

UMHLAHLANDLELA WESISHOSHOVU

ILUNGELO LAKHO LOKUBHIKISHA



Ukuqondisisa kokusebenza koMthetho

Omayelana neLungelo lokubamba Umbuthano,

ukuboshwa kanye nenqubo yezinkantolo



RIGHT²KNOW



Wonke umuntu unelungelo lokubukisha!

Ilungelo lokubhikisha liyindlela ebaluleke kakhulu kubantu abalisebenzisa ukuze bazwakalise uvo lwabo ngezindaba ezibathintayo futhi liyindlela abantu abenza ngayo ukuze iziphathimandla zilalele izikhalo noma izimfuno zabo.

Ingxenywe ebizwa ngoSection 17 yoMthetho-sisekelo walelizwe ikubeka ngokusobala ukuthi wonke umuntu unelungelo lokwenza umbhikisho ngokuthula futhi engaphethe izikhali. Lokhu kuhlanganisa ngisho ukwenza umbhikisho ongenalo udlame kodwa ophazamisayo.

Lelilungelo lihlobene namanye amalungelo ezipolitiki akhona kuMthetho-sisekelo walelizwe, kuhlanganise nelungelo lokukhuluma uzwakalise uvo lwakho kanye nelungelo lokuhlanganyela nabanye (lelilungelo lisho ukuthi njengomuntu ukhululekile ukuthi uzihlanganise nabanye abantu abanezimfuno ezifanayo nezakho, abanombono ofana nowakho, futhi ukhululekile ukuzihlanganisa nanoma iyiphi inhlangano oyithandayo).

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Umkhankaso weRight2Know uyaziqhenya kakhulu ngokukhiqiza ushicilelo olusha lwalencwajana emayelana neLungelo Lokubhikisha. Lolu ushicilelo lweSibili lencwajana ye R2K, oluwuchungechunge lwakamuva lomkhiqizo owawenziwa yisigungu iAnti-Privatisation Forum ngonyaka ka 2007.

Umkhankaso wethu uqale ngenxa yokuhlupheka okukhulu kanye nokuzabalaza kwemiphakathi yethu, izinhlangano zezehlalo kanye nama NGO akade ekhona ngaphambi kwethu. Ilungelo lokubhikisha, inkululeko yokukhuluma noma yini ofisa ukuyikhuluma, kanye nokulingana phambi komthetho kubaluleke kakhulu kuzo zonke izinto imiphakathi yethu ehlupheke ngazo. Ngaphezu kwakho konke, wonke umuntu ophila noma osebenza eNingizimu Afrika kumele angagcini nje ngokwazi lamalungelo kodwa futhi awasebenzise.

Ingxenye yokuqala yale ncwajana iqukethe ulwazi oluyisisekela mayelana nanoma yimuphi umbuthano owuhlobo oluthile lombhikisho, ukuqhudelana ngandlela thile noma noma ukuzwakalisa izikhalo ngokuthile emphakathini. Lengxenye yokuqala yale ncwajana iphinde ichaze kabanzi ngencazelo yezomthetho yegama "umbuthano" kanye namalungelo angokomthetho kanye nokulindelekile kubahleli bombuthano.

Ingxenye yesibili yona yintsha kule ncwajana, ibhekene ngqo nodlame kanye nokuhlukumeza okwenziwa ngamaphoyisa kubabhikishi, iphinde futhi ikhulume kabanzi ngemithetho okumele amaphoyisa ayilandele uma eqaphe umbhikisho.

Ingxenye yesithathu yale ncwajana ichaza kabanzi ngenqubo yenkantolo okumele itandelwe uma kuboshwe ababhikishi kanye nokuthi kumele kwenziwe njani ezimweni ezifana nalezo.

Ingxenye yesine iqukethe izeluleko mayelana nokuvikela ilungelo lakho lobhikisha, kanye nabantu abangaba wusizo esingabathinta uma sifuna ulwazi okuthe xaxa.

Ulwazi lungamandla! Thatha le ncwajana uyisebenzise emzabalazweni wakho wokuthola ubulungiswa esibudingayo emphakathini, kwezomnotho kanye nasempilweni yethu iyonke.

INGXENYE 1

UKUQONDA UMTHETHO WEGATHERINGS ACT

KUYINI UKULAWULWA KOMTHETHO WOKUBAMBA UMBUTHANO PHECELEZI IGATHERINGS ACT?

Umthetho obhekele ilungelo lokwenza umbhikisho ubizwa ngokuthi yi Regulation of Gatherings Act (abanye lomthetho bawubiza ngokuthi yi “the Gatherings Act” noma bathi yi RGA ngamafuphi). Umthetho i-“Gatherings Act” wasungulwa ngonyaka ka 1993 esikhathini lapho isimo sasimanzonzo kakhulu futhi kunodlame oluningi lwezepolitiki. Ikhomishana eyayaziwa ngokuthi yi Goldstone Commission eyayenza uphenyo ngodlame lwezepolitiki kanye nesihluku esasenziwa ngamaphoyisa kubabhikishi, yenza izincomo zokuthi kube khona umthetho ozokubeka ngokusobala ukuthi abantu banelungelo lokwenza noma lokuba yingxenye yombhikisho futhi lomthetho kwakuzomele uphinde ucacise ngokusobala indima edlalwa ngamaphoyisa embhikishweni.

Ngelesizisathu, umthetho i-Gatherings Act obhekele amalungelo okwenza umbuthano kukhona ubuhle kanye nobubi kuwo. Lomthetho unezingxenye ezikhuluma ngokuvikeleka kwelungelo lokubhikisha, kanti futhi kunezingxenye kuwo ezibukela phansi ilungelo lokwenza umbhikisho, lezozingxenye zalomthetho ezibukela phansi ilungelo lokubhikisha sezipelelewe yisikhathi.

I-Gatherings Act iyasho ukuthi abahleli bombhikisho kumele benzenjani ngaphambi kokuba kube khona umbhikisho, iyasho nokuthi iziphathimandla zona yini okumele ziyenze, kanye nokuthi yini okumele zingayenzi. Lomthetho ukubeka ngokusobala ukuthi iziphathimandla kumele zibavumele abantu ukuthi basebenzise ilungelo labo lokwenza umbhikisho, futhi lomthetho uyasho ukuthi iziphathimandla akufanele ukuthi ‘zikuvimbele’ uma befuna ukuba yingxenye yombhikisho. Uma kunezinsolo zokuthi umbhikisho kungenzeka ungabi nokuphepha, iziphathimandla kumele zixoxisane nabahleli bombhikisho ukuze kutholakale indlela ephephile yokwenza umbhikisho. Isezimweni ezinzima neziyingozi kakhulu kuphela lapho iziphathimandla zingavimba khona umbhikisho ukuthi uqhubeke.

Kodwa ezikhathini eziningi iziphathimandla ziyalixhaphaza lelilungelo bese zincisha abantu ilungelo lokubhikisha

YINI UMBUTHANO?

Ngokomthetho obizwa nge-Gatherings Act, igama “umbuthano” linenzazelo ethile – lisho **imashi, umbhikisho noma abantu abahamba beyisixuku abangaba ngu 16 kuya phezulu endaweni ethile, bephikisana nokuthile noma baphikisana nomuntu othile, inkampani noma umnyango ophethe, noma isiphathimandla esithile**. Kudingeka ukuthi kwaziswe iziphathimandla ngaphambi kokuba kube khona umbuthano - lowo okumelwe aziswe kungaba umuntu othile osesikhundleni esithile noma yihhovisi likamasipala.

KUYIQINISO YINI UKUTHI KUMELE NGIKHIPHE ISAZISO MAYELANA NOMBUTHANO OZOBAXHONA?

Umthetho i-Gathering Act uthi uma uhlela umbuthano ozoba nabantu abayishumi nesithupha (16) noma ngaphezulu, kumele kuqala wazise ‘umphathi oqondele nalowomnyango’ kwamasisipala. Lokhu kubizwa ngokuthi “ukukhipha isaziso.”

Uma imashi, umbuthano wokuzwakalisa izikhalo noma umbhikisho uzoba nabantu abayishumi nanhlano (15) kuya phansi, lokho kubizwa ngokuthi yisiboniso noma i “demonstration” futhi awudingi ukwazisa iziphathimandla ngakho.

“Ukunika isaziso” kwiziphathimandla akufani neze “nokucela imvume” kuzo. Awudingi ukucela “imvume” ukuze usebenzise ilungelo lakho lokwenza umbhikisho!

KUMELE NGIWAZISE NINI UMASIPALA (KUMELE NGIWAZISE EZINSUKWINI EZINGAKI)

NgokoMthetho, kumele wazise iziphathimandla **okungenani ezinsukwini eziyisikhombisa** ngaphambi kosuku lombhikisho. Uma kungenzeki ngempela ukuthi ubanike izinsuku eziyisikhombisa, **ungabanika isaziso zinsuku ezingaphansi kweziyisikhombisa** kodwa kumele ubanike izizathu zokuthi kungani kungenzekanga ukuthi ubanike isaziso ezinsukwini eziyisikhombisa ngaphambi kosuku lombhikisho.

KODWA kumele ubanike isaziso okungenani kusasele amahora angu 48 ngaphambi kosuku lombhikisho. Uma ubanika isaziso esikhathini esingaphansi kwamahora angu 48, umbhikisho wakho ungase uthathwe njengongekho emthethweni, uvinjwe ungabe usaqhubeka, bese wena unganikwa ngisho isizathu sokuvinjwa kwawo.

NGINGASIKHIPHA KANJANI ISAZISO MAYELANA NOMBHIKISHO OHLELWAYO?

Umholi noma omunye wabaholi bombhikisho kumele agcwalise ifomu lokufaka isaziso ngombhikisho ohlelwayo elibizwa nge “Notice under Regulation of Gatherings Act” bese elinika iziphathimandla. Lelifomu likhona kuwo wonke amahhovisi kamasipala. Emva kokuligcwalisa lelifomu, kumele ukwazi ukulihambisa nge email, ifeksi noma uzihambisele ngesandla emahhovisi noma kumuntu ofanele.

Kulencwadi yesaziso kumele ufake lokhu okulandelayo:

- Igama, idilesi, izinombolo zokuxhumana zalowo obize umbuthano kanye nesekela lakhe
- Igama lenhlangano kanye nesizathu sombhikisho ohlelwayo
- Isikhathi, usuku, indawo lapho umbuthano uzoba khona
- Inombolo yabantu okulindeleke ukuthi bafike embuthanweni
- Inombolo yomashali (labo abazosiza ukulawula umbuthano) kanye nokuthi bazogqokani ezobenza babonakale kalula embuthanweni (isibonelo: izikibha eziumbala othile noma izindwangu ezibomvu ezihlakaleni)
- Uma kuzobe kuhanjiswa imemorandamu kumuntu othile, kumele kubhalwe igama lakhe kanye nendawo akuyo lowo muntu
- Uma kuzobe kuyimashi, incwadi yesaziso kumele isho ukuthi kuzohanjwa kumiphi imigwaqo, kuzosukwa kuphi, kubhekwephi futhi imashi iyophelaphi.
- Incwadi yesaziso kumele isho ukuthi bangaki abantu okulindeleke bafike lapho kuzohlanganwa khona, futhi bazohlakazeka kanjani uma umbuthano usuphelile.
- Kumele usho uma kukhona izimoto ezizoba yingxenye yombuthano noma umbhikisho.

IMVUME EKHETHEKILE YOKUBHIKISHA EPHALAMENDE, KWIZAKHIWO ZOBUMBANO NOMA EZINKANTOLO

UMthetho weGatherings Act uthi uma kuzoba khona umbuthano noma ukudluliselwa kwezikalazo okuzoba sebangeni elingamamitha angu 100 ukusuka ePhalamende, kwiZakhiwo Zobumbano noma Esakhiweni lapho kukhona iNkantolo, kudingeka imvume ekhethekile ebhalwe phansi, leyo mvume itholakala kulabantu abalandelayo:

- EPhalamende – yiMantsi Enkulu eKapa ebizwa nge Chief Magistrate of Cape Town [021 461 6282]
- kwiZakhiwo Zobumbano – NguMqondisi Jikelele wehoviso likaMengameli, owaziwa ngokuthi ngu DG of the Presidency [012 300 5354]
- Ezakhiweni zezinkantolo – Imantsi yesifunda, eyaziwa ngokuthi “Magistrate of the district”

Lena ngenye yezinkinga ezinkulu ngalomthetho weGatherings Act, yingoba lomthetho uthi kumele nithole imvume yesikhungo enizosibhikishela.

KWENZEKANI EMVA KOKUBA SENGISIKHIPHILE ISAZISO SOMBHIKISHO OHLELWAYO?

Amaphoyisa akwa masipala kanye nomasipala bangakucela ukuba uze emhlanganweni ukuze kuzokhulunywa ngezinhlelo zombuthano wakho. Lomhlangano ubizwa ngokuthi yi Section 4 meeting (ngoba yilapho kudingidwa khona nge Ngxenywe ebizwa ngo Section 4 yoMthetho Omayelana Namalungelo Okwenza Umbuthano noma Umbhikisho). Kumele ubizelwe kulomhlangano emahoreni angu 24 emva kokuhambisa isaziso esimayelana nombuthano ohlelwayo.

NGENZENJANI UMA KUNGEKHO MUNTU ONGITHINTAYO EMAHHOVISI EZIPHATHIMANDLA?

Uma umhleli wombuthano esesihambisile isaziso kwiphathimandla kusasele izinsuku eziyisikhombisa ngaphambi kosuku lombuthano, kodwa engabizwa yiziphathimandla ukuze kuzohlelwa ngombuthano, noma kunjalo umbuthano noma umbhikisho usemthethweni. Uma kunguwe umhleli wombuthano, qiniseka ukuthi ugcina incwadi lapho wenze khona isaziso sombuthano, kanye nobufakazi bokuthi isaziso sakho sifikele kwiziphathimandla, bese uza nalobo bufakazi embuthanweni.

Kodwa kumele uqaphele: kwabanye omasipala, izikhulu zilinda kuze kube usuku lokugcina ngaphambi kosuku lombuthano bese zikubizela emhlanganweni zizame nokukushintshisa izinhlelo noma zizame ukuthi zikwenze ukuthi uwuchithe umbuthano ungabe usaba khona, bakwenza lokhu uma singasekho ngisho isikhathi sokwazisa umphakathi noma abantu obalindele embuthanweni.

Ngokomthetho abafanele ukukwenza lokhu, kodwa uma kwenzeka lokhu, kukufaka ngaphansi kwengcindezi wena njengomhleli wombuthano. Uma usola ukuthi iziphathimandla zizozama ukushintshisa izinhlelo zombuthano (ngokwesibonelo, uma iziphathimandla zike zakwenza lokhu phambilini), kungaba umqondo omuhle ukuthi ucele ukuba nomhlangano neziphathimandla kusenesikhathi.

KWENZEWANI EMHLANGANWENI OBIZWA NGE SECTION 4 MEETING?

Umhlangano obizwa nge “Section 4 meeting” yilapho kudingidwa khona indlela okuzohamba ngayo umbuthano, futhi yilapho amaphoyisa kanye nomasipala abangaveza khona imibono yabo mayelana nezokuphepha kwabantu embhikishweni.

Uma kukhona izikhalo, kumele kuxoxiswane ngazo phakathi kwazo zonke izinhlangothi ezikhona emhlanganweni ikakhulukazi ukuze kube nokuphepha kwabantu abazobe besembhikishweni (isibonelo: kungafinyelelwa esinqumweni sokuthi kushintshwe umgwaqo imashi ezohamba ngayo, noma emva kokuxoxiswana kungafinyelelwa esinqumeni sokuthi kushitshe isikhathi imashi ezoqala ngaso). Kumele kuxoxiswane ngendlela engavuni futhi bonke abakhona ezingxoxweni kumele baphathane ngokulingana – kodwa esikhathini esiningi abahleli bombhikisho baye bakhononde ngokuthi indlela okuxoxiswana ngayo kulomhlangano ayigculisi neze, iziphathimandla yizona ezifuna kwenziwe ngendlela efunwa yizo.

Isu elihle elisetshenziswa ngabahlali bombhikisho wukuthi baye emhlanganweni weSection 4 meeting bebaningi ukuze basekelane futhi baqiniseke ukuthi iziphathimandla azibasabisi noma zibafakele ingcindezi engenza ukuthi baze bavume izinto ezizocekeka phansi umbhikisho noma umlayezo abafuna ulethwe ngumbhikisho.

IZIPHATHIMANDLA ‘ZINGAWUVIMBA’ YINI UMBHIKISHO WETHU?

IZIPHATHIMANDLA ZINGAVIMBA UMBHIKISHO KUPHELA UMA:

1. Kunezinsolo eziyiqiniso, zokuthi umbhikisho uzoholela ekulimaleni kwabantu, ekulinyazweni kwempahla noma kuzophazamiseka ukuhamba kwezimoto.

2. Kube nomhlangano nabahleli bombhikisho, kodwa kwangaba bikho ukuzwana mayelana nokumele kwenziwe ukuze kube nombhikisho ophephile.
3. Umhleli wombhikisho ethola izizathu ezibhalwe phansi zokuthi kungani umbuthano ungeke ube khona
4. Amaphoyisa kahulumeni noma amaphoyisa omgwaqo ebhala incwadi efungelwe okuthiwa yi affidavit, esho ngaphansi kwesifungo ukuthi ngendlela ohlelwe ngayo umbhikisho kuzoba nokulimala kwababhikishi noma umphakathi, kuzolinyazwa impahla noma kuzophazamiseka ukuhamba kwezimoto.

KWENZIWA NJANI UMA UMBUTHANO UNGAVUNYELWANGA?

Uma umbuthano noma umbhikisho ungavunyelwanga, kodwa uqhubekele phambili, lowombuthano uthathwa njengombuthano ongekho emthethweni. Noma ubani obamba iqhaza embuthanweni ongavunyelwe wephula umthetho.

Kodwa uma ukholwa wukuthi umbuthano wenu bekungafanele neze unqatshelwe, kumele uye eNkantolo kaMantshi noma eNkantolo ePhakeme bese ucela imantshi ukuthi iphendule isinqumo sokunqatshelwa kombuthano wenu bese iyawuvumela ukuthi uqhubekele phambili.

Lena inselelo enkulu ngoba kungenzeka kudingeke ukuba uthole iseluleko sezomthetho ngomzuzu wokugcina. Uma uzithola ukulesisimo, xhumana nenye yezinhlangano ezibhalwe ngemumva kwale ncwajana ukuze uthole usizo.

IMITHETHO YOKUVALA UMBUTHANO

Uma umbuthano uqhubeke ngokusemthethweni, kumele uphele ngesikhathi abahleli bawo abathe uzophela ngaso. Embhikishweni, uma amaphoyisa enikeza uphawu lokuthi umbhikisho kumele uphele nabantu kumele bahlakazeke, kuwukwephula umthetho ukungalaleli futhi kungaholela ekutheni uboshwe noma kungaholela ekutheni amaphoyisa asebenzise indluzula nodlame ukuhlakaza lowombuthano. Nokho amaphoyisa nawo kumele alandele umthetho uma enza lokhu – bheka ingxenye yesibili yale ncwajana.

IZIPHATHIMANDLA ZIWUXHAPHAZA KANJANI UMTHETHO OMAYELANA NELUNGELO LOKWENZA UMBUTHANO

Komasipala abaningi, iziphathimandla zakhona zisebenzisa imithetho yakhona kanye nemithetho echibiyelwe ebizwa ngama bylaws, lemithetho ifuna ukuthi abahleli bemibhikisho benze izinto eziningi ngaphambi kokuvumela ukuthi umbhikisho uqhubeke, eminingi yaleyomithetho ayiyona nakancane ingxenye ye Gathering Act.

UMTHETHO WEGATHERING ACT AWUDINGI UKUTHI UMHLELI WOMBUTHANO ENZE LOKHU OKULANDELAYO:

- Athole kuqala imvume yekhansela lendawo noma athole kuqala imvume kubaholi bendabuko, noma athole incwadi evumela umbuthano enhlanganweni noma enkampanini eyibhikishelwayo.
- Ukhokhe imali ethile ukuze uthole imvume yokwenza umbhikisho, noma ukhokhe imali eyidiphozithi noma usayine isivumelwano esikubophayo uma kwenzeka kulinyazwa impahla ngesikhathi kubhikishwa.
- Ukuzwakalisa izikhalo noma izimfuno zakho esigungwini esithile kunokuthi wenze umbhikisho – isibonelo: Ubizelwe emhlanganweni neMeneja kamasipala noma ikhansela lapho ufike utshelwe ukuthi yeka umbhikisho.

Iziphathimandla AZINALO NAKANCANE ILUNGELO lokucindezela noma lokuphoqa abantu ukuthi bakhokhe imali ethile ukuze basebenzise ilungelo labo lokwenza umbhikisho! Uma uhlangana nesimo esifana nalesi, xhumana nommeli noma xhumana nezinye izishoshovu ezingakunika izeluleko ezizokusiza.

Kwezinye izindawo, izinhlaka ze R2K zikhankasa kanzima zilwela ukuthi kuphele lezizenzo zezinye iziphathimandla ngoba azikho emthethweni futhi zihlasela ilungelo lethu lokwenza umbhikisho uma kukhona esingaphathekile kahle ngakho!

AMACEBO AWUSIZO: UKUSEBENZISA KANYE NOKUPHONSELA INSELELO UKULANDELWA KWEGATHERINGS ACT

Kuyacaca ukuthi nakuba umthetho weGatherings Act ikunqabela ukuxhashazwa kweLungelo Lokwenza Umbhikisho, loMthetho ngokwawo awenzi okwanele ukuvikela ilungelo lokubhikisha futhi ubuye ubeke izihibe elungelweni lethu elihambisana nomthethosisekelo. Lokhu kusho ukuthi lomthetho uqobo lwawo ubuye unqambisani nomthethosisekelo wezwe lethu.

Ngesikhathi sokubhalwa kabusha lencwajana (kwinyanga kaZibandlela ngo2015) kwakunoshintsho olukhulu okwakuhlongozwa ukuthi lwenzeke kulomthetho.

Enye inhlangotho eyayiphonsela lomthetho inselelo yinhlangotho ebizwa ngokuthi yiSocial Justice Coalition ezinze eNtshonalanga Kapa, futhi kunenye inhlangotho ebizwa nge Treatment Action Campaign kanye nenye inhlangotho ebizwa ngeSection27 ezinze eFree State. Imizamo eyenziwa yilezizinhlangano mihle kakhulu futhi kufanele ishayelwe ihlombe futhi isekelwe, ngoba lezimamo iqonde ngqo ekulwisaneni nemithetho engenabo ubulungiswa nebukela phansi ilungelo lokwenza umbhikisho.

Kodwa ingabe lokhu kusho ukuthi kumele siwushaye indiva loMthetho? Kwezinye izehlakalo ababhikishi bawuzibile lomthetho bangawulaleli ngempela, kodwa akwenzakalanga lutho olubi kubo. Kanti kwezinye izehlakalo eziningi ababhikishi bawuphulile lomthetho weGatherings Act ngenxa yalokho babhekana nomiphumela enzima kakhulu – bahlaselwe kanzima ngamaphoyisa, futhi abanye baboshwa. Ungaboshwa isikhathi eside kakhulu, uhambe icala isikhathi eside futhi ube nerekhodi lobugebengu egameni lakho uma unqambisani loMthetho. Yonke

lemiphumela ingayicekela phansi inhlangotho futhi icekele phansi nemizamo eyenziwa yizishoshovu.

Ngenxa yalesosizathu izishoshovu eziningi zithathe isinqumo sokusebenzisa umthetho weGatherings Act ngokuhlakanipha – ukuqonda loMthetho njengoba unjalo kanye nokuthola ukuvikeleka kwezomthetho kwabo bonke ababhikishi, kanye nokwenza isiqiniseko ukuthi amaphoyisa awawahlukumezi amalungelo ethu.

UMTHETHO WAMA NATIONAL KEY POINTS

Kuyinto evamile ukuthi iziphathimandla zithi awuvunyelwe ukwenziwa umbhikisho endaweni ethile ngoba leyondawo ihlonzwe njengeYigugu Lesizwe, phecelezi iNational Key Point. Akukho lutho emthethweni weNational Key Point okunqabela ilungelo lakho lokwenza umbhikisho.

Ngesinye isikhathi iziphathimandla ziyokutshela ukuthi indawo ethile ingenye yezindawo ezihlonzwe njengeYigugu Lesizwe kanti akunjalo neze – kungaba wukuthi lezoziphathimandla azinalo ulwazi noma nje zikufunza into engelona iqiniso. Ungazibhekela wena uhlu lwezindawo ezihlonzwe njengezingamagugu esizwe, loluhlu lukhishwe ngenyanga kaMasingana ngo2015 ku www.r2k.org.za/?p=4260

INGXENYE 2

INDIMA EDLALWA NGAMAPHOYISA UMA KUNOMBHIKISHO

Ungamangala uma uzwa ukuthi amaphoyisa nawo kunemithetho okumele ayilandele uma elawula ababhikishi.

AMAPHOYISA ANGAYISEBENZISA UMA SEKWENZENJANI INDLUZULA UMA KUNOMBHIKISHO?

IMITHETHO ICACILE:

- Amaphoyisa angasebenzisa indluzula noma aqinise isandla kubabhikishi kuphela uma kunesidingo ukuze kugwemeke ukulimala, noma ukufa kwabanye abantu noma ukuze kugwemeke ukulinyazwa kwempahla, noma uma ukubonisana, kanye nayo yonke imizamo kuhluleka;
- Ngaphambi kokusebenzisa udlame, amaphoyisa kumele aqale ngokunikeza izixwayiso ezimbili futhi akhiphe lezo zexwayiso ngezilimi okungenani ezimbili ezehlukene, bese enika ababhikishi isikhathi esanele sokuthi bahlakazeke;
- Amaphoyisa angaqinisa kuphela isandla kancane ngaphansi kwezimo ezithile;

Amaphoyisa kumele ayilandele lemithetho noma ngabe umbhikisho usemthethweni noma cha.

UKUQONDISISA KAHLE OKUSHIWO NGUMTHETHO:

Amaphoyisa angasebenzisa indluzula noma aqinise isandla kubabhikishi kuphela uma yonke imizamo yokuxazulula isimo isihlulekile futhi uma kubonakala ngempela ukuthi ukulimala kwabantu noma ukulimala kwempahla **ngeke kugwemeke ngenye indlela.**

Kodwa noma ngabe isimo sesishube kakhulu, ngaphambi kokuthi amaphoyisa asebenzise udlame kubabhikishi, kumele alandele izinyathelo ezithile kuqala. Lezizinyathelo zibhaliwe eMthethweni weGatherings Act kanye naku SAPS National Instruction 4:

1. Uma kubonakala ukuthi kukhona impilo ezoba sengozini, futhi uma yonke imizamo yokubonisana isihlulekile, amaphoyisa kumele aqale enze “izaba noma imizamo yokuvikela.”

2. Emva kwalokho amaphoyisa kumele akhiphe isexwayiso kubabhikishi okungenani ngezilimi ezimbili ezehlukene ezisemthethweni exwayisa ngokuthi azosebenzisa indluzula nodlame kubabhikishi uma izaba nemizamo yokuvikela kuhluleka.
3. Uma lokho kuhluleka, amaphoyisa kumele ashintshe akhombise ukuvivela ukuqinisa isandla kubabhikishi abe "umbutho olungela ukuhlaselela." Ngokomthetho lokhu kumele kube ngomunye futhi umzamo wokuxwayisa ababhikishi ukuze bayeke udlame – ngamanye amazwi, kumele kubonakale ukuthi manje amaphoyisa eselungiselela ukusebenzisa indluzula nodlame kubabhikishi.
4. Amaphoyisa kumele akhiphe isexwayiso sesibili ngezilimi ezimbili ezehlukene ezisemthethweni axwayise ababhikishi ukuthi mabahlakazeke ngokuthula, bese ebanika isikhathi esanele ukuze bahlakazeke.

Uma ababhikishi bengahlakazekanga emva kokuthola izexwayiso ezimbili abanikwe zona, umkhuzi wamaphoyisa unelungelo lokuthi anike amaphoyisa imvume yokuthi azame ukuhlakaza ababhikishi kodwa asebenzise amandla kancane nje. Amaphoyisa kumele asebenzisa amandla kancane nje ngenhloso yokwehlisa udlame kubabhikishi.

Amaphoyisa kumele athathele izinyathelo ngokushesha noma ubani ozama ukulimaza omunye umuntu noma ozama ukulimaza kabi impahla – kodwa noma kunjalo amaphoyisa kumele azame ukungaqinisi kakhulu isandla kubabhikishi.

Amaphoyisa kumele aqinise isandla noma asebenzise indluzula kuphela uma etshelwa ngumkhuzi wawo, ngaphandle uma ezivikela esimweni lapho impilo yawo isengozini.

YINI IMIZAMO YOKUVIKELA ('DEFENSIVE MEASURE')?

Isibonelo: uma amaphoyisa ebambana ekhanda ulayini wokuvikela, ukubonisana, ukuvimba noma ukuvala endaweni ethile ukuze kungafinyeleleki kuyo, ukuvala, ukwenza ukuthi ababhikishi bangaqhubeki kodwa bagcine kuphela endaweni ethile, ukugada, ukuphelezela.

YINI IMIZAMO YOKUHLASELA ('OFFENSIVE MEASURE')?

Isibonelo: ukusesha, ukuphushela emuva ababhikishi, ukukhipha ababhikishi endaweni ethile, ukuzungeza, ukuxosha ababhikishi, ukusebenzisa indluzula kubabhikishi.

AMAPHOYISA AVUNYELWE UKUSEBENZISA ZIPHI IZIKHALI?

Ngokomthetho obizwa nge SAPS National Instruction 4, onke amaphoyisa aqaphe ukuthula Ezindaweni Zomphakathi kumele apathe ihawu noma okokuvika, induku yokushaya eyakhiwe ngerabha, isisi esikhalisisa izinyembezi, isigujana esibukeka ngathi yibhomu esiqhuma kakhulu sikhhiphe intuthu esibizwa ngokuthi yi stun grenade, isibhamu esidubula ngezinhlamvu zenjoloba, phecelezi ama rubber bullets, kanye nesibhamu esidubula ngezinhlamvu zangempela esiyi 9mm.

UMA AMAPHOYISA ESEBENZA ENDAWENI ENEZIXUKU ZABANTU, KUNALEMITHETHO ELANDELAYO:

- **iPepper spray noma isisi esikhalisisa izinyembezi:** lokhu akuvunyelwe ukusetshenziswa ngaphandle kuphela uma umkhuzi wamaphoyisa kunguye okhiphe umyalelo othi makusetshenziswe. Futhi lokhu akufanele ukusetshenziswa endaweni evalekile lapho umoya ungaphumi khona kalula noma enkundleni yezemidlalo.
- **Ama Rubber bullets noma izinhlamvu zenjoloba (izinhlamvu ezidubula zisuka esibhamini esibizwa nge shotgun):** loluhlobo lwezinhlamvu lungasetshenziswa ukuhlakaza isixuku kodwa kuphela "esimweni esinzima noma esiyingozi kakhulu, uma isihluleke yonke imizamo yokubonisana nababhikishi."
- **Izinhlamvu zangempela:** loluhlobo lwezinhlamvu akufanele nakancane zisetshenziswe ekulawuleni isixuku sababhikishi.
- **Izigujana ezibukeka ngathi amabhomu eziqhuma kakhulu zikhiphe intuthu, phecelezi ama Stun grenades:** iNational Instruction 4 ayisho lutho mayelana nokusetshenziswa kwalezizigujana ezisamabhomu eziqhuma kakhulu bese zikhipha intuthu, kodwa incwadi esetshenziswa uma kuqeqeshwa amaphoyisa ithi akumele lezizigujana zijikijelwe zibhekiswe ngqo kubabhikishi kodwa kufanele ziphonswe phansi endaweni lapho kungekho muntu omi kuyona ukuze kugwemeke ukulimala.

Noma yiliphi ilunga lombutho wamaphoyisa weSAPS ophula lemithetho unecala lokungaziphathi kahle – ungamvulela ngisho icala esiteshini samaphoyisa esiseduze nawe.

ZIHLUKENE KANJANI IZINHLOBO ZAMAPHOYISA

AMAPHOYISA ABIZWA NGEPUBLIC ORDER POLICE

Amaphoyisa abizwa nge Public Order Police (POP) umsebenzi wawo ubhekene nokulawula imibhikisho. Ukuqeqeshwa kwawo kuqondene nokubaluleka kokuxazulula ukungezwani nokunqanda isimo esibucayi lapho kunokuphakama khona kwemimoya phakathi kwabantu. Lamaphoyisa aqeqeshelwe ukuthi akwazi ukwehlisa umoya, ngisho noma esukelwa ngababhikishi.



- Umuntu oyilunga lombutho wamaphoyisa wePublic Order Policing umbona ngombala obomvu kanye nephawu lwe SAPS olusagolide esifubeni. Uqaphele ukuthi kweminye imibutho yamaphoyisa loluphawu luba luhlaza.
- Igama lephoyisa liba phezulu kwalapho kunombala obomvu khona noma libe phezu kophawu lwe SAPS olusagolide.
- Wonke umuntu oyilunga lombutho wamaphoyisa kumele nakanjani afake isigqebhezana esinegama lakhe futhi kumele lihlale lisobala ngaso sonke isikhathi.
- Noma yiliphi ilunga lamaphoyisa elikhumula isigqebhezana esinegama lalo ukuze lizifihle lingabonakali ukuthi lingubani liphula umthetho omyela nendlela efanele yokufaka umfaniswano wamaphoyisa.

NOMA YILIPHI ILUNGA LOMBUTHO WAMAPHOYISA,
NGISHO NELUNGA LOMBUTHO WE POP
KUMELE LIBONAKALE EMAHLOMBE UKUTHI
LIKULIPHI IZINGA, PHECELEZI I-RANK:

Captain



Lieutenant



Warrant officer



Sergeant



Constable



AMAPHOYISA AJWAYELEKILE

Amalunga ajwayelekile ombutho weSAPS nawo ayabizwa, ikakhulu uma kungenzeka afike kuqala embhikishweni uma iziphathimandla zingaziswanga ngombhikisho.

ITACTICAL UNIT NOMA UMBUTHO WAMAPHOYISA OFANA NOMBUTHO WAMASOSHA

Ezimweni ezinzima kakhulu, umbutho wamaphoyisa ocishe ufane namasosha, njengombutho obizwa ngokuthi yi Tactical Response Team kungenzeka ubizwe ukuze uzosiza umbutho wamaphoyisa wePublic Order Police. Amalunga alombutho wamaphoyisa iTactical Response ungawabona kalula ngoba wona afaka amabherethe aluhlaza. Uma lombutho wamaphoyisa ubizwa uma kunombhikisho, kusho ukuthi umbutho wamaphoyisa ojwayelekile weSAPS uhlulekile ukulawula umbhikisho noma kusho ukuthi usuzohluleka ukulawula isimo futhi usucabanga ukuhlakaza ababhikishi ngendluzula nodlame. Lombutho wamaphoyisa ofana nombutho wamasosha waziwa kakhulu ngokusebenzisa udlame olusezingeni eliphezulu.

UMBUTHO WAMAPHOYISA OBIZWA NGE CRIME INTELLIGENCE?

Kwezinye izimo phakathi esixukwini sababhikishi kuba khona amalunga ombutho wamaphoyisa angayigqokile imfaniswano. Lawo kuba ngamalunga ombutho wamaphoyisa iSAPS ngaphansi komkhakha weSAPS Crime Intelligence Division. Lamaphoyisa umsebenzi wawo ukuthola ulwazi mayelana nombhikisho, lamaphoyisa awabambi iqhaza ekulawulweni kombhikisho futhi awazibonakalisi ukuthi angamalunga ombutho wamaphoyisa.

KUNGANI AMAPHOYISA ENGITHWEBULA NGEVIDEO EMBHIKISHWENI?

Kuyinto ejwayelekile ukubona amaphoyisa eqopha ifilimu, ethatha izithombe noma ebhala phansi amanothi embhikishweni. Ngokwe National Instruction 4, amalunga e-SAPS aqoqa lonke ulwazi nezehlakalo kanye nabantu ababamba iqhaza embhikishweni. Onke ama video nezithombe ezithathiwe kumele kugcinwe kahle endaweni ephophile njengobufakazi obukhombisa ukuthi kwakwenzekani embhikishweni, lama video nezithombe kubuye kusetshenziswe uma kuyeqeqeshwa amaphoyisa.

NGINGAZITHATHA IZITHOMBE NOMA NGENZE IVIDEO YAMAPHOYISA?

YEBO. Kungenzeka ukuthi amanye amalunga ombutho wamaphoyisa azame ukukuvimba, noma akuphoqe ukuthi ucishe izithombe noma ama video osuwathathile, noma bangazama ngisho ukuthatha ifoni noma ikhamera yakho. Kumele wenze noma yini ongayenza ukuze uzigcine uphephile, kodwa AKUNQATSHELWE NEZE ukuthi uthathe izithombe noma uqophe ideo ekhombisa okwenziwa ngamaphoyisa embhikishweni.

Ukuze uthole ulwazi olwengeziwe, vakashela www.r2k.org.za/filmthepolice

NGIBE YISISULU SOKUHLUKUNYEZWE NGAMAPHOYISA. NGENZENJANI?

- ▶ Thola ukwelashwa kwezempilo ngokushesha
- ▶ Uma kungenzeka, thola izithombe noma ideo ekhombisa isehlakalo lapho uhlukunyezwa ngamaphoyisa khona.
- ▶ Thola amagama kanye nama-Rank amaphoyisa akuhlukumezile.
- ▶ Thatha izithombe ezikhombisa ukulimala kwakho ngokushesha emva nje kwesehlakalo lapho uhlukunyezwe khona.
- ▶ Thola umbiko kadokotela ochaza indlela olimele ngayo.
- ▶ Ungathatha lezinyathelo zomthetho ezilandelayo:
 - » Vula icala esiteshini se-SAPS esiseduze nawe, uvulele ilunga lamaphoyisa akuhlukumezile.
 - » Faka isikhalo sakho kwa-Independent Police Investigative Directorate (IPID), lona umnyango ophenya amacala okuhlukumeza enziwa ngamaphoyisa.
 - » Faka isimangalo ufune isinxephezelo ngenxa yokulimala kwakho. Isibonelo: manglela ngqo amaphoyisa akuhlukumezile ufune ukuthi akukhokhele isinxephezelo.

I-SAPS kumele yazise i-IPID uma amalunga amaphoyisa esebenzise indluzula nodlame kubabhikishi. I-IPID nayo inomsebenzi wokuthi yenze uphenyo ngesikhalo noma icala lokuhlukumeza elibekwe ilunga le-SAPS.

INGXENYE 3**UKUBOSHWA
KANYE NENQUBO
YEZINKANTOLO****UMAKUNGENZEKA UBOSHWE**

Kunoma ngabe yiluphi uhlobo lombhikisho, akhona amathuba okuthi kube khona amaphoyisa, ikakhulu uma lowombhikisho unamabantu abaningi. Kuyenzeka ukuthi amaphoyisa agqume esitokisini noma abophe ezinye zezishosho eziyingxenywe yombhikisho. Uma usembhikishweni bese uqondwa ngamaphoyisa akubuze imibuzo ongafuni ukuyiphendula noma imibuzo engacekela phansi injongo yombhikisho, kufanele uwatshale amaphoyisa ukuthi uyenqaba ukuphendula imibuzo yawo. Kodwa kufanele ukwenze lokhu ngomoya ophansi ungakhuphuli umoya ufuno ukuwalwisa noma ukhombise indelelo.

**UMA NGIBOSHA NGINGABEKWA
LIPHI ICALA?**

Icala elivame ukubekwa ababhikishi ngaphansi komthetho weGatherings Act yicala lokuba yingxenywe 'yombuthano ongekho emthethweni' – kungaba yicala lokuhlela umbuthano ngaphandle kokuthola imvume kwiziphathimandla noma kungaba yicala lokuba yingxenywe yombuthano ongavunyelwe.

Ngezinye izikhathi, ababhikishi kuvame ukuthi babekwe icala lokwenza udlame endaweni yomphakathi, ukulimaza kabi impahla kanye nokulimaza abanye abantu abanye abantu. Lamacala ayingxenywe yomthetho obizwa nge common law, hhayi i-Gatherings Act.

'Public violence' (ukwenza udlame endaweni yomphakathi) lelicala lingabekwa umuntu oyedwa noma abaningi, lisho ukuthi wenze noma nenze isenzo sokuphazamisa ukuthula nozinzo endaweni yomphakathi noma niphule ilungelo labanye abantu lokuba sendaweni enokuthula nozinzo.

'Malicious damage to property' (ukulimaza kabi impahla) lelicala lisho ukuthi usolwa ngokukulimaza impahla yomunye umuntu noma kahulumeni ngokungemthetho nangamabomu

'Assault' (ukulimaza omunye umuntu) lelicala lisho ukubeka isandla noma ukulimaza omunye umuntu, kuhlanganisa nokusabisa omunye ngokuthi uzomlimaza. Kukhona necala lokulimaza omunye ngenhloso yokudala umonakalo omkhulu emzimbeni wakhe (assault with intent to cause grievous bodily harm) ongase ubekwe lona nalo.

Umthetho weGatherings Act ukubeka ngokusobala ukuthi uma kwenzeka kukhona okonakalayo ngenxa yombhikisho, abahleli bawo noma inhlango yabo kuzofanele ikhokhe izindleko zomonakalo owenzekile, ngaphandle uma benobufakazi bokuthi bona noma inhlango yabo ibingangene ekudaleni lowomonakalo owenzekile, noma benobufakazi bokuthi bathathe izinyathelo ezifanele ngaphambilini ukugwema lowomonakalo. Lengxenywe yomthetho ayiyinhle neze ngoba isho ukuthi umhleli wombhikisho kanye nanoma ngubani obe yingxenywe yombhikisho bangabekwa icala lokulinyazwa kwempahla okwenziwe ngabantu abambalwa nje abayizigangi.

UKUBOSHWANA NGESIKHATHI KUNOMBHIKISHO:

Ungaboshwa ngesikhathi kunombhikisho uma iphoyisa ikubona wenza into ewukuphula umthetho noma uma iphoyisa likholwa ukuthi ubuyingxenywe yokuphulwa komthetho. Uma uboshwa, amaphoyisa kufanele akutshela ukuthi uboshelwa liphi icala noma akusola ukuthi wenze liphi icala. Kufanele ngabe amaphoyisa enza njalo, kodwa awakwenzi ngaso sonke isikhathi lokhu. Amaphoyisa anelungelo lokusesha wena, impahla yakho noma yini nje okungeyakho, ngaphandle kokucela imvume yakho uma usuboshiwe.

UMA UBOSHWANA NGAMAPHOYISA:

- Unganqabi ukuboshwa uma uboshwa ngamaphoyisa – ukunqaba ukuboshwa noma ukulwa namaphoyisa kungadala ukuthi aphinde akubeke elinye futhi icala ngaphezu kwaleli azobe ekubophela lona.
- Kufanele wazi ukuthi amaphoyisa anelungelo lokuqinisa isandla uma ekubopha, inqobo nje uma eqinisa isandla ngendlala enengqondo.

ILUNGELO LAKHO LOKUTHULA UNGASHO LUTHO

Uma usuboshiwe, kudingeka ukuthi unike amaphoyisa igama lakho, nekheli lalapho uhlala khona kodwa hhayi okunye. Noma angathini kuwe amaphoyisa, awuphoqelekile ukunika eminye imininingwane mayelana nawe, izinto ozenzayo noma izinhlango oyingxene yazo. Konke okushoyo kungasetshenziswa yinkantolo ukuthola wena noma labo oboshwe nabo ngokuphula umthetho.

Khumbula ukuthi unelungelo lokuthula ungasho, futhi akufanele neze amaphoyisa akuphoqe ukuthi uvume icala!

ISIKHUNGO SE EQUAL EDUCATION LAW CENTRE SINIKEZA LAMACEBO ALANDELAYO:

1. Uma uya embhikishweni lapho usola khona ukuthi kungenzeka uboshwe, hamba nencwadi ewubufakazi bokuthi uhlalaphi ngoba lokho kuzokusiza ukuthi usheshe uthole ibheyili uma kwenzeka uboshwa.
2. Uma ufakwa evenini yamaphoyisa kodwa usawuphethe umkhalekhukhwini wakho, thumela lemininingwane elandelayo kumngani wakho noma ummeli wakho wezomthetho:
 - » Amagama abo bonke abanye oboshwe nabo
 - » Igama lephoyisa elikubophile.
 - » Igama lesiteshi samaphoyisa lapho niyiswa khona noma inombolo yemoto othathwe ngayo.
 - » Izinombolo zokuxhumana zomuntu ohlala naye endlini yakho noma ekhaya.



1. IZINYATHELO ZOMTHETHO EZITHATHWA EMVA KOKUBOSHWI:

Lezi yizinyathelo okufanele zilandele emva kokuboshwa kwakho.

1.1. IMOTO OZOHAMBA NGAYO UYA ESITESHINI SAMAPHOYISA NOMA ESIKHUNGWENI LAPHO KUBHALISWA KHONA IMININGWANE YAKHO

Imoto ozohamba ngayo kungaba yiveni yamaphoyisa noma imoto encane, kuzoya ngenani labantu ababoshiwe ngesikhathi esisodwa. Uma uboshwe nabantu abaningi ngesikhathi esisodwa, ningaxoxi ngalowombikisho noma ngokunye ukuphathelene nalowombikisho okungahle kufake omunye enkingeni. Noma engekho amaphoyisa, akufanele nje nikwenze lokhu.

1.2. INQUBO YOKUZAZISA UKUTHI UNGUBANI

Lapha kudingeka ukuthi ubanike igama lakho kanye nekheli lakho. Iphoyisa lizothatha iminwe (fingerprint) akho emva akho emva kwalokho bese uthathwa isithombe.

1.3. ESITOKISINI

Emva kwalokho uzofakwa esitokisini ngaphambi kokuthi ubekwe icala.

1.4. UKUHLONYWA IMIBUZO

Ukuhlonywa imibuzo, phecelezi i-interrogation ngokujwayelekile nikhuluma nephoyisa emotweni yamaphoyisa noma uma usuboshiwe. Lengxoxo futhi kungenzeka yenzeke egumbini elibizwa nge interrogation room. Uma uboshwe embhikishweni, ungaphenduli imibuzo oyibuzwa ngamaphoyisa ngaphandle uma bebuza igama lakho kanye nekheli lalapho uhlala khona, ubatshele ukuthi uzokhuluma nommeli wakho. Uma bezama ukukubuzwa imibuzo, uvele nje uthi “Ngeke ngisho lutho kini.”

1.5. IBHEYILI YAMACALA AMANCANE

Amacala amancane, njengokungena lapho ungenayo imvume yokungena khona, ungathola ibheyili ebizwa ngokuthi yi-"bheyili yasemaphoyiseni". Ezimweni ezinjalo uma unayo imali yokukhokha ungenza isivumelwano nephoyisa elingumseshi bese uyikhokha leyomali njengebheyili. Lemali oyikhokhayo iyophinde iqinisekiswa lapho sekulalelwa isicela sakho sebheyili enkantolo. Kuzofuneka ukuthi lemali uyikhokhe ingukheshi. Qiniseka ukuthi uyalithola iresidi eliyisiqiniseko sokuthi ukhokhe malini, futhi uqiniseke ukuthi iresidi lakho lisayinwe yiphoyisa elithathe imali kuwe.

AMAQHINGA ASETSHENZISWA NGAMAPHOYISA UKUZE UKHULUME:

AMANGA: "Wena awuyena umsolwa, sisize nje usitshela konke okwenzekile, kwenzekeni, futhi kanjani?"

IQINISO: ukube ubungeyena umsolwa ubungeke uboshwe kwasekuqaleni. Ukuthi uboshiwe kusho khona ukuthi usolwa ukuthi wephule umthetho.

AMANGA: "Uma ungaphenduli imibuzo sizokubeka icala lokuthi ubusilwisa ungafuni ukuboshwa."

IQINISO: Ngeke bakubeke icala lokuthi ubungafuni ukuboshwa ngoba vele usuboshiwe kakade. Ngaphezu kwalokho unelungelo lakho lokuthula ungaphenduli lutho abayibuzayo.

AMANGA: "Bonke abangani bakho babambisene nathi bakhuluma iqiniso sabakhulula. Sekusele wena wedwa."

IQINISO: Ukukhululwa akusho ukuthi wena noma abangani bakho ngeke basabekwa amacala, futhi ayikho indlela ongazi ngayo ukuthi bakhululwe kanjani abangani bakho.



2. UKUGQUNYWA ESITOKISINI

Ukugqunywa esitokisini yisikhathi esifishane uvalelwe esitokisini ngesikhathi amaphoyisa esanquma ukuthi kunobufakazi obanele yini bokuthi ubekwe icala noma cha. Ngokomthetho, amaphoyisa kumele abe nezinsolo ezanele zokuthi ngempela uphule umthetho. Ngesikhathi usagqunywe esitokisini, amaphoyisa awanalo nakancane ilungelo lokukuphoqa ukuthi uwanike ulwazi ngabanye ababhikishi oboshwe nabo, izinto enizenzayo noma inhlango oylungo layo. Unelungelo lokuthi uthule du. Uqaphele ukuthi noma yini oyishoyo, noma ngayo uyisho kulaba ogqunywe nabo esitokisini, ingasetshenziswa enkantolo ukuze kubekwe wena icala noma kubekwe icala abanye ababhikishi oboshwe nabo.

Unelungelo lokukhuluma nommeli wezomthetho ofunwa nguwe, ukhulume naye futhi unelungelo lokuvakashelwa ngumuntu othandana naye, isihlobo sakho, ngumholi wezenkolo okhethwe nguwe kanye nodokotela ofunwa nguwe uma kunesidingo.

Ungagqunywa esitokisini ngaphandle kokubekwa icala kuphela isikhathi esingadluli emahoreni angu 48, kungabalwa izimpelasonto kanye namaholide. Kusho ukuthi uma uboshwe ngoLwesine noma ngoLwesihlanu, ungagqunywa esitokisini kuze kube nguMsombuluko lapho uyothola khona ithuba lokuvela enkantolo noma ukhululwe.



3. UKUVELA OKOKUQALA ENKANTOLO

3.1. UKUTHOLA UMMELI

Unelungelo lokuthi usebenzise ummeli womphakathi (loyo ngummeli kahulumeni) kuphela lapho uzosho khona ukuthi uyalivuma yini noma uyaliphika icala kanye necala uqobo lwalo, hhayi uma usenza isicelo sebheyili.

3.2. UKUBEKWA ICALA

Lesi isinyathelo sokuqala sokuthethwa kwecala. Yilapho umi phambi kwenkantolo ukuze uzwe amacala obekwe wona. Amacala akho ashiwo ngumshushisi okunguyena omele uHulumeni ngesikhathi sokuthethwa kwecala lakho. Emva kokuzwa amacala obelwe wona, uzobuzwa ukuthi ukuthi usho ukuthi “uyalivuma icala” noma “uyaliphika icala

- **Ukuvuma icala:** Akumele ulivume icala ngaphambi kokuthi ubonane nommeli wakho. Kodwa ungakwazi futhi ukuthi kamuva ushintshe ulivume noma uliphike icala uma usibona isidingo salokho. Kungumsebenzi womshushisi ukukhombisa inkantolo ubufakazi obuqanda ikhando bokuthi uwuphulile ngempela umthetho futhi ngempela unecala. Wena akudingekile ukuthi ube nobufakazi obuqanda ikhanda ukukhombisa ukuthi awunacala
- **Ukungena esivumelwaneni:** ungakwazi “ukungena esivumelwaneni” nomshushisi. Ukungena esivumelwaneni yilapho kuba nesivumelwano phakathi kwakho nomshushisi lapho wena ulivuma icala bese umshushisi akunike isigwebo enivumelwanayo ngaso nobabili.

3.3. UKULALELWA KWESICELO SEBHEYILI

Okokuqala nje, inkantolo kumele yenze isinqumo sokuthi izokugcina esitokisini kuze kufike usuku lwecala noma cha. Uma inkantolo ifinyelela esinqumweni sokuthi ikukhulule, ingakukhulula ngesexwayiso noma ikunike ibheyili. Lokhu kuwuphawu lokuthi inkantolo iyakwethemba ukuthi uzobuya uma ubizwa ngosuku lwecala, futhi uma ukhokha ibheyili ushiya isamba esithile semali njengesibambiso. Inkantolo izoyigcina lemali yakho yebheyili uma ungabuyi ngosuku lwecala kuze kuphothulwe icala.

Uma wake watholwa yinkantolo unecala phambilini noma uma icala obekwe lona libucayi kakhulu, ukulalelwa kwesicelo sakho sebheyili kumele kuhleliswe okungenani isikhathi esingaba yiviki ukuze kulungiseleke isicelo sebheyili esibhalwe phansi ukuze nenkantolo yenze uphenyo lokuthi ukufanele ngempela yini ukukhululwa ngebheyili noma cha.

Uma ungenaye ummeli ngosuku lokulalelwa kwesicelo sakho sebheyili, kumele ubeke amaphuzu abalulekile ngempela okuthi kungani ungeke “ubaleke ngendiza uye kwamanye amazwe” (okusho ukuthi ngeke ubalekele amacala akho uyobhaca uma uke wakhululwa ngebheyili) noma ngeke uhambe uyosabisa ofakazi uma uke wadedelwa ngebheyili noma awuyona ingozi emphakathini, lokho okusho ukuthi kumele unikwe ibheyili ngaphandle kokungabaza.

Khumbula ukuthi ibheyili awuyitholi nje noma kanjani.

Uma uboshiwe futhi ufuna ukwenza isicelo sebheyili, kumele ukuveze ngokucacile lokhu okulandelayo. Lokhu kuzokusiza ukuthi isicelo sakho sebheyili samukelwe bese uyithola ibheyili:

- Awukaze utholwe unecala yinkantolo phambilini
- Unehkheli eliqondile lapho uhlala khona
- Uqashiwe
- Imininingwane yomuntu ngamunye enjengeminyaka yakhe, imali ayiholayo kanye nenani labantu abondlayo
- Ungumuntu oqondile futhi olungile noma ungumuntu ohlonishwayo emphakathini



4. UKUGWETSHWA

Uma ungena esivumelwaneni nenkantolo, ijaji lizoqinisekisa ukuthi yisiphi isigwebo onikwe sona lesi enivumelene ngaso wena nomshushisi.

Uma ningene esivumelwaneni ngesigwebo nomshushisi amacala owavumayo kumele abe mbalwa noma kumele kube amacala angekho bucayi kunalawa obekwe wona.

Futhi isigwebo kumele sibe sifishane futhi singabi nzima kakhulu kunalesi obuzonikwa sona ukube utholwe unecala yinkantolo futhi ukube awuzange ungene esivumelwaneni nomshushisi.

Uma utholwe yinkantolo unecala ungacela ukunciphiselwa isigwebo. Lezizinto ezilandelayo kungaba yizizathu ezingasiza ukuthi ugcine unciphiselwe isigwebo:

- Ukuzisola (uma ulivumile icala wangafihli lutho, wasebenzisana namaphoyisa futhi wakhombisa ukuzisola ngezenzo zakho)
- Isimo sakho (iminyaka yakho, uma kuwukuthi umncane kakhulu noma umdala kakhulu, imali oyiholayo kanye nendlela ukugwetshwa isikhathi eside okungaba nomphumela omubi ngayo kuwe kanye nakubantu abonmeliwa nguwe)
- Awukaze utholwe unecala yinkantolo phambilini (uma leli bekuycala lakho lokuqala)

INGXENYE 4

IZINDLELA ZOKUVIKELA ILUNGELO LAKHO LOKUBHIKISHA

NGAPHAMBI KOMHLANGANO WE SECTION 4

- Yenza uhlelo oluphelele kuqala. Yenza isinqumo mayelana nokuthi uzoqala nini futhi uphele nini umbuthano, kanye nokuthi bangaki abantu okulindelekie ukuthi baweseke
- Yazisa iziphathimandla ngokushesha ukuthi kuzobe kunombikisho, kungaze kuhambe kakhulu isikhathi ungakaziniki isexwayiso.
- Gcina ikhophi yesaziso osihambisele iziphathimandla, kanye namanye amaphepha eniwasebenzisile ngesikhathi neziphathimandla
- Uma kuzobe kuhamnjiswa incwadi yezikhalo noma imemorandamu kumuntu othile ngesikhathi kunombhikisho, qiniseka ukuthi uyabazisa ngaphambi kombhikisho
- Kungaba wumqondo omuhle ukuthi usuku lombhikisho lungabi ngoLwesihlanu ngoba uma kungezeka kube khona ababoshwayo – ngaphandle ke uma ufuna ukuchitha impelasonto yonke ejele!

EMHLANGANWENI OBIZWA NGE SECTION 4

- Abanye abahleli bombhikisho bayaye bameme ezinye izishosho vu uma kuyiwa kulomhlango ukuze bagweme ukuthi uhlangothi lweziphathimandla lube luningi kunabo futhi ukuze basekelane uma bekhuluma okuthile futhi bangasabiseki
- Ekuqaleni komhlango, bhala phansi amagama abo bonke abayingxeny e yokuhlela imashi
- Kungaba ngumqondo okuhle ukurekhoda umhlango ngomakhalekhukhwini wakho, uma kwenzeka omunye weziphathimandla ekhipha amagama akhombisa ukunisabisa noma esho okuthile ongakusebenzisa enkantolo. Khumbula ukuthi kumele uzazise iziphathimandla ukuthi uyawurekhoda umhlango ukuze bazi ukuthi konke abakushoyo ngeke kube yimfihlo.
- Uma ucabanga ukuthi iziphathimandla kungenzeka ziwuvimbe umbikisho ungabe usaba khona, yazisa ummeli noma iqabane oIethembayo ukuze ulithithe ngocingo phakathi nomhlango ukuze uthole iseluleko. Uma iziphathimandla zinqaba ukuba ibe khona imashi yenu bese udinga ummeli ozokusiza uphonsel e inselele lesisinqumo kumele zazi iziphathimadla ukuthi uzimisele ukuya enkantolo ukuze kuguqulwe lesisinqumo sabo. Uma iziphathimandla ziwunqabela umbhikisho zithi ungabi khona, kumele uthole isizathu esibhalwe phansi.

EMBIKISHWENI

- Qiniseka ukuthi uyiphethe ikhophi yesaziso sombhikisho lena oyihambise kwiziphathimandla, kanye namanye amaphepha aqukethe ubufakazi uma ekhona.
- Yenza ikhophi yencwajana yomkhankaso weR2K yamalungelo Okwenza Umbhikisho.
- Qiniseka ukuthi omashali noma abasizi bakho bombhikisho bahlelekile, bayalwazi lonke uhlelo lombhikisho futhi bayayazi into okumele bayenze.
- Qiniseka ukuthi akekho umuntu owenza into engaphazamisa umbhikisho noma engasusa udlame.
- Lungela ukuthatha izithombe noma amavideo anoma ngabe yisiphi esenzo samaphoyisa sokuhlukumeza ababhikishi noma ngabe okunye nje ukuhlukumezeka okwenzekayo.
- Noma ngabe umthetho uthini ngamalungelo akho, uma amaphoyisa ekutshela ukuthi wenze okuthile noma uma esabisa ngokuthi azokubopha noma azokushaya, yenza lokhu abathi ukwenze. Kubalulekile ukuthi uzigcine uphephile wena namaqabane akho.
- Qiniseka ukuthi unabameli, izintatheli noma amanye amaqabane akho ongawafonela noma uwathumele amaSMS uma udinga usizo.

IZINOMBOLO ZOCINGO EZIBALULEKILE

RIGHT2PROTEST HOTLINE 0800 212 111

*Fonela le nombolo ukwazi
ngomthetho uma umuntu aboshelwe
ilungelo lokubhikisha.*

Facebook/Twitter @protestZA

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LAWYERS FOR HUMAN RIGHTS

012 320 2943

Thola ihhovisi lakho leseluleko somphakathi wangakini: www.nadcao.org.za

Right2Protest Hotline: 0800 212 111

**ILUNGELO LOKWENZA UMBHIKISHO
LIYINDLELA EBALULEKILE
YOKUTHI ABANTU BAKHULUME
NGEZINTO EZIBALULEKILE
KUBO FUTHI BAQINISEKE
UKUTHI IZIPHATHIMANDLA
ZIYAZIZWA IZIKHALO ZABO**

Umkhankaso weRight2Know Campaign uyaziqhenya ngokukhiqiza ushicilelo olusha lwencwajana equkethe izeluleko zezishosho, eliwumphumela womsebenzi wabantu abaningi akade besemzabalazweni ngaphambi kwethu. Ngaphezu kwakho konke, bonke abantu abaphila kanye nabasebenza eNingizimu Afrika kumele bangacini nje ngokwazi lamalungelo kodwa futhi bawasebenzise.



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