

# Ulwaphul O-Mthetho Oluyindzondo: Hate Crimes

iTreatment Action Campaign (TAC)  
ihlanganise abantu nemibutho jik-  
elele eMzantsi Afrika ekupheliseni  
Ulwaphul O-Mthetho Oluyindzondo



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# A South African fact sheet

Treatment Action Campaign (TAC) ihlanganise abantu kunye nemibutho jikelele eMzantsi Afrika ekupheliseni kokubulawa kwabantu besini esinye baseSoweto, uSizakele Sigasa kunye noSalome Masooa; sihlanganise imibutho ebiza esisiganeko ukuba ulwaphulo-mthetho oluyindzondo. Ezi ziganeko zithi zenzeke ekuhlaleni, apho ukuhlaselwa, nokuhlaselwa ngokulalwa, nokubulala zithi zenzeke mihla le ebantwaneni, emadodeni kunye nabafazi.

## SAPS CONTACT CRIME STATISTICS

Ukubulala	19 202
Udlwengulo	52 617
Ukuzama ukubulala	20 142
UhlaseloGHB	218 030
Uhlaselo Oluxhaphakileyo	210 057
Uhlaselo Olungafanelekanga	9 367
Ubusela Obubi	126 558
Ubusela Obuxhaphakileyo	71 156

Olu lwaphulo-mthetho lwenzeka ebantwini lolona lunenani eliphezulu kakhulu elizweni. Ukuphathwa gadalala kwabantu ekhaya, lolona lwaphulo-mthetho luxhaphakileyo, olungekabhalwa phantsi. Ulwaphulo-mthetho oluninzi, olunje

PE ARGUS, TUESDAY, DECEMBER 22, 1998

## HIV woman murdered after public confession

ARGUS CORRESPONDENT

Durban - Gugu Dlamini was brave enough to publicly disclose her HIV status at an AIDS education meeting in KwaMashu, north of Durban, to help others. She was repaid by being beaten and thrown into the mud by a group of thugs.

She was beaten so severely she died of her wounds in hospital last week.

ngodlwengulo, lolona lubikwa kancinci. Istatistiks sikwabonisa ukuba uninzi lwesini, uhlanga, kunye nodidi lwabantu, azibikwa njengolwaphulo-mthetho.

ITAC ithe yazinikezela ngokusebenzisana ekupheliseni ukuphathwa gadalala ngokwesini. Kwaxeshanye, ulwaphulo-mthetho oluphathelelene nokuqala ugwebe kunye nocalucalulo lunyuka

## SINGENZA NTONI UKUPHELISA ULWAPHULOMTHETHO OLUYINDZONDO? NIKA IZIMVO ZAKHO

Ayikokubulala kodwa ulwaphulo-mthetho uluyindzondo. Luqala ngokuqulana, ukubhulisha, ukuharasa, ukoyikisana kunye nokuhlasela. Ezi zinto zithi zeneke mihla le ezikolweni, ezitratweni, endaweni esihlala kuzo, emisebenzini, nasecaweni.

Abantu, iikhomyunithi, imibutho enje ngeTAC mazilungiselele ukukhwaza ikhwelo, kwinjongo zokuphuhlisa intlonipho eluntwini kunye nokwakhanukwenza abantu balingane. Nika izimvo zakho. Zeziphi izinto ezinokwenziwa? Singasebenzisana njani nemibutho esokola ukuphelisa ubundlobongela besini, iilesbhiyen, nemibutho yee-geyi, abantu abasuka kwamanye amazwe, kunye nabangcucalazi.

Thumela izimvo zakho kwisebe leTAC, iofisi ekufutshane nawe okanye uye kwa [info@tac.org.za](mailto:info@tac.org.za)



malunga nayo. Nge-8 Juni 2000, ibhombi yaqhushumba phambi kwale-restyurenti ngo-19:45, isonzakalisa abantu abathathu. I-PAGAD, People Against Gangsterism and Drugs, yaba ngabona abatholwayo malunga noluhlaselo ngelixesha kwiPeninsula, yaye bebengundaba-mlonyeni kuhlaselo olunje. Umnikazi wale-restyurenti, uLeslie Milner, wacinga ukuba izinto eziphathelelene nenkolo yobuJuda zingabanto yokwenza nesiganeko sokuzama ukubhombisha kunye nokubhombisha oko.



## **Ulwaphulo-mthetho ngokuphathelelene nezobumvelaphi kohlanga A-Masomali athemba ukufumana ubomi obubhetele.**

Ngo-Agasti 2006, amapolisa achaze ukuba iqela lezaphulimthetho lihlasela abantu baseSomalia eMasiphumelele kwilokishi encinane ehlala abantu abamnyama ecaleni kwedolophi yaseKommetjie eKapa, bethsabalalisa betshisa iivenkile zaboyaye bebenyanzelisa ababantu abamalunga ne-80 ekubabetheni. Kwakulonyaka mnye, uhlasele lwamaSomaliya luye lwaxhaphaka eMzantsi Afrika lushiya i-27 yamaSomaliya ebulaweyo eKapa kwinyanga kaAgasti kuphela. Iingcaphephe zithiukwanda kwendlala kunye nenani labangcucalazi baseAfrika lwenze umona, lusenza kwaye lwenza ukuba lande inani labangcucalazi.

lunyuka kakhulu ngokwenani. Sijonge ukusebenzisana nabo bonke abantu kunye nemibutho ukuphelisa uphatho gadalala kunye nolwaphulo-mthetho oluyindzondo.

Eli phepha lixelenga amatyala awohlukeneyo olwaphulo-mthetho oluyindzondo.

## **Ii-lesbhiyeni ezabulawa ngendlela ethile**

Ngomhla we8 kuJulayi 2007, ngeCawe, uSizakele Sigasa ominyaka eyi-34, ikhodineyitha yePositive Women's Network okwanguye nomlwele wamalungelo wabantu abazi-lesbhiyeni kunye nee-geyi, kunye nomhlobo wakhe uSalome Masooa ominyaka eyi-23, bafunyanwa benzokaliswe baza babulawa ngolunya eMeadowlands, eSoweto. USizakele wafunyanwa ebotshwe izandla zakhe ngasemva kunye nempahla yakhe yangaphantsi, izihlahla zemilenze zibotshiwe, zadityaniswa ngemitya yakhe yezihlangu. Wadutyulwa ngendlela ethile, kwafunyanwa imingxuma yeembumbulu emithathu entlokweni yakhe kunye nasemva kwentamo. Olu lwaphulo-mthetho lwenziwa, ngabantu abachasene nabantu besini esinye esithandanayo.

Amalungu eTreatment Action Campaign, ekumazini kwabo uSizakele, athe athelekisa phakathi kokugetyengwa, nokudlwengulwa kunye nokubulawa kwevolontiya le TAC uLorna Mlofana, kwakunye nokubulawa kukaGugu Dlamini. Zonke ezi ndidi zolwaphulo-mthetho zikhokelelwe yindzondo kunye nenkani yabenzi bobubi ezithi zibenze ukuba bafune ukulala kunye nabantu besifazi nabaphila nentsholongwane kagawulayo.

EMzantsi Afrika, kananjalo, ulwaphulo-mthetho oluyindzondo luthi lwenzeke kubantu abangamalungu bamaqela athile. Uku-xhaphaka kolu lwaphulo-mthetho akuvumelekanga, kwaye iTreatment Action Campaign izakwenza umbutho ukuqinisekisa ukuba lo mthetho uzakuphuhliswa. ITAC ikholelwa ukuba umthetho onje uyakuthi uqinise injongo zeSouth African Constitution ngokuthumela umyalezo ocacileyo kwiindawo zasekuhlaleni ukuba ulwaphulo-mthetho olwenziwa kubantu abathile aluvumelekanga. Siza-kuthi sifundise amalungu ethu kunye neendawo esihlala kuzo ekuququzeleni lo mthetho uchasene nolwaphulo-mthetho.

## **Yintoni ulwaphulo-mthetho oluyindzondo?**

Naluphi na ulwaphulo-mthetho, nokuba kukukhathaza omnye umntu, ukubhulisha, ukuhlasela okanye udlwengulo kunye noku-bulala alwamkelekanga.

Kodwa ulwaphulo-mthetho olu-phathelelene nokuqala ug-webe, indzondo kwakunye nocalu-calulo ngokobuhlanga lungathi lukhokelele ekuphelisweni kwal-amaqela abantu ngenxa yoh-langa, isini, inkolelo, imvelaphi, kunye nodidi lwabantu. Kumzekelo wexeshana elingephi elidlulileyo eRwanda, apho abantu abangamaHutu baye babulala malunga ne 800 000 yabantu abangamaTutsi, kwaku-nye namanye amaHutu aye athi azama ukubanqanda ekubula- leni kwababantu. Omnye umze-kelelo ngowokubulawa kwabantu kwiinkampi zeNazi abachasene nabantu abangamaJuda, amas-oshiyali, amadoda azigeyi kunye nejpisi.

Ulwaphulo-mthetho oluyin- zondo lwenziwa kukuqala ug- webe, elithi likhokelele ekupha- thweni gadalala, ukukhathazwa kwabantu, ukubhulishwa, ukukha- thazeka, kunye/okanye ukoyiki- swa kwabantu. Aba bantu bathi bajongane

nocalucalulo oluphathelelene nesini, imvelaphi, ibala, ukuphila neHIV, ukungabi nakhaya, inkol- elo, udidi lwabantu okanye nasiphi na isimo. Ukuqala ugwebe, ind- zondo, inkani, umtsalane, zik- hokelela abenzi bobubi bathi enze ulwaphulo-mthetho. Ezi zinto zithi zikhokelele ekwenzeni izizathu, ukulungiselela, iingcinga kunye nolandelelwano kolu lwaphulo- mthetho. Ulwaphulo-mthetho olu- yindzondo luthi luxhaphake pha- kathi kwabantu, kumaqela athile wabo kunye nokuqala ugwebe kwisosayethi leyo.

Ulwaphulo-mthetho lusoloko lus- enziwa zizimvo kunye nokuqala ugwebe , ezithi ibeziziznto ezixha- phakileyo, nezithumela umyalezo ze zigcinwe zingaxelwa. Ulwa- phulo-mthetho luthi lwenziwe nga- maqela, abenzi bobubi abangama- doda aselula, athi abephantsi kwempembelelo zotywala kunye nezinyobisi, kwaye babe bengawazi namaxhoba abo.



**GUGU DLAMINI**

ngokuhlaza indawo ahlala kuyo, waze wahlaselwa, esoyikiswa kwikhaya lakhe kwaMashu eDurban. Ucelo ncedo lwakhe emapoliseni azange luphumelele. Kuloo nyanga leyo, waye waxu- lutywa ngamatye wade wafa. Malunga nokuphela kwenyanga kaJuni ngo-1999, kwafakwa isicelo sokuphanda malunga nokubulawa kukaDlimini, kodwa azange uphando luqhubekeke. Amaphe- pha akhe etyala elo, azange afun- yanwe echaza ukuba isizathu sokubulawa kwakhe uDlamini kukuba ephila neHIV. Zange kubekho namnye umntu owaye wafunyanwa enetyala lokubulawa kwakhe.

## **Lorna Mlofana**

NgoDisemba 2003, uLorna Mlofana wadlwengulelwa kwindlu yanga- ese kwishibini yaseKhayelitsha. Umdlwenguli wakhe uNcedile Ntambukane wathi esakufumanisa ukuba uLorna uneHIV, wamhlasela ngokumasikizi, waze wambulala. UMlofana omnye wamalungu eTreatment Action campaign, wabethwa yaze intloko yakhe yatyunyuzwa ngumhlaseli wakhe, emveni kokuba emdlwengulile wamonzakalisa umphantsi wakhe wawusika. UVuyelwa Dlova kunye nesinqanda-mathe sakhe babe- sendleleni eya kule shibhini ekuboneni kwabo ukuhlaselwa

kukaMlofana. Bathi ekuveni isiza- thu sokuhlaselwa kukaMlofana, uDlova wancedisa naye kuba ekholelwa ukuba uMlofane usa- saza I-AIDS emadodeni. Ijaji yen- kundla ephakamileyo eKapa, uDmisani Zondi wagweba uNce- dile Ntumbukane ubomi bakhe bonke ephila ejele ngokubulala umphefumlo kunye neminyaka eli- shumi ngokudlwengula. UDlova wafunyanwa enetyala ngokuzama ukubulala nokuncedisa ukuhlasela waze wagwetywa iminyaka eli- shumi esejele, emi-thathu kuyo yaxhonywa. Oku kwenzeka emveni kokuba kwasekwa iqumrhu leTAC ekuhlaleni kwimin- yaka emibini edlulileyo.

## **Ulwaphulo-mthetho ngok- uphathelelene nenkolelo yezokholo**

**Ukubhombishwa kweNew York Bagel**

Ngentsimbi yesibini ekuseni, nge- 22 Meyi 2000, uphayiphi web- hombo wafunyanwa uhlohlwe yaye sewushukuma kwindlela ehamba abantu eSea Point, eKapa. Le bhombo yafunyanwa isongelwe kwipasele phakathi kweentyatyambo kunye nodonga lwe-restyu, iNew York Bagel Deli Restaurant. Le bhombo yaye yaci- nywa kwaqaliswa uphando

eyabaxelela ukuba bazi"tomboy" ezifuna ukudlwengulwa." Ngo-kutsho komhlobo kaNkonyane UZoliswa wayixelelele le ntombazana ukuba "asizo-tomboys, siyathandana. Sizenzela into yethu njee, siyeke." Le ntombazana yayakuthatha abahlobo bayo, abamalunga ne-20 yamak-hwenkwe aselula, ubuninzi babo. Babetha uZoliswa ebusweni. Ndathi kuye masibaleke, kodwa wathi,"Hayi, le yingigqi yam, kutheni kufuneka sibaleke nje?" Basiqhweba ngeempama baze basibetha nangeentonga zentsimbi zokudlala igalufa. Ndathi ekubeni ndiwile, ndakwazi ukusukuma ndibaleke, ndanyuka, ndatsiba ngapha kocingo. UZoliswa wayebalekela ngakowabo, kodwa bamleqa, bamfumanana. Babembetha, bemgibisela nangezitena. Wayeselele njee phantsi, kodwa baqhubekeka bembetha.

Noxa ityala likaZoliswa Nkonyana belingekaxoxwa, phantsi kobungqina obunje ngobu, ukubulawa kukaZoliswa bumele ukuchazwa njengolwaphulo-mthetho oluyindzondo.

## Udlwengulo

Ukekeletso ominyaka eyi-18 seyedlwengulwe kathathu ebomini bakhe, ngenxa ye.....

Wayeneminyaka eyi-13 ukudlwengulwa kwakhe ngamadoda asixhenxe, emphinda-phinda njengoko bamxelela ukuba "uhlawula ityala labafazi bonke abafana naye". Emveni kwesisehlo umama wakhe wamxelela ukuba "nantso ke into eyenze-kayo kumantombazana afana nawe" uthe xa eminyaka eyi-15 wadlwengulwa yinkwenkwe yakhe aweyencuma nayo, kuba engafunanga kulala nayo. Okwesithathu uthe wadlwengulwa sisihlobo sosapho lwakhe esamxelela ukuba "ufuna ukumfundisa ukuba ngumfazi omnyama."

**Killer of HIV-positive woman pleads in mitigation of sentence**

*Cape Times 04/02/2006.*

## Ulwaphulo-mthetho oluyindzondo ngokuphathelene neHIV

### Gugu Dlamini

Nge-1 Disemba 1998, ngeWorld Aids Day, uGugu Dlamini owayeminyaka eyi-36 wathetha elubala malunga nokuphila kwakhe neHIV kubantu basekuhlaleni bakhe, kwintlangano yengxoxo zikagawulayo ezaziququzelelwe lisebe lezempilo. Emveni kokuba ezichazile, waye watyholwa

Olu lwaphulo-mthetho lulandelayo luthelwenzeka eMzantsi Afrika emveni kokuba kusekwe iSouth African Constitution NoluHlobo lolwaphulo-mthetho lukwabonakalisa amaqela athi amele ukufumana inzuzo kumthetho omiselwe ulwaphulo-mthetho.

## Ulwaphulo-mthetho oluyindzondo Emzantsi Afrika

### Ulwaphulo-mthetho oluphathelelene nabantu abangenamkhaya.

#### IWaterkloof Four

Ngorhatya luka 1 Disemba 2001, indoda engaziwayo yathi yahlaselwa yaze yayagetyengelwa eContantia Park, ePretoria, ngamadoda aselula, amane. Ngentseni elandelayo, enye indoda engaziwayo yafunyanwa yahlaselwa ngolunya, yahlatywa yaze yashiywa ifile eMoreleta Park, ePretoria. Eli lixhoba lesibini yoyisakala ngenxa yamanxeba eyawafumana kubahlaseli bakhe eyedwa engaziwa kwakulepaki inye. Ababulali ibingabantu abamhlophe, abaselula, ababecaphukela abantu abamnyama, abanganamakhaya. NgoJuni 2005, uChristoff Becker (21), uFrikkie du Preez (21), uGert van Schalkwyk (21) kunye noReinach

Tiedt (20), ababesaziwa ngokuba yiWaterkloof Four, bafunyaniswa benetyala ngokubulala indoda engaziwayo eMoreleta Park kwakunye nokuhlasela ngolunya indoda eConstantia Park. Sonke esi sine samadoda aselula saye sagwetyelwa iminyaka engamashumi amabini okubulala kunye neenyanga ezimbini ngokuhlasela. Ekudluliseni kwakhe isigwebo, Magistrate Kotze uye wathi" Esi sine sibizwa ngokuba yiWaterkloof Four ngamagwala athe abulala ngolunya, kodwa ababonakalisanga buntu kwaye ekuqhubekekeni kwabo akhange babonaklise velwano okanye."

### Ukubulawa komntwana ohlala esitratweni

Ngentsasa ka 16 Meyi 2004, uMichael Jackson uthe xa wayeshiya i-nightclub iTezers edolophini eKapa, wafumanisa ukuba imoto yakhe yodidi oluphezulu, olubizayo ithe yaqhekezwa phambi kwe-club kwikona yezi-trato iLoop neBloem. UJackson, okwangomnye umnikazi we-club,



# Teen beaten to death for being a lesbian

Young woman chased, stoned and stabbed by a mob of township men after 'tomboy' taunts

waye watyhola ngokungalunganga uXolani Anthony Jodwana, umntwana ohlala esitratweni oye kwenzeka ukuba abe lapho nge-loxsha kwenzeka uqhekezo olo. Uye waqhubekeka wajongisa umpu kulo mntwana uminyaka eyi-17 wadubula. UXolani wadutyulwa wafa ngembumbulu enye kwimehlo lakhe langase khohlo. Lo kaJackson ebeyakwatyholiwe ngaphambili waze wohlwaya ngokuhlasela omnye wabantwana abahlala ezitrateni.

## Ulwaphulo-mthetho ngokohlanga

### Parys race killings

Ngobusuku be-30 Oktobha 1999, uJohannes Mattheys owayeminyaka eyi-17, uAndries Christiaan Viljoen owayeminyaka eyi-18, uWetzue Christiaan Botes (19) kunye noEben Morne (24) baxelela abahlobo babo ukuba bayahamba "bayokuhlasela abantu abamnyama" emva kokuba babesele baze batshaya nentsangu. Ngentseni ye 31 Oktobha

1999, bahlasela baze babulala uTshekiso Sam Lebatla, owayeminyaka eyi-62, kunye noAndries Songelwa, owayeminyaka eyi-56. Ijaji uHancke, ekugwebeni lamadoda, wathi uLebatla, owayenobunzima bomzimba obuyi-50kg kuphela, kusenokwenzeka ukuba akazange akwazi ukuzikhusela konke konke kubahlaseli bakhe abaselula. Kwangokuyeleleneyo, uSongelwa, owayebukhubazeka kancinci, akazange akwazi ukuzikhusela ekubethweni kwakhe ngabahlaseli bakhe. Ujaji Hancke wagweba esi sithathu kwisine esathyolwayo, iminyaka eyi-20 eziseleni ngokubulala la madoda mabini amnyama. Eyesine indoda eyatyholwayo, uEben Morne Kruger, ongomdala kwesine samadoda kunye nepolisa, bafumana isigwebo seminyaka eyi-17 ekubulaweni kuka Lebatla. Ijaji uHancke however also reprimanded Kruger for forsaking umsebenzi wakhe njengepolisa ngokunganqandi oluhlaselo kumntu omdala nokhubazekileyo uSongelwa.

## Ulwaphulo-mthetho ngezondo

### Ukubhombishwa kweBlah Bar

Nge-6 Novemba, 1999, ibhombi, yaqhushumba kwi club yabantu besilisa abathandanayo, eBlah Bar, eGreen Point eKapa. Le bhombi inguzenzele yaqhushumba kwintsasa yangomgqibelo, malunga no-00:20 kwi club eyayigcwele eyakhiwe edolophini eKapa "gay mile" kwisitrato iSomerset. Amadoda ayi-8 azikhas-toma zalapho onzakala. Omnye weekhastoma, uAdrian Eksteen, wonzakala ngokumasikizi-iinyawo zakhe zaziphantse zaqhawuka ngenxa yoqhushumbo olo.

Injongo zoluqhushumbo zange zibuzwe kwaye amapolisa angqina ukuba oluhlaselo kukungafuni abantu abazii-gey. Amapolisa aye achaza ukuthi injongo zoluhlaselo ibikukuthumela umyalezo kubantu abangamadoda abathandanayo kwaye befuna ukuyifaka ezingqondweni zabo ukuchasana nalento.



TEAMMATES: Murdered Zoliswa Nkonyana, far right, with members of her lesbian football club. A heartbroken friend says: 'I just don't know what we've done wrong'

## Lilesbhiyeni ezafa ngenxa yoku-bethwa

Nge-4 Februwari 2006, uZoliswa Nkonyana owayeminyaka eyi-19 waye wabulawa ngokumasikizi kumgama ozimitha ezimbalwa ukusuka kowabo, eKhayelitsha. UNkonyana nomhlobo wakhe baye badibana nentombazanana yesikolo