

LAWYERS FOR HUMAN RIGHTS

Making Rights Real Since 1979

CALL - (012) 320 2943



RAHUBE

V

RAHUBE

LANDMARK JUDGEMENT

Rahube v Rahube and Others e bile kahlolo ea bohlokoahali moo Lekhotla la Molao oa Motheo le ileng la fana ka taelo e sireletsang litokelo tsa basali tsa mobu, lekhotla le ile la re karolo ea 2(1) ea Upgrading of Land Tenure Rights Act (ULTRA) e hataketse tokelo ea tekano e leng e thathamisitsoeng karolong ea 9 ea Molao oa Motheo.

LHR

Mofumahali Rahube o ile a ipelaetsa lekholtleng, kamor'a hore a lelekoe ke ngoan'abo, a bolela hore o ile a amohua mong'a ntlo ea hae ka melao ea apartheid hammoho le karolo ea 2(1) ea ULTRA.

Ka 1987 khaitseli ea hae e ile ea khethoa ke lelapa ho tšoara lengolo la ho lula ntlong eo (ke monna feela ea neng a ka fuoa lengolo la mosebetsi). Ka 1988 Mong Rahube o ile a fuoa lengolo la Tokomane la Grant lebitsong la hae. Ha ULTRA e etsoa, litokelo tseo abuti oa hae a neng a e-na le tsona li ile tsa fetoloa litokelo tsa beng, e ile ea e-ba mong'a ntlo 'me a fuoa lengolo la tumello.



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Taba eo Mofumahali Rahube a e hlahisitseng ke hore ULTRA e fane ka phetolo ea litokelo tsa mobu hore e be litokelo tsa beng empa e ne e sa nahane ka likopo tse qothisanang lehlloka kapa taba ea hore litokelo tsa mobu li ne li khethoa ka tsamaiso le melao e neng e khetholla basali ba batšo ka hona e hatakela tokelo ea hae, le litokelo tsa basali ba bang ba batšo, ho lekana ho latela tekano le thobalano.

Nyeoe ena e ile ea mameloa Lekhotleng le Phahameng le ileng la fumana hore lipehelo tsa ULTRA ha li lumellane le molao-motheo ho fihlela joale e fetola litokelo tsa ho ba beng ka mokhoa o khahlanong le litokelo tsa basali.

Lekhotla la Molao oa Motheo le fumane hore sephetho sa lipehelo se ne se le khahlanong le morero oa lekhotala ketsamolao, ka hore ka ho itšetleha ka boemo ba molao bo entsoeng nakong ea apartheid ha bokhoni ba ho ba le litokelo tsa ho ba le mobu bo ne bo lekanyelitsoe ho banna feela.

Lekgotla la ketsamolao le ne le hlolehile ho theha molao o ka lokisang kgethollo ya nako e fetileng ka ho amoha basadi ba batsho monyetla wa ho tseka le ho ba beng ba mobu o neng o nyenyefatsa morero o molaong oo molao o phatlaladitsweng ka ona.

Lekhotla la Molao oa Motheo le tiisitse taelo ea ho se sebetse e entsoeng ke Lekhotla le Phahameng la ba la etsa hore taelo ea lona e boele morao ka tlhaho e le hore e fane ka phomolo ho basali bohole ho tloha ka la 27 Mmesa 1994.

Leha ho le joalo, taelo ena ha ea ka ea fetela ho:

- Thepa e ileng ea fetisetsoa ho batho ba boraro ka botšepehi
- Lefa ke batho ba boraro ho ea ka litša tse phethiloeng
- Tokiso ea tokelo ea ho ba mong'a mobu ke mosali ea sebetsang ka boithatelo

The logo consists of the letters "LHR" in a large, white, sans-serif font, enclosed within a solid teal square.

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Ka Phuptjane 2020, liphetoho tsa ULTRA li ile tsa phatlalatsoa. Molao ona o ntse o lumella ntlafatso ea litokelo tsa tokelo ea mobu ho litokelo tsa beng ba:

- Mang kapa mang ya nang le tokelo ya ho ba le mobu o lokela ho etsa kopo ho Letona la Ntshetsopele ya Dibaka tsa Mahae le Ntjhafatso ya Mobu ho fetolela tokelo eo hoba beng.
- Litokelo life kapa life tsa tokelo ea ho ba le mobu mobung o ngolisitsoeng bukeng ea makeisheneng e neng e se e butsoe qalong ea tokiso ea molao oa 1991 oa tokiso ea litokelo tsa tokelo ea mobu e tla fetoloa beng.
- Tokelo efe kapa efe ea mobu e ngolisitsoeng bukeng ea makeisheneng ka mor'a hore molao o qale e tla fetoleloa ho beng.
- Litokelo life kapa life tsa mobu o hlahlabiloeng o sa etse likarolo tsa lekeishene li lokela ho fetoloa ho ba beng.

Litokiso li kenyelilitse litlhokahalo tse ling tse sebetsang e le tshireletso:

- Letona le lokela ho phatlalatsa tsebiso koranteng ea litaba e tsebisang batho bohl ba thahasellang ka kopo ea ho sokoloha
- Tsebiso ena e lokela ho fa batho bohle ba thahasellang:
 - Monyetla wa ho hanyetsa tshokoloho
 - Mekhahlelo ea nako ea ho hanyetsa phetoho
- Kamora ho amohela kopo eo letona le lokela ho etsa lipatlisiso ho fumana lintlha leho etsa qeto".

haeba o hloka thuso efe kapa efe mabapi le
sena (haeba o oela sehlopheng se kaholimo) o
ka ikopanya le liofisi tsa rona tse Pretoria ho:

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