

**UMTSETFO LOKHONA WELUHLELO LOLUSIPESHELI LOKUCOLELA
LWENCHUBO YAMENGAMELI LOLUHLOBENE NEMACALA LATSITE**

1. **LAPHO** kunebantfu labagwetjiwe ngobe bente emacala labakholwa kutsi bebalanzela tinjongo tepolitiki;
2. **KANTSI NALAPHO** kumacala angaphambi kwekucala kweKungena kwemtsetfosisekelo lomusha kwabese ngemuva kwaloko, shwele nemitsetfo yekuvikelwa ekuboshweni iyangeniswa yabese iyasetjentiswa kucima emacala ebugebengu (kulokunye emacala langasiwo ebugebengu) kanye nekucedza kugwetjelwa emacala kwebantfu labente emacala ngaphambi kwa-1994 lavela kutimphi tangaphambilini, [ngetinjongo tepolitiki] kumarekhodi abo ebugebengu, loluhlobo lwemitsetfo, lokutsiwa nguMtsetfo weKuvikelwa ekuBoshweni (uMtsetfo 35 wanga-1990), loMtsetfo Longetiwe weKuvikelwa ekuBoshweni (uMtsetfo 15 wanga-1992) neMtsetfo weKukhutsata Lubumbano neKubuyisana, 1995 (uMtsetfo 34 wanga-1995)(“uMtsetfo we-TRC”), uphelelwe sikhatsi kantsi angeke isasetjentiswa kubukana naletindzaba letikhona.
3. **KANTSI NALAPHO** uma Mengammeli abuke tonkhe tincenye letinye letifanele lokuvunyelwe ngekwemtsetfo, akamange atfole nobe ngabe nguyiphi indlela lefanele yekubukana naleyo ndzaba lekubukenwe nayo;
4. **KANTSI NALAPHO** Sigaba 84(2)(j) seMtsetfosisekelo weRiphabhuliki yaseNingizimu Afrika, 1996 (UMtsetfo 108 wanga-1996) njengobe uchitjiyelwe utsi Mengammeli “**unemtfwalo wekuniketa shwele nobe kucolela benti bemacala nekukhokhela tinhlawulo, tinkhokhelo kanye nekulahlekelwa**”.
5. **KANTSI NALAPHO** Mengammeli amemetele umyalelo lokhetsekile kutfola kuphetfwa kwetindzaba letihlobene nekugwetjwa kwalabantfu lekucatjangwa kutsi benta emacala ngekulanzela tinjongo tepolitiki.

NYALO NGALOKO:

1 KUSUNGULWA KWELICEMBU LELICONDZENE NALOKU (RG)

- 1.1 Licembu lelicondzene naloku lelakhiwe banntfu labamele tinhlango tepolitiki liyasungulwa.
- 1.2 Kulokuhlala kwaleLicembu lelicondzene naloku kwekucala, emalunga kufanele lapha kuwo, akhetse Sihlalo lotawulawula yonkhe imihlangano yaleLicembu lelicondzene naloku.

2. UMTFWALO WALELICEMBU LELICONDZENE NALOKU

- 2.1 Kutfola tonkhe ticelo letifakiwe letihloliwe tashwele letivela kuLitiko Letebulungisa Nekutfufukiswa Kwemtsetfosisekelo
- 2.2 Kucinisekisa kutsi lesa naleso sicelo sashwele sifakwa ngendlela lebekiwe.
- 2.3 Kubuka lesa naleso sicelo sashwele bese lente tincomo kuMengameli.
- 2.4 Licembu Lelicondzene naloko kufanele lisungule imitsetfo netinchubo tayo ekubukeni lesa naleso sicelo sashwele ngetinjongo tekwenta tincomo kuMengameli ngekuncika kulesa naleso sicelo.
- 2.5 Licembu Lelicondzene naloko kufanele latise litiko letebulungisa nekutfufukiswa kwemtsetfosisekelo ngalemitsetfo netinchubo yalo ngekhatsi kwetinsuku letilishumi nakune (14) ngaphambi kwalokukuhlala kwalo.

3. KUSEKELWA NGEKWEMISEBENTI YASEHHOVISINI KWELICEMBU LELICONDZENE NALOKO

- 3.1 Litiko letebulungisa nekutfufukiswa kwemtsetfosisekelo litawuniketa lusekelo ngemisebenti yasehhovisini kanye neyebubhalane kuleLicembu Lelicondzene naloko.

4. KUHLALA KWALELICEMBU LELICONDZENE NALOKU

4.1 Lokuhlala kwaleLicembu Lelicondzene naloko kutawuba seKapa kanye nanobe ngabe nguyiphi indzawo njengobe incunyuwe nguleLicembu Lelicondzene naloko ngekuchumana neLiko Letebulungisa Nekutfufukiswa Kwemtsetfosisekelo.

5. KUTSINTSEKA NGEKWETIMALI

5.1 Akukho lilunga lelitawuhola ngekwenta imisebenti yaleLicembu Lelicondzene naloko.

5.2 Litiko Letebulungisa Nekutfufukiswa Kwemtsetfosisekelo litawutfwala yonkhe lemisebenti yekucondzisa kanye netindleko tekuhamba temalunga aleLicembu Lelicondzene naloko.

5.3 Onkhe emalungiselelo ekucondzisa lahlobene nalomsebenti waleLicembu Lelicondzene naloko atawentiwa sisebenti lesibekiwe seLitiko Letebulungisa Nekutfufukiswa Kwemtsetfosisekelo.

6. SIKHATSI LESIBEKIWE SALELICEMBU LELICONDZENE NALOKU

6.1 Licembu Lelicondzene naloko litawuba khona kusukela ngalelilanga lemhlango wekucala kuya kulelilanga uma selicedze umsebenti walo, omabili emalanga afakiwe, lusuku lwekugcina angeke lube ngetulu kwa-30 Septemba 2008.

7. NGUBANI LOFANELEKILE KUTFOLA SHWELE

7.1 Bantfu lebebagwetjiwe babuye batfunyelwa ejele ngekwenta kuphela emacala lahlobene netepolitiki ngaphambi kwaJuni 16, 1999; kantsi futsi

7.2 bahambisana naletindlela tekukhetsa kanye netinchubo njengobetibekwe kulelifomu lekufaka lesicelo, bangafaka sicelo kuMengammeli sashwele ngalendlela lebekiwe.

7.3 Umuntfu utawufaneleka kuphela kutsi atfole shwele uma –

- (a) Yena
 - (i) kwanyalo uhuba sigwebo sekuboshwa;
 - (ii) wagwetjwa sikhatsi sekuboshwa nobe inhlawulo kulelicala leli lelavuka ngekuhlobana, neMtsetfo nobe inhloso lenetinjongo tepolitiki lelentiwe ngesikhatsi setimphi tangaphambilini;
- (b) lelicala lelishiwo kusigaba (a) lentiwa ngaphambi kwelusuku lekubekwa kwaMengammeli nga-16 Juni 1999 kantsi futsi
- (c) sicelo sakhe sashwele sihambisana ne-afidavithi lebekiwe nobe nesicinisekiso nobe kucinisekiswe ngumuntfu loniketwe imvumo licembu lepolitiki nobe inhlango, sakhiwo, inhlango lelwela inkhululeko nobe umtimba, lapho kucinisekiswe khona kutsi uMtsetfo nobe inhloso leyakhe lelicala lelibukwako, lavela ngaphansi kwemiyalelo, nobe ekulandzeleni umyalelo, nobe kutfunywa, kuyalelwa, kutjela, umbono, lisu nobe, umklamo, nobe esikhundleni, nobe kuvunyelwa, nobe kuchuba, kukhutsata kuzuzwa kwetinchubomgomo, tinjongo, nobe tinshisekelo, talelo licembu, inhlango, sakhiwo, inhlango lelwela inkhululeko nobe umtimba lelo umfaki sicelo bekalilunga, i-ejenti nobe umlandzeli.

8. NGUBANI LONGAKAFANELI KUTFOLA SHWELE

8.1 Umuntfu angeke atfole shwele uma –

- (a) Yena bekagwetjelwe licala lelihlobene ne:
 - (i) Nobe ngabe nguwuphi uMtsetfo weluhlobo lwekudlwengula;
 - (ii) Nobe ngabe nguwuphi uMtsetfo lohlobene neludlame lwasemakhaya,
 - (iii) Nobe ngabe nguliphi licala lelishiwo kuSigaba 13 seMtsetfo wetiDzakwamiva kanye Kushushumbiswa kwetiDzakwamiva, 1992, 1992 (UMtsetfo 140 wanga-1992), lekuhlobene nekukhicitwa kanye nekusabalaliswa kwetidzakwamiva, kusetjentiswa kanye nekuphatsa tidzakwamiva nobe kutsengisa tidzakwamiva;
- (b) yena uke wafaka sicelo kuKomiti yaShwele lesungulwe ngaphansi kweMtsetfo we-TRC sabese sicelo sakhe sashwele siyancatjelwa; kantsi futsi

- (c) Yena **AKAKAHAMBISANI** nato tonkhe letimfuneko letibekiwe tangaphambilini **ngaphambi nobe kutinyanga** letintsatfu (3) “lekusikhatsi selitfuba” uphelelwe sikhatsi.

9. KUFAKWA KWESICELO

- 9.1 Kutawuba ticelo letifakiwe Kuphela letigcwaliswe kahle kanye futsi tingalendlela lebekiwe, kufaka ekhatsi lifomu lelibekiwe ikakhulukati leli lelentelwe lenjongo yalokumenyetelwa lokukhetsekile, ngekhatsi “kwalesikhatsi selitfuba, titawubukwa.
- 9.2 Kutawuba sicelo lesifakiwe Kuphela lesifakwe ngumuntfu lotimele lesitawubukwa. Lesicelo lesifakiwe kufanele sentiwe ngumuntfu lotimele njengobe kubekiwe sabuye satfunjetwa kuLitiko Letebulungisa Nekutfufukiswa Kwemtsetfosisekelo.
- 9.3 Licembu lepolitiki leli umfaki sicelo lavela kulo nalo lingatfumela lesicelo ku Litiko Letebulungisa Nekutfufukiswa Kwemtsetfosisekelo esikhundleni sakhe.
- 9.4 Uma kweneka lesicelo lesifakiwe sifakwe ngulelicembu lepolitiki esikhundleni semfaki sicelo; licembu lepolitiki kufanele:
- 9.4.1 Licinisekise kutsi lesicelo lesifakiwe sigcwaliswe ngalendlela lebekiwe;
- 9.4.2 Licinisekise ngaphansi kwesifungo lesisemtsetfweni kutsi letenteko ngaphansi kwalelicala lelentiwa tiliciniso futsi tihamisana netenteko tepolitiki/tigigaba leti lelicembu lepolitiki beliyincenye yato.

10. TINCOMO TALELICEMBU LELICONDZENE NALOKO

- 10.1 Tonkhe tincomo letentiwe mayelana neticelo letifakiwe tashwele kufanele titfunyelwe kuMengammeli.
- 10.2 Sincomo seLicembu Lelicondzene naLoko sitawentiwa mayelana naleso naleso sicelo sashwele.

10.3 Sincomo lesentiwe nguleLicembu Lelicondzene naloko mayelana naleso naleso sicelo sashwele kufanele sibonise imobono yelinyenti kanye naleyo yelidlandzana lemalunga, uma ikhona, mayelana naleso naleso sicelo.

10.4 Mengammeli unemandla ekucitsa tincomo letentiwe nguleLicembu Lelicondzene naloko.

11. EMANDLA EKUNIKETA SHWELE

11.1 Mengammeli ngemuva kwekubuka tincomo letentiwe nguleLicembu Lelicondzene naloko, unemandla ekuniketa nobe ancabele lesicelo lesifakiwe sashwele.

11.2 Akekho umuntu lonelilungelo lekuniketwa shwele nguMengammeli.

11.3 Lokuniketwa kwashwele kwanobe ngabe ngumuphi umuntu kutawuholela ekucimeni kwalesigwebo kanye nelirekhodi lebugebengu lalelicala mayelana nalelicala leli shwele laniketelwa lona.

Imibuto:

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