



# Kugwema bugebengu lobuphatselene netilwane tasendle nekugcina imiphakatsi iphephile.

I-Restorative Justice iluhlelo lelentelwe baholi bemiphakatsi.

## Iyini I Restorative Justice?

I Restorative Justice iluhlelo loluhlose kulungisa umonakalo lobangwe bugebengu, iniketa bantfu labahlukubetwe bugebengu, bantfu labenta lobugebengu nemiphakatsi litfuba lekukhulumisana mayelana nemitselela lebangwe bugebengu kanye nekutfola tindlela tekugwema umonakalo lobangwe bugebengu. Kuletinkhulumiswano, kufanele kube nemuntfu longakhetsi luhlangotsi, lohola loluhlelo, abuye acinisekise kutsi emalungelo awo wonkhe umuntfu nemitsetfo iyalandzelwa futsi iyahlonishwa. IRestorative Justice isisombululo lesitsembisako lesingancedza kugwema bugebengu betilwane tasendle.

## Buyini bugebengu betilwane tasendle?

Bugebengu betilwane tasendle bungachazwa njengemikhuba lephatselene nekweba tilwane letivikelekile ngekwemtsetfo. Bugebengu betilwane tasendle lobuvamile bufaka ekhatsi kubulala kanye nekweba tilwane, ikakhulukati tilwane letivikelekile ngemtsetfo, kutfolakala uphetse letilwane ngalokungekho emtsetfweni, kutishushumbisa noma kutitsengisa ngalokungekho emtsetfweni.

## Bugebengu betilwane tasendle bulimata bantfu netilwane

ENingizimu Africa, akukavumeleki kutingela, kutfolakala ushushumbisa tilwane noma kudla tilwane netitjalo letivikelekile ngaphandle kwemaphepha emvumo. Imitsetfo lengetiwe nayo ingaphulwa uma bugebengu buchubeka bentiwa. Umuntfu longatfolakala anelicala, angahlawuliswa imali lengafika kutigidzi letilishumi noma agwetjwe iminyaka lengafika kulelishumi.



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# Imitselela yebugengu betilwane tasendle lebangwa bantfu

- Bugebengu benta kutsi imiphakatsi ingaphephi.
- Tindleko letinkhulu kutetimali, kutisebenti kanye nenhlalakahle.
- Timpilo tebantfu labasebenta kugadza letilwane tiba sengcupheni nabahlangabetana nebatingeli labangekho emtsetfweni.
- Bugebengu betilwane tasendle kunekuhambelana nekwebiwa kwetinkomo, kushushunjiswa kwetizakamiva kanye naletinye tinhlobo tebugebengu lobusabekako.
- Tigebugengu natijuba fenisi noma dalada lobiyele tilwane tasendle, letinye tilwane tingaphuma tiye ngaphandle timoshe tijalo noma tibulale letinye tilwane tasemakhaya.
- Letinye tifo letifana nemarabi tingandlulela etilwaneni tingene nasebantfweni.
- Eskhatsini lesinyenti, bantfu labahlukunyetwe bugebengu bayatsikameteka engcondvweni lokungaba nemitselela lemibi etimpilweni tabo.

## Baholi bemiphakatsi bangadlala indzima lebalulekile ekunciphiseni bugebengu

ENingizimu Afrika, bantfu labatfolakala banelicala lekweba bayaboshwa noma bahlawuliswe imali. Loku kubanga labanye bantfu labahlukunyetwe bugebengu bative kwangatsi umtsetfo udlale indzima yawo futsi nabo batfole bulungiswa, kodvwa imitselela yakhona ayipheli futsi ayibuyiseleki emuva. Tindlela tekujezisa bantfu labaphule umtsetfo atikavami kusombulula imbangela yebugebengu, lokubese kubanga kutsi bachubeke ngaletento tebugebengu noma sebashowe bajeziswa. I-Restorative Justice ingasombululo lenkinga. I Restorative Justice akusiyo indlela lensha yekusombulula letinkinga, imiphakatsi leminyenti, kufaka ekhatsi nalamanye emave sewake ayisebentisa lendlela, kanye nasetinkhantolo letiphetfwe Makhosi asemakhaya.



## Imiphumela ye Restorative Justice

I-Restorative Justice iyindlela lesiciniseko sekwenta loku lokulandzelako:

- Bantfu labente bugebengu bakhone kubhoboka mayelana netingcinamba labahlangabetana nato/ letibaholela ebugebengwini.
- Ilungisa monakalo lodalwe bugebengu.
- Ingancedza letephula mtsetfo kutsi tintjintje timphilo tato tingaphindzi titimbandzakanye nemikhuba lephatselene nebugebengu.



**Kuko konkhe loku, i-Restorative Justice ingaletsa bulungiswa nekuphepha emiphakatsini.**



## Kubalulekile kuvisisa kutsi:

- Akusiwo onkhe emacala langalungiseka nge Restorative Justice.
- Akekho umuntu lophocelwe kutsi abe yincenye ye-Restorative Justice, iyindlela lengacindzeli bantfu kutsi babe yincenye.
- Bantfu labayincenye ye Restorative Justice kumele bawavise emalungelo abo ngalokugcwele kanye nemiphumela yakhona.
- Wonkhe umuntu unelilungelo lekutfolela kwelulekwa ngetemitsetfo.
- I-Restorative Justice akusiyo indlela lelula lengamane itsatfwe nje.
- Esikhatsini lesinyenti i-Restorative Justice isebentisana netinkantolo temtsetfo, kudvonsa tigwebo emajele, kuhlawuliswa, kanye nekuboshwa imbala.

# I-Restorative Justice isebenta njani?

Uma licala liyiswa ku restorative justice, kuba nemholi weluhlelo lobekwako. Lomholi luhlelo uchumana ngco nalomunfu lohlukubetekile, achaze kutsi lendlela ye restorative justice isebenta njani, bese amumeme kutsi abe yincenye yaloluhlelo. Umholi luhlelo ubese uchumana nemhlukubeti ngemuva kwekutsi lolohlukubetekile avumile kuba yincenye yaloluhlelo. Letinhlangothi totimbili kumele tivisise kutsi iyini I restorative justice, isebenta/ihamba njani, emalungelo abo atsini, nemiphumela lengahle ifezeke kute kutsi batsatse tincumo letikhaliphile mayelana nekutimbandzakanya kuleluhlelo.

Uma letinhlangothi letimbili tivuma kuba yincenye yaloluhlelo, loluhambo le restorative justice lubese luyacala. Loluhambo luhlukaniseke ngetigaba letine, tibekeke ngalendlela; **1 Kutilungiselela; 2 Imihlangano; 3 Tivumelwano letisemtsetfweni; 4 Tivumelwano netinkhulumiswano letitawulandzela.**

Iminingwane leminyenti nge restorative justice ingatfolaka kulencwajana lenesihloko lesitsi, 'Restorative justice process- what can I expect?' ngingalindzela ini?

## Sigaba 1 Kulungiselela

**Onkhe emacembu kumele atilungiselele kahle.** Umchubi luhlelo ubamba imihlangano nalohlukebetekile kanye nemhlukubeti, abachazele kutsi umhlangano utawuhamba njani, abachazele ngemalungelo abo, indzima lekumele bayidlale kanye nemiphumela lengahle ivetwe nguleluhlelo. Tici temtsetfo tichazwa kabanti, kufaka ekhatsi lilungelo lekutfola kwelulekwa ngekwemtsetfo kanye netintfo letingahle tivimbele umtsetfo kutsi utsatse indzawo yawo uma leluhlelo le restorative justice lungabi yimphumelelo.

Emacembu omabili avumelekile kubuta imibuto noma nini kuleluhambo.

Ngalesikhatsi sokulungiselela, umunfu nemunfu kumele ayivisise kahle imigomo kanye nemalungelo emtsetfo lahambisana ne Restorative Justice.



## Sigaba 2 Imihlangano

**Umchubi luhlelo utawuchaza tindzima temacembu omabili, abachazele kutsi umhlangano utawuhamba njani kanye nemalungelo abo.**

Lomunfu lohlukubetekile ngebugengu betilwane tasendle uyamenya bese uphiwa litfuba lekuchaza kabanti ngemitselela noma indlela latsikabeteke ngayo ngalobugengu, aphindze abute umhlukubeti imibuto. Umhlukubeti(sigebengu) sibese sinikwa litfuba lekuchaza kabanti ngetimo letibange kutsi adzimate atimbandzakanye kumbe ente lobugebengu. Kubalulekile kuchaza imitselela lebangwa bugebengu lobuphatselene netilwane tasendle tukwe kunakekeleka kwemvelo, nendlela lesihlukumeteka ngayo simphatsaki. Uma sekusobala kutsi umonakalo lodalekile ngumuphi futsi ungakanani, umhlukubeti kanye nalohlukubetekile babese bayahlngana batame kutfola tindlela tekusombulula lomanakalo.



## Sigaba 3 Sivumelwano lesisemtsetfweni

Migomo kumele ibhalwe phansi, labantfu labayincenye yaloluhlelo basayine lemigomo. Lesivumelwano siba yincwadzi yesicinisekiso lesemsetfweni (formal document), lenetinchazelo netinyatselo letihlelekile ngalesigameko, umonakalo lodalekile kanye netijeziso letilungele umhlukubeti. Lencwadzi kumele ichaze tonkhe tinyatselo letitawutsatfwa kanye nesikhatsi lesibekiwe, kute kutsi tinkinga nekungavisisani lokungahle kube khona kugwemeke. Uma ngabe umhlukubeti nalomunfu lohlukubetekile bahluleka kufika kulesivumelwano tsite, bavumelekile kulihocisa licala noma bacitse lelicala. Licala libese libuyela e nkantolo yemtsetfo (criminal justice system).



## Sigaba 4 Tivumelwano netinkhulumiswano letitawulandzela

**Lamacembu kufanele ente siciniseko sekutsi alandzelela migomo nemiyalo njengobe ibhaliwe kulengcoco yesivumelwano.**

Lendlela iyabukiswa kwenta siciniseko sekutsi licembu ngalinye ngalinye lifeza imisebenti yalo kulesikhatsi lokuvunyelenwe ngaso. Nangabe umhlukubeti ahluleka kwenta sivumelwano lesibekiwe, licala libuyiselwa emuva enkantolo.



Lemihambo yentiwa ngekutinikela, ngalokuphephile, lokufanelekile, ngaphandle kwetimfihlo ibuye ivikele emalungelo nebunfu balamacembu.



# Kwehlisa bugebengu lebantfu labaphindza baphule umtsetfo

I-Restorative Justice itsetse sincumo sekutsi labantfu bachaswe ngelwati, lelitabasita kutsi bangaphindzi bente emacala lafanako. Esikhatsini lesinyenti, bugebengu buhambisana netidzakamiva, sibonelo, uma tigebengu tingatfoli lusito, tichubeke tihheme noma titsatse netidzakamiva, kuba lula kutsi tibuyele emakhaya tichubeke nemikhuba yakudzala. Kubalulekile kutsi tiphula mtsetfo ticeceshwe ngemakhono latawuvula ematfuba emisebenti mabaphuma ekhulukutfu, loku kutawenta kutsi bakhone kondla imindeni yabo nekumukeleka emphakatsini.

## Iminingwane

Uma ufuna kubika emacala/tehlakalo letingahle tiyiswe ku restorative justice noma lwati lolungetekile, ungatsintsana ne Endangered Wildlife Trust [rj@ewt.org.za](mailto:rj@ewt.org.za)

### Lwati lolungetiwe netinsita

**Preventing wildlife offences helps keep communities safe.** An introduction to restorative justice for community leaders.

#### **The restorative justice process - what can I expect?**

Booklet and summary pamphlet available from [www.ewt.org.za](http://www.ewt.org.za)

### Tinsita letisetjentsiwe kulolucetu

Department of Justice and Constitutional Development (2011). *Restorative justice, the road to healing*. Accessible at [www.justice.gov.za](http://www.justice.gov.za)

Frank, C and Skelton, A, 2007. Practice Standards for Restorative Justice: A Practitioner's Toolkit. Pretoria, Restorative Justice Initiative accessible at <http://restorativejustice.org/10fulltext/frankcheryl.pdf>



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