Isivumelwano esibhekene nesikhathi esimiselwe inkambiso yezicelo zikashwele kaMongameli ezimbandakanya izelelesi ezikhethiweyo

1. NJENGOBA kunabantu ababekwe amacala okukholelwa ukuba aphathelene nezombusazwe;

2. FUTHI NJENGOBA ngaphambi kokubekwa koMthethosisekelo wombuso omusha, imithetho kashwele ibisetshenziselwa ukucima amacala abantu ababethweswe wona ngenxa yezingxabano zakudala ngaphambi kuka-1994, (ikakhulukazi ebeziphathelene nezombusazwe) manje imithetho efana noMthetho wokuvikelwa ekulahlekelweni yizimali (Umthetho 35 ka-1990), noMthetho owengeziwe ovikela ekulahlekelweni yizimali (Umthetho 15 ka-1992) kanye noMthetho wokuthuthukiswa kobumbano nokubuyisana kaZwelonke, 1995 (Umthetho 34 ka-1995) (Umthetho weKhomishani wezamaqiniso nokubuyisana), isiphelelwe yisikhathi kanti angeke isakwazi ukuphinde isetshenziswe ukuze kubhekanwe nodaba lwamanje;

3. FUTHI NJENGOBA uMongameli esebheke yonke imibandela enqala ngokulindeleke ukuba kwenziwe, wangathola mgomo ofanelekile ukuba ungamelana nodaba okubhekenwe nalo okwamanje;

4. KANTI FUTHI NJENGOBA Isigaba 84 (2j) woMthethosisekelo waseNingizimu Afrika, ka-1996 (Umthetho 108 ka-1996) obuyekeziwe ukubeka ngesihloko ukuba uMongameli “nguyena okumele akhiphe ushwele noma esule amacala onke alabo abagwetshiwe”;

5. FUTHI NJENGOBA uMongameli usebeke isikhathi esikhethekile sokwamukelwa nokuvalwa kodaba oluphathelene nokwethweswa amacala kwalabo amacala abo ephathelene nezombusazwe;

MANJE-KE:

1. UKWESEKWA KWEQEMBU ELIBHEKISISA LIDLULISELE

Iqembu elibhekisisa lidlulisele eliqukethe abamele amaqembu ezombusazwe lizokwethulwa.

Ngomhlangano wokuqala weqembu leli, amalunga kufanele aqoke uMphathisihlalo okuzoba nguyena ozokongamela yonke imihlangano yeqembu.

2. IZIBOPHO ZEQEMBU ELIBHEKISISA LIDLULISELE

Bazokwamukela zonke izicelo zikashwele esezihloliwe ezibuya eMnyangweni weZobulungisa kanye nokuthuthukiswa koMthethosisekelo.

Bazoqinisekisa ukuba isicelo ngasinye sikashwele kaMongameli sigcwaliswe ngendlela elindelekile

Bazobheka isicelo ngasinye bese bedlulisela kuMongameli umbiko ozomsiza ukwenza isinqumo okuyisona.

Leli qembu kuyomele lona ngokwalo lizenzele imithetho kanye nezinkambiso elizoyisebenzela phezu kwazo uma kubhekwa isicelo ngasinye ngenjongo yokunika umbiko oyiwona obhekene nesicelo ngasinye.

Iqembu leli kuyomele lazise uMnyano wezobulungisa kanye nokuthuthukiswa koMthethosisekelo ngale mithetho kanye nezinkambiso ezinsukwini eziyi-14 liqale ukuhlangana.

3. USIZO LWEZOKUPHATHA

UMnyango wezobulungisa kanye nokuthuthukiswa koMthethosisekelo uzonikezela ngosizo lwezokuphatha kanye nomabhalane eqenjini elibhekisisa lidlusele

4. IMIHLANGANO YEQEMBU ELIBHEKISISA LIDLULISELE

Imihlangano yeqembu izobanjelwa eKapa, futhi nanoma kuyiphi indawo ezoqokwa yilo iqembu bevumelana noMnyango wezobulungisa kanye nokuthuthukiswa koMthethosisekelo

5. EZIPHATHELENE NEZEZIMALI

akukho lunga le qembu elizokhokhelwa ngomsebenzi eliwenzile

UMnyango wezobulungisa nokuthuthukiswa koMthethosisekelo yiwona ozothwala zonke izindleko futhi yenze namalungiselelo afanelekile aphathelene nalo msebenzi

Wonke amalungiseleo aphathelene nomsebenzi weqembu azokwenziwa nomphathi ozobe ekhethiwe ngaphakathi koMnyango wezobulungisa kanye nokuthuthukiswa koMthethosisekelo.

6. ISIKHATHI SOKUSEBENZA ESIBEKIWE

Leli qembu lizosebenza ngomhla wokuqala kuze kube ngowokugcina lapho umsebenzi walo usuphethiwe. Zombili lezi zinsuku zimbandakanyiwe, usuku lokugcina lungeqi umhla-ka 30 Septhemba ngo-2008.

7. NGUBANI ONGATHOLA USHWELE

Abantu abethweswa amacala futhi bagwetshwa nje ngoba babezimbandakanye kwezombusazwe ngaphambi kuka-16 Juni ngo-1999, futhi

Uma isicelo sihambisana nemigomo ebekiwe efomini, lowo othweswe icala angafaka isicelo kuMongameli ngendlela emisiwe.

Lowo ofaka isicelo angaba sethubeni lokuthola ushwele uma:

a) ngabe
   i. usejele uboshiwe
   ii. wagwetshelwa isikhathi ejele noma wakhokhiselwa icala elivuke ngenxa yezinjongo zombusazwe okuyinto eyenzeka ngaphambi kokubekwa kukaHulumeni omusha;

b) icala okukhulunywa ngalo esiqeshini (a) kumele kube ngelenziwa ngaphambi kosuku lokubekwa kukaMongameli ngezi-16 Juni ngo-1999; futhi

c) isicelo sihambisana ne-afidavithi noma incwadi yesiqinisekiso evela kulowo obekwe wumkhandlu, iqembu lezombusazwe noma elinye iqembu elilwela inkululeko ukuqinisekisa ukuthi ngempela lowo ocela ushwele ubeyilunga elisebenza ngaphansi kwemiyalelo ebenikwe yona.

8. NGUBANI ONGEKE ATHOLA USHWELE

Ofaka isicelo angeke athola ushwele uma:

a) ngabe icala ethweswe lona:

i. ngelokunukubeza ngokocansi;
ii. ngelokuhlukumeza lowo/labo ahlalisana naye/nabo;
iii. noma ngeliphi icala elingaphansi kwesigaba 13, Umthetho wezidakamizwa nokushushumbiswa kwezidakamizwa, ka-1992 (Umthetho 140 ka-1992), okhuluma ngokukhiqizwa ukudayiswa, ukusetshenziswa kanye nokushushunjiswa kwezidakamizwa.

b) ngabe lona ofaka isicelo uke wasifaka ngaphansi koMthetho weKhomishani yezamaqiniso nokubuyisana sangaphumelela; kanti futhi
c) uma ngabe ofaka isicelo engahambisananga nemigomo ebekiwe ngaphambi kwezinyanga ezintathu ezibekelwe abafaka isicelo.

9. UKUFAKWA KWESICELO

Izicelo eziyokwamukelwa yilezo ezizobe zigcwaliswe ngendlela ekuyiyona kanti futhi zilandela yonke imigomo ebekiwe ezinyangeni ezintathu zokuhlolwa.

Isicelo esifakwe ngulowo obekwe icala yisona esizobhekwa. Isicelo kumele sifakwe yilowo othweswe icala njengoba kumisiwe wuMnyango wezobulungisa nokuthuthukiswa koMthethosisekelo.

Iqembu lezombusazwe lelo obekwe icala ayilunga lalo nalo lingamfakela isicelo lowo othweswe icala eMnyangweni wezobulungisa nokuthuthukiswa koMthethosisekelo.

Uma ngabe isicelo sifakwa yiqembu lezombusazwe lowo othweswe icala ayilunga lalo, iqembu lelo lezombusazwe kumele:

9.4.1 liqinisekise ukuthi isicelo leso silandela yonke imigomo ebekiwe;
9.4.2 liqinisekise ngaphansi kwesifungo ukuthi ukuboshwa kwalowo oyilunga labo kuyahambisana nezehlakalo zezombusazwe iqembu lelo elaliyingxenye yazo.

10. IZINCOMO ZEQEMBU ELIBHEKISISA LIDLULISELE

Zonke izincomo ezenzelwe izicelo zikashwele kumele zidluliselwe kuMongameli.

Izincomo zeqembu elibhekisisa lidlulisele zizokwenziwa ukulandela isicelo ngasinye sikashwele.

Izincomo ezenziwe ukulandela isicelo ngasinye sikashwele kumele ziphathe izimvo zamalunga ngokuphelele ngokulandela iselo ngasinye.

UMongameli unawo amandla kanye negunya lokuba angenqaba izincomo ezenziwe yiqembu elibhekisisa lidlulisele.

11. IGUNYA LOKUNIKA USHWELE

Emvakokubheka zonke izincomo ezenziwe yiqembu elibhekisisa lidlulisele uMongameli unawo amandla kanye negunya lokunika noma ukwenqaba isicelo leso sikashwele.

Akekho umuntu onelungelo lokuba athole ushwele kaMongameli.

Lowo osicelo sakhe sikashwele esiphumelele icala lakhe selisuliwe angeke liphinde livuswe lelo cala.

Imibuzo:

Mnu. Neville Gwala
UMqondisi: Ihhovisi leChief Litigation Officer
UMnyango weZobulungisa nokuthuthukiswa koMthethosiskelo
Ucingo: (012) 357 8573
Iselula: 082 466 8968