

Uma icala liyile enkantolo ungalindela lokhu –

6.1 umshushisi namaphoyisa, lapho kufanele khona, akuchazele ukuthi
ungaba khona enkantolo ngelanga lokugwetshwa nokuthi ungamcela
umshushisi akufakele isicelo enkantolo sokuthi uthole isinxephezelo

6.2 lapho kufanele inkantolo ingakhipha isigwebo esilengisiwe uma
kunomgomo wokuthi obekwe icala uzokunxephezela ngenxa yokulahl-
ekelwa nokulinyalelwa impahla ngenxa yalobugebengu



- 6.3 Umshushisi uyokwazisa kanti nomabhalane wenkantolo uzoqiniseka ukuthi loku kuyenzeka
- 6.4 umshushisi noma umabhalane wenkantolo, bayokutshela ukuthi uma imali yommangalelwa ithathiwe kuyena ngesikhathi eboshwa, inkantolo ingakhipha umyalelo wokuthi wena ukhokhelwe kuleyomali ngaso lesosikhathi
- 6.5 umshuhisi uyokwazisa ukuthi uma inkantolo yobugebengu ingasikhiphanga isinqumo sokunxeshezela kwakho, ungasifaka isicelo enkantolo yezomphakathi sokuthi unxeshezela ngummangalelwa
- 6.6 umshushisi noma umphathiswa bayokwazisa ukuthi isinqumo esithathwe inkantolo yobugebengu sinamandla afanayo nesenkantolo yezomphakathi, futhi ikhona indlela yokuqiniseka ukuthi lesosinqumo siyafezeka
- 6.7 umphathiswa uzokutshela ukuthi uma usinikiwe isinxephezelo, unezinsuku eziyi60 ukuthi sokuthi uphikisane nalesinqumo. Uma-ke wenze njalo kudingeka ukuba ubuyise zonke izimali okade usuzitholile, uzi-buyisele kumbhalisi noma kumabhalane wenkantolo
- 6.8 umphathiswa uzokutshela ukuthi uma uhluleka ukusiphikisa isinqumo senkantolo zingakapheli izinuku eziyi 60. Uzobe ungasenal ilungelo lokubeka icala kummangalelwa enkantolo yezomphakathi
- 6.9 uma ucela ukunxeshezela ngezindleko zodokotela ngenxa yokulimala kwakho ngesikhathi kwenzeka lobugebengu, osebenzela ezempilo uyokusiza kulokhu ngokunikeza ubufakazi enkantolo adalule ulwazi oludingekayo enkantolo kanye nemibiko yodokotela

7. ILUNGELO LOKUBUYISELWA

“Ukubuyiselwa” kukhuluma ngamacala lapho inkantolo itshela ummangalelwa ukuthi akakubuyisele yonke impahla ethathwe kuwena ngokungekho emthethweni, noma ezilimele ngendlela engekho emthethweni, ukuze ubuyele esimweni owawukuso ngaphambi kokuthi kwenzekwe lobugebengu

Uma icala lakho lizoya enkantolo ungalindela lokhu:

Umshushisi –

- 7.1 uzokwazisa ukuthi lapho kufanele khona ucele ummangalelwa ukuthi abuyise izimpahla zakho ngendlela enobulungiswa kuwena nomndeni wakho
- 7.2 uzokwazisa ukuthi lokukubuyiselwa kufaka izimpahla zakho zonke ezithathiwe nokulungiswa kwezimpahla ezonakele
- 7.3 uzokwazisa ukuthi isicelo sakho ngaloludaba singaphoqelelwa inkantolo, futhi emacaleni afanele uvumelekile ukwenza lesisicelo enkantolo

INGXENYE IV

INGXENYE YESINE: IZINDLELA ZOKUKHONONDA

IZINDLELA ZOKUKHONONDA

Yonke iminyango, izimiso kanye namagatsha athintekayo ecaleni anenhloso yokwenza umsebenzi osezingeni eliphakeme. Kodwa-ke izinto zibuye zonakale. Uma izinto sezonakele kuyaye kufuneka ulwazi lokuthi konakelephi. Lengxenywe iyona ezokutshela ukuthi kumele wenzenjani uma unganelisekanga ngalokhu okulandelayo

- a. indlela ophathwe ngayo;
- b. ulwazi olunikeziwe; noma
- c. Izingqomo ezithathiwe

Umbutho wezamaPhoyisa ase Ningizimu Africa:

1. Ungafaka isikhalo sakho ngephoyisa elithize, ngomgomo, ngenqubo nangokuziphatha kwamaphoyisa ngokubhalela uKhomishana waleso naleso sitieshi samaphoyisa esithintekayo
2. Uma isikhalo sakho simayelana nempahla elimele ngesikhathi isezandle-ni zamaphoyisa ungase uthole isinxephezelo. Thumela isikhalo sakho siye ku khomishana wesitieshi. Uma unganeliswanga, usungadlulela kukhomishana wendawo ophethe isitieshi esingakugculisanga, umnikeze imininingwane yesikhalo sakho. Uma isikhalo sakho singaxazululeki ngendlela ekugculisayo, usungadlulela ehovisi lomvikeli womphakathi
3. Uma isikhalo sakho singakaxazululwa ngendlela ekwenelisayo usengadlulela kuMnyango Wabaxazuli Bezinkinga Abazimele. Kodwa-ke qaphela ukuthi lomnyango ubhekana nezikhalo ezithintana nobugebengu nokungaziphathi kahle kwamaphoyisa, noma ngabe awaka Metro noma uSAPS, ahlulekile ukwenza umsebenzi wawo



Abashushisi:

4. Inkantolo lapho icala lizothethwa khona ijwayele ukuzixazulula zonke izinkinga ezivelayo. Uma unesikhalo ungabhalela noma wenze isicelo sokubonana nomshushisi omkhulu walenkantolo obekuthethwa kuyona icala. Uma engakuniki impendulo egculisayo ungasidlulela kumphathi wabashushisi wendawo lapho bekuthethwa khona icala lakho. Uma ungakagculiseki ungasidlulisela isikhalo sakho siye ehovisi loMphathi Wabashushisi Bomphakathi bendawo okhonoda ngayo. Uma-ke ungakagculiswa usungaya ku Mphathi Wabashushisi Bomphakathi kaZwelonke
5. Uma ungakagculiseki futhi, usungathintana nehovisi lomvikeli womphakathi (Public Protector). Qaphela ukuthi lelihovisi ungaya kulona ngezikhalo ezithintene nendlela yokuphatha. Ngokusemthethweni, ihovisi lomvikeli womphakathi alivunyelwe ukuphenya izinqumo zenkantolo.

Izinkantolo:

6. Uma isikhalo sakho sithinta ukuziphatha komphathiswa, ungabhalela noma wenze isicelo sokubonana nomphathi wamajaji (Judicial Head) kulendawo okuyona. Ikheli lakhe kanye nezinombolo zocingo ungazithola enkantolo kamantshi eseduzane.
7. uma ungeneliswa imiphumela eqhamuka kumphathi wendawo ungasidlulela kumphathi wesifunda (Judicial Cluster Head)
8. Uma isikhalo sakho siphathelene nenkantolo yendawo ungabhalela noma ubonane nomphathi wamajaji kuleyondawo ethintekayo. Ikheli neminingwane yocingo kuyatholakala enkantolo yemantshi eseduzane.



9. Uma unesikhalo ngejaji lasenkantolo ephakeme (High Court) ungabhalele noma ubonane nomphathi wamajaji (judge President). Iminingwane yekheli nezingcingo iyatholakala enkantolo kamantshi kanye nasenkantolo ephakeme.
10. Uma ungakakutholi ukugculiseka, ungabhalela kuKhomishane Wemantshi uma udaba lwakho lubhekene nenkantolo kamantshi, noma uthintane no Khomishane Wezamajaji uma isikhalo sakho sibhekene nenkantolo ephakeme. Uma ungakathokozi ngendlela ophenduleke ngayo, usungathintana nehovisi Lomvikeli womphakathi.
11. Uma isikhalo sakho sithinta izisebenzi zasenkantolo, njengomabhalane kanye notolika, ungabhalela noma ubonana nemenenja yasenkantolo. Uma engakugculisi usungabhalela Isikhulu Sezomnyango Wezama-jele, noma Isikhulu Somnyango Wezobulungiswa Nokuthuthukiswa Komthethosisekelo

Abezenhlalakahle:

12. Uma isikhalo sakho sithintana nomphathiswa womnyango wezokuthuthukisa umphakathi, ungabhalela umphathi wehovisi elithintekayo. Uma ugagculiseki impendulo yabo, usungathintana nophethe lowomnyago wendawo noma wesifundazwe, kanti ungathintana futhi nomphathi kazwelonke.
13. Uma ungakagculiswa imiphumela oyinikwa isisebezi sikahulumeni ungathintana ne Khansela Yabasebenzi beze Nhlalakahle noma ihovisi lomvikeli womphakathi



Abasebenza kwezempilo:

14. Uma ungenelisekile yindlela onakekelwe ngayo umsebenzi wemtho- lampilo kahulumeni, kufanele uqale ubhekise isikhalo sakho kuyena lo okade ethi uyakusiza. Uma-ke ehluleka ukuxazulula isikhalo sakho usun- gadlulela kumphathi waleyondawo okade ufuna usizo kuyo.
15. Uma ungatholi impedulo noma ungenelisiwe indlela udaba lwakho oluphathwe ngayo umphathi wesibhedlela noma umtholampilo kahu- lumeni, ungedlulela emahovisi omnyango wezempilo wesifundazwe okwenzeke kuyo lenkinga. Uma ungakagculiseki indlela oluphethwe ngayo udaba lwakho ungasidlulisa isikhalo sakho usise emikhandlwini enjeje Khansela Yabasenzi Bezempilo yaseNingizimu Afrika (Health Pro- fessional Council of South Africa) ukuphenya ngesikhalo sakho.

Izikhulu zomnyango wezefundo:

16. Uma unesikhalo ngothisha noma ilunga lezisebenzi esikoleni noma endaweni yokufundela, thintana nothishanhloko walesosikole. Uma isikhalo singothishanhloko ungathintana nemenenja yesifunda le- sosikole esikuso
17. Uma ungathokozile ngendlela isikhalo sakho esiphendulwe ngayo, un- gadlulela emnyangweni wezefundo weprovince lesosikole esikuyo
18. Uma ungakeneliswa ungedlulela kumphathisa wezefundo kuleyo province, noma umnyango wezefundo kuzwelonke.

Uma ufuna olunye ulwazi ngakhokonke okuthintiwe kuleliphephabhuku, ungathintana neHovisi eliphathelene nezobulili kuMnyango Wezobulungisa noKuthuthukisa Komthetho-sisekelo kulezizinombolo:

Tel: 012 315 1670
Tel: 012 315 1296
Fax: 012 315 1960
Email: victimcharter@justice.gov.za

Abanye ongabathinta Inkantolo Ebonelela Izidingo Zabahlukumezekile kulezizinamba:

Tel: 012 315 1830
Tel: 012 315 1378
Fax: 012 315 1851
Website: <http://www.doj.gov.za>

Ibhuku Lemigomo Ebekelwe ukubhekela abahlukunyezwe ubugebengu libhalwe Ababhekele Ezobulili boMnyango Wezobulungiswa noKuthuthukiswa koMthetho-sisekelo, bebambisene noMnyango Wezenhlalakahle, Ezemfundo, Ezempilo, kanye nomyango kaZwelonke Ogunyaza Ukushushiswa waseNingizimu Afrika, Umnyango Wezamaphoyisa eNingizimu Afrika, iKhomishane Wezomthetho zaseNingizimu Afrika, uKhomishane Wamalungelo Abantu eNingizimu Afrika, iHovisi waBashushisi Bomphakathi, uMnyango Wezikhhalazo Zangasese, amalunga eKhomishane Yokushushiswa namalunga Amaphoyisa aseTshwane.

Umnyango Wezobulungiswa neZokuthuthukiswa KoMthetho-sisekelo baya-bonga kuzo zonke izinhlango ekungezona ezahulumeni ngokubamba iqhaza ekuphumeleleni ukusungula losomqulu.

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Fax No: (012) 325 5706
Website: <http://www.doh.gov.za>

• **The National Prosecuting Authority**

Private Bag X752
Silverton
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Tel No: (012) 845 6000
Fax No: (012) 845 7311
Website: <http://www.npa.gov.za>

• **The Office of the Public Protector**

Private Bag X677
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Fax No: (012) 322 5093
Website: <http://www.polity.org.za/govt>

• **THE SECRETARY
Magistrates Commission**

PO Box 9096
PRETORIA
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Tel No: (012) 325 3951
Fax No: (012) 325 3957

• **Lawyers for Human Rights**

National Directorate
Democracy Centre
357 Visagie Street, cnr Prinsloo
Street
PRETORIA
0002
Tel No: (012) 320 2943/8
Fax No: (012) 320 2949
Website: <http://www.lhr.org.za>

• **National Director of the Witness Protection Programme**

National Prosecuting Authority
Private Bag X655
PTA
0001
Tel No: (012) 315 1732/33
Fax No: (012) 323 5434
Website: www.npa.gov.za

• **Council for Social Service Professions**

The Registrar
Private Bag X2
Hatfield
0028
Tel No: (012) 342 5437
Fax No: (012) 342 3025



The Independent Complaints Directorate

Private Bag X941
PRETORIA
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Tel No: (012) 320 0431
Fax No: (012) 320 3116
Website: <http://www.icd.gov.za>

Commission on Gender Equality

PO Box 32175
BRAAMFONTEIN
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Tel No: (011) 403 7182
Fax No: (011) 403 7188
Website: <http://www.cge.org.za>

South African Human Rights Commission

Private Bag X2700
HOUGHTON
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Tel No: (011) 484 8300
Fax No: (011) 484 1360
Website: <http://www.sahrc.org.za>

Health Professions Council of South Africa

PO Box 205
PRETORIA
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Tel No: (012) 338 9300/01
Fax No: (012) 328 5120

National Association of Democratic Lawyers (NADEL)

PO Box 15803
Vlaeberg
CAPE TOWN
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Tel No: (021) 421 0577
Fax No: (021) 421 0633
Website: <http://sunsite.wits.ac.za>

Judicial Service Commission The Secretary

PO Box X258
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9300
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