Arena Holdings nabanye v SARS nomunye ecaleni leNkantolo YoMthethosisekelo Icala Nombolo 365/21 – mayelana nobumfihlo bezentela kanye nelungelo lokuthola ulwazi

Tshwane, 30 kuNhlaba 2023 – INkantolo YoMthethosisekelo isikhiphe isinqumo odabeni olufaka isicelo sokuthola amalekhodi athile entela kalowo owayenguMongameli weRiphabhulikhi yaseNingizimu Afrika. Lesi sicelo senziwa ngokoMthetho Wokukhuthaza Ukutholakala Kolwazi (i-PAIA) kanti sachithwa nguSARS ngenxa yokuthi umthetho awuvumi ukuba uSARS wenze ngenye indlela.

INkantolo YoMthethosisekelo isithole imiphumela mayelana nokungabi semthethweni ngokomthethosisekelo kokunye kokuhlinzekelwa yi-PAIA kanjalo noMthetho Wokuphathwa Kwentela nombolo 28 wezi-2011 (i-TAA). Iyalele ukuba iPhalamende, ezinyangeni ezingama-24 ezizayo libheke izindlela zokubheka ukuba semthethweni ngokomthethosisekelo. Okwamanje, kuze kube ukuthi iPhalamende liyakulungisa ukungabi semthethweni ngokomthethosisekelo, iNkantolo iyalele ukuba i-PAIA kanye noMthetho Wokuphathwa Kwentela, 2011 (i-TAA) "kufundwe ngokuqonda ukuba kukhona izilungiso ezenziwe".

INkantolo YoMthethosisekelo iphinde yayalela ukuba lesi sicelo saleli lekhodi kumele siphinde sibhekwe nguSARS ngokubheka ukuhlinzekela "okufundwa ngokuqonda ukuba kukhona izilungiso ezenziwe". Lokhu kuhlinzekela kuhlinzekela ukuba uSARS kumele abheke ukuthi ngabe:

- ukukhishwa kwelekhodi kuzoveza ubufakazi bokwephulwa komthetho, ukuhluleka ukuthobela umthetho, noma
- ukukhishwa kwelekhodi kuzoveza ubufakazi bobungozi obuseduze futhi obukhulu bokuphepha kwabantu, nokuthi
- intshisekelo yomphakathi ekudalulweni kwalokhu kungaphezu kokulimala okungaba khona

Ngenkathi uSARS esabheka ukusetshenziswa komyalelo ngokuphelele, uKhomishana ufisa ukusho ukuthi ubumfihlo bomkhokhintela bungumongo wokuphathwa kwentela. Umyalelo awubeki eceleni ubumfihlo bezentela. Ubeka

umkhawulo ophezulu okumele kuhlangatshezwane nawo lapho kudingeka ukuba kutholakale amalekhodi entela omkhokhintela.

Ukhomishana u-Kieswetter uthe: ***"Siyakuhlonipha okutholwe yiNkantolo, futhi sisahlanganisa amakhanda ukuze siqonde ukuthi kuzoba namthelela muni kuSARS nakubakhokhintela. Ngifisa ukuqinisekisa bonke abakhokhintela ukuthi nasiphi isicelo samalekhodi entela omkhokhintela esenziwe ngaphansi kwe-PAIA sizocutshungulisiswa ngokulandela imigomo ebekwe yiNkantolo YoMthethosisekelo. Kumele siqaphele kungabi khona ukusetshenziswa kabi kwezinhlinzeko ezibekwe yiNkantolo YoMthethosisekelo."***

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