

INYANDIKO MPINE K'USABA UBUNGIRO

Icyemezo cy'impunzi

Itegeko Nshinga ry'Ubufaransa ryo ku wa 1946 n'amasezerano y'i Jeneve arengera umuntu watotejwe mu gihugu cye, cyangwa utinya gutotezwa kubera **ibikorwa bye byo guharanira ubwisanzure, ubwoko bwe, idini rye, ubwenegihugu bwe, kuba umunyamuryango w'itsinda runaka (LGBT, igitsina cye, umugore, nibindi) cyangwa ibitekerezo bye bya politiki**. Impunzi ihabwa ubuhungiro mu Bufaransa mu gihe kingana n'imyaka 10. Muri icyo gihe, ntishobora gusubira mu gihugu cyayo. Ibyangombwa byayo byose bitangwa na OFPRA.

Kurindwa by'umwihariko

Hariho ubundi buryo bwo kurindwa, nko kurindwa byihariye. Niba impamvu z'usaba ubuhungiro zitari mu zavuzwe haruguru, ariko kandi usaba ubuhungiro akaba atinya **igihano cy'urupfu, iyicarubozo cyangwa gukorerwa ibikorwa ndengakamere bibangamiye ikiremamuntu** mu gihugu cye, ashobora gusaba guhabwa ubuhungiro bw'ihariye.

Usaba ubuhungiro asobanurira OFPRA uburyo ubuzima bwe bubangamiye mu gihugu cye, kubera ihohoterwa muri rusange, nk'intambara yo ku rwego rw'gihugu cyangwa mpuzamahanga. Kubera izo mpamvu agahabwa ubuhungiro n'Ubufaransa mu gihe cy'umwaka 1 ushura kongerwa.

Itotezwa

Usaba ubuhungiro watotejwe mu gihugu cye cyangwa se utinya gutotezwa. Ni ukuvuga ko yababajwe cyangwa atinya kubabazwa:

- Ihohoterwa rishingiye ku mubiri, iry'igitsina cyangwa iryo mu mutwe,
- Ibyemezo by'igihugu cye, ubutegetsi, igipolisi cyangwa ubutabera byuzuye ivangura,
- Gukurikiranwa cyangwa ibihano by'akarengane birimo ivangura,
- Kwanga kwishyikiriza inzego z'ubutabera bitewe n'ibihano yafatiwe by'akarengane cyangwa birimo ivangura,
- Gukurikiranwa azira kwanga kwitabira ibikorwa by'agahato bya gisirikare,
- Kuba ahigwa kubera igitsina cye cyangwa kubera ko ari muto.

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Usaba ubuhungiro ufite ubwoba bwo gutotezwa:

- Kuba akurikiranwa ku giti cye: kuba yaratotejwe mu gihugu cye cyangwa atinya gutotezwa kubera icyo aricyo, icyo yemera cyangwa ibikorwa bye,
- Gukurikiranwa mu buryo butaziguye: Kuba yaratotejwe mu gihugu cye cyangwa atinya gutotezwa kubera icyo bene wabo baricyo, icyo bizera cyangwa icyo bakora,

Mbere y'ikiganiro n'umukozi ubishinzwe

Usaba ubuhungiro abazwa muri OFPRA incuro imwe gusa muri rusange. Ashobora guherekezwa n'umwunganizi we muby'amategeko, undi muntu ahisemo, cyangwa n'umuntu wo mu muryango we mu buryo bwemewe n'amategeko.

Uko ikiganiro gikorwa

Ikiganiro kibera mu cyumba gito. Hari umukozi wa Leta ushinzwe gusuzuma, inyandiko zisaba ubuhungiro, n'umusemuzi. Umukozi ubishinzwe yandika muri mudasobwa ye ibisubizo byose bitangwa n'usaba ubuhungiro. Ikiganiro gitangirira ku mwirondoro (irangamimerere, umuryango, amashuri, akazi, nibindi) hanyuma bigakurikirwa n'urugendo usaba ubuhungiro yakoze kugeza ageze mu Bufaransa. Irangamimerere nyaryo ry'uwo mwashakanye, ababyeyi, abavandimwe, bashiki na basaza be n'abana ni ngombwa kuko umuryango w'impunzi uzwi ushobora no kubona ibyemezo by'ubuhungiro. Hanyuma umukozi ubishinzwe abaza impamvu zatumye usaba ubuhungiro aya mu gihugu cye. Iki gice kimara igihe kingana ni isaha 1 kugeza ku masaha 2. Mu gusozwa ikiganiro umukozi ubishinzwe akabaza niba har'icyo usaba ubuhungiro yongera ku byo yavuze.

Guhitamo ururimi

Usaba ubuhungiro ahitamo ururimi avuga neza. Aho ashoboye gukoresha amagambo asobanutse, guhindura interuro no gusobanura neza ibitecyerezo bye mu rurimi yahisemo. OFPRA ikorana n'abasemuzi benshi mu ndimi nyinshi zitandukanye. Bityo, usaba ubuhungiro ashobora guhitamo kuvuga ururimi yifuza, hashingiwe ku mahitamo yakoze cyangwa yanditse asaba gukoresha ururimi runaka.

Nyuma y'ibazwa

Iyo ibazwa rirangiye, umukozi ubishinzwe asaba umuyobozi we amwereka impamvu zashingirwaho usaba ubuhungiro abuhabwa cyangwa abwangirwa. Hanyuma akazohereza

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ibaruwa yanditse ikubiyemo incamake y'ibazwa n'icyemezo OFPRA yafatiye ubusabe bw'uwashyize. Iyi baruwa yoherezwa kuri aderesi yerekanwe mu buryo bwanditse n'usaba ubuhungiro.

Ubujurire muri CNDA

Usaba ubuhungiro ashobora kunenga icyemezo cyafashwe na OFPRA, icyo gihe ashyikiriza ubujurire bwe Urukiko rwo ku rwego rw'Igihugu rushinzwe Uburenganzira bw'Impunzi (CNDA). Ubujurire bukorwa mu gihe kitarenze ukwezi kumwe uhereye umunsi usaba ubuhungiro yakiriyeho ibaruwa ikubiyemo icyemezo cya OFPRA. Usaba ubuhungiro ashobora gufashwa n'umunyamategeko kandi ashobora gusaba ubufasha mu by'amategeko kugirango yishyurirwe avoka.

Kongera kwiga ubusabe bundi bushya muri OFPRA

Nyuma yo kwangirwa n'Urukiko ubuhungiro, usaba ashobora gusaba OFPRA kongera gusuzuma dosiye ye. Yandika agaragaza ko hari ibikorwa bishya byabaye. Ibikorwa bishya ni ibikorwa byabaye nyuma y'itariki yo kwangirwa ubuhungiro. Igihe ubu busabe bwongeye kwangwa na OFPRA, usaba ashobora gutambamira iki cyemezo imbere y' Urukiko.

Menya intego z'ibazwa

Intego y'ibazwa ni ukugenzura:

- 1) **Ubwenegihugu bw'usaba ubuhungiro no kuba yari mu gihugu. (Niba usaba ubuhungiro adafite ubwenegihugu, harebwa igihugu yaratuyemo),**
- 2) **Impamvu zo gutinya gutotezwa, cyangwa gukorerwa ibikorwa by'iyicarubozo,**
- 3) **Niba izo mpamvu zihuye n'amasezerano y'i Jeneve,**
- 4) **Ukuri kw'ibikorwa by'iyicarubozo atinya,**
- 5) **Niba ibikorwa atinya bimureba by'umwihariko,**
- 6) **Niba usaba ubuhungiro yarasabye kurenganurwa n'abayobozi b'igihugu cye,**
- 7) **Ubwoba bwo gutotezwa cyangwa gukorerwa iyicarubozo igihe yaba asubiye mu gihugu cye.**

1) Kugenzura ubwenegihugu

Ubwenegihugu bw'usaba ubuhungiro, igihugu yaratuyemo cyangwa ubwoko bw'usaba ubuhungiro, bishingira ku kumenya niba yarabaye mu gihugu mugihe cy'amatariki yatanze?

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Kugira ngo usaba ubuhungiro asubize ibyo bibazo bitandukanye, Umukozi ushinzwe gusuzuma idosiye ye ashobora gukoresha ibibazo bitandukanye.

Ibibazo

Ibi bibazo bishobora kuba iby'imiterere y'igihugu cyangwa amateka yigihugu cy'usaba ubuhungiro. Umukozi ubishinzwe ashobora kandi kubaza ibibazo bijyanye n'uburyo amakimbirane cyangwa imvururu zakozwe, (amatariki yo guhagarika imirwano, nibindi) kugirango harebwe niba usaba ubuhungiro yari mu gihugu muri icyo gihe.

Ikibazo gishobora kuba umwitozo wo gusobanura ururimi, (urugero kubanya Tibet : "Nigute uvuga ijambo ishuli mu rurimi rw'igishinwa?") Cyangwa ibibazo bijyanye n'idini cyangwa imigenzo n'imico.

Umwanzuro

Nukwitondera ibibazo nko mu gihe umukozi ubishinzwe abajije: "Umurwa mukuru uri muri kilometero zingaha?" usaba ubuhungiro akunze gusubiza: "Simbizi". Ntabwo umubare nyawo wa kilometero ari ngombwa. Intego y'iki kibazo nukumenya niba koko usaba ubuhungiro yarabaye mu gihugu. Bityo usaba ubuhungiro ashobora gusubiza ati: "Umurwa mukuru ni urugendo rw'iminsi ibiri. Icyo gihe aba asubije mu buryo bwiza kandi bwumvikana.

Nta gisubizo kiboneye cyangwa kibi. Aha harebwa ibisubizo bihuye cyangwa bidahuye. Nukuvuga ko igisubizo kigenda neza iyo gihuye n'ikibazo cyabajijwe n'umukozi ubishinzwe.

2) Gusuzuma impamvu zitera ubwoba bwo gutotezwa

Kuki usaba ubuhungiro yatotejwe mu gihugu cye ? Agaragaza impamvu zamuteye ubwoba bwo kuba yatotezwa. Asobanura impamvu ariwe wibasiwe kandi akagaragaza neza impamvu ariwe utotezwa kurusha abanda mu gihugu cye.

3) Impamvu zihuye n'amasezerano y'i Jeneve ?

Amasezerano y'i Jeneve arengera usaba ubuhungiro watotejwe (cyangwa utinya gutotezwa) kubera:

- **Ubwoko bwe,**
- **Idini rye,**
- **Ubwenegihugu bwe,**
- **Kuba umunyamuryango w'itsinda runaka cyangwa**

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- **Ibitekerezo bye bya politiki.**

Usaba ubuhungiro yemeza impungenge cyangwa ugutinya bishingiye kuri kimwe cyangwa byinshi muri ibi byavuzwe haruguru.

4) **Gusuzuma ukuri k'ubwoba no gutotezwa k'usaba**

Kugirango hasobanurwe ukuri k'ubwoba, Usaba ubuhungiro atanga amatariki nyayo, amazina, urwego n'ikiranga abantu. Ati : "Iterabwoba cyangwa iyicarubozo ryabaye ryari, kandi hehe ? Abateye ni bande ? Ni irihe sano riri hagati y'abagizi ba nabi n'uwahohotewe ? » Usaba ubuhungiro yirinda amagambo ari rusange kandi adasobanurwa nk'amagambo yo kuvuga ngo : hafi, kure, vuba, ndende. n'ayandi.

Nukuvuga ko atanga ibisobanuro birambuye ku mukozi ubishinzwe kugirango atekereze imiterere yinkuru ye. Mubyukuri, umukozi ubishinzwe ntabwo muri rusange, aba yarigeze agera mu gihugu cy'usaba ubuhungiro.

Nukuvuga ko ari ngombwa rero gusobanura ukuri kw'igihugu. Hanyuma, usaba ubuhungiro yerekana ko yahatiwe kuva mu gihugu cye kubera ubwoba bwo gutinya gutotezwa cyangwa gutotezwa byaragendaga bikomera kurushaho.

5) **Kumenya niba ubwoba bw'usaba ubuhungiro bwihariye**

Usaba ubuhungiro agaragaza ubwoba bwo gutotezwa cyangwa gukorerwa iyicarubozo afite ku giti cye. Ni ukuvuga ko we ubwe yibasiwe. Kandi akaba afite ubwoba ku giti cye bwo gutotezwa. Bityo, ni ngombwa kwiharira inkuru yiby avuga akirinda kuvuga ibintu muri rusange.

Ikindi nuko, usaba ubuhungiro asobanura uburyo abangamiwe mu gihugu cye. Ntabwo bihagije kuvuga nk'urugero ngo: "Ntinya abapolisi kuko barangwa no kubogama mu gihugu cyanjye." Ahubwo agomba kongeraho ati: "Hari umupolisi, Bwana X wantotezaga, n'ibindi " anasobanura impamvu zamuteye ubwoba kugeza ahunze.

6) **Kumenya niba usaba ubuhungiro yarasabye kurindwa n'abayobozi b'igihugu cye**

Usaba ubuhungiro yaba yararegeye polisi cyangwa inzeogo z'igihugu bireba ? Yaba se yaragerageje gushaka uko yabona ubutabera mu gihugu cye ? Niba atarabikoze cyangwa niba atarashatse kubikora, asobanura impamvu zumvikana zamubujije kuregera ubutegetsi bw'igihugu cye.

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Niba usaba ubuhungiro yaratanze ikirego, ariko ibikorwa by'iyicarubozo cyangwa by'itotezwa bigakomeza, asobanura uburyo ihohoterwa ridahanwa, ndetse rikanaterwa inkunga n'abategesi b'igihugu cye.

7) Kumenya niba hashobora kubaho itotezwa cyangwa iyicarubozo mugihe yaba asubiye mu gihugu cye

Niba asubiye mu gihugu, usaba ubuhungiro utinya kongera gutotezwa: Usaba ubuhungiro yerekana uburyo ubwoba bwe bukiraho nukuvuga ko impamvu zamuteye guhunga zitigeze zirangira. Avuga impamvu adashobora gusubira mu gihugu cye bitewe n'ibikorwa byatumye ahunga bitararangira.

Kuva mu mwaka wa 2015, ibihugu bifatwa nk'ibirimo umutekano n'Ubufaransa ni : Alubaniya, Arumeniya, Bénin, Bosiniya na Herzegovina, Cape Verde, Jeworujija, Gana, Ubuhinde, Kosovo, Makedoniya, Ile Maurice, Moldavia, Mongoliya, Montenegro, Senegali na Seribiya. Usaba ubuhungiro uva muri kimwe muri ibi bihugu asobanura impamvu igihugu cye avuga ko nta mutekano. Ashimangira imiterere cyangwa umwihariko bye bwite ndetse n'icyo ashobora guhura nacyo mu gihe azaba asubiye mu gihugu cye.

Kuba "impunzi nziza"

1) Kugaragaza ihura ry'ibikorwa mu mvugo n'amarangamutima

Ubushakashatsi bwerekanye ko usaba ubuhungiro agomba kugira imyitwarire yo kwiheba nukuvuga gutakaza icyizere no kwerekana ko ashimira umukozi wamwakiriye. Agomba kandi kugira imyifatire y'ubutwari kandi akerekana ko nyuma yo kurwanira ubuzima bwe, ubu arwanira kumvikanisha inkuru y'ibyamubayeho.

Kuberekeye amarangamutima, Usaba ubuhungiro agomba kwerekana amarangamutima ye mu buryo bwiza. Agomba kuba ababaye iyo avuga ibihe bibabaje mu buzima bwe. icyo kwitondera, kurira cyane bishobora kugaragara nk'ikibazo imbere y'umukozi ubishinzwe. Usaba ubuhungiro avuga amateka y'ibyamubayeho ariko kandi amarangamutima akajyana niby'avuga bitewe nibyo abazwa n'umukozi ubishinzwe.

"Impunzi nziza" hashingiwe ku mahame ateganywa na OFPRA

1) Amahame n'iki ?

Nta burenganzira bw'ubuhungiro bubaho, ahubwo ikizwi ni uburenganzira bwo guhunga.

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Nukuvuga ko buri gihugu gifite ibyo gisuzuma kikanabishingiraho cyemeza ubuhunzi. Kuri OFPRA aya mahame agizwe n'inzira, amategako n'amabwiriza yemerera "Ubuhunzi uwabusabye mu buryo buboneye" mu Bufaransa.

Usaba ubuhungiro utabashije kuzura ibyo OFPRA igenderaho yemeza uwabusabye ubuhunzi mu buryo buboneye afite amahirwe make yo kubona ubuhungiro. Amagambo y'usaba ubuhungiro ntabwo afite agaciro kamwe hashingiwe ku gihugu aturukamo.

Kuvuga inkuru mu buryo bwimbitse

1) Inkuru ni iki ?

Inkuru igira inshoza, imbundo n'umwanzuro. Intangiriro yerekana ibikorwa by'ingenzi kugirango inkuru yumvikane. Ikigamijwe ni uruherekane rw'ibyabaye. Ibi ni ibintu byumvikanisha amateka. Ni "ukugaragaza igikorwa": cyabaye intandaro y'itotezwa. Bityo iherezo ry'inkuru muri rusange rigahura n'umunsi wa nyuma wo guhunga igihugu nyir'izina. Nukuvuga ko ibisobanuro by'inkuru uruhurirane rw'ibyabaye rwose mu buryo bufite aho buhuriye. Usaba ubuhungiro avuga ibyo yakoze, uko yageze aho igikorwa cyabereye nuko yumvaga uburemere bw'ibyo bikorwa igihe byabaga.

2) Inkuru yimbitse

Inkuru ni nk'ibisobanuro by' usaba ubuhungiro. Avuga ibikorwa byamukorewe ku giti cye: gushidikanya kwe, ubwoba bwe n'ibiyumvo bye. Asobanura ibyo yiboneye ubwe ku giti cye, adahishe amakuru arambuye cyangwa ubusobanuro bw'inkuru abara.

Nk'urugero, mugihe habaye iyicarubozo, Usaba ubuhungiro avuga anasobanura ibyo yibuka ku giti cye. Ntabwo bihagije gutanga icyemezo cya muganga kigaragaza ibikomere. Usaba ubuhungiro ntagomba guheranwa n'ihahamuka, ahubwo agomba kugaragaza ko ashoboye gusobanurira umukozi ubishinzwe ibikorwa by'iyicarubozo yakorewe.

Niba ari LGBT, Usaba ubuhungiro avuga ku byerekeye nko "gusohoka" cyangwa, ibikorwa byo muburyo bunyuranye, bwakoreshejwe mu guhisha ibijyanye n'ibikorwa bye byo guhuza ibitsina nuwo bahuje imiterere y'igitsina ku bantu ba hafi.

Kuvuga amateka ye mu buryo bwimbitse n'intambwe y'ingenzi, cyane cyane niba Umukozi ubishinzwe adashobora kugenzura ukuri kw'inkuru y'Usaba ubuhungiro hifashishijwe ubundi bushakashatsi bwanditse.

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Umusemuzi

Niba usaba ubuhungiro abona ko umusemuzi adasemura neza ibyo amubwira, ashobora kubibwira umukozi ubishinzwe. Niba ubusabe bw'ubuhunzi butemewe, usaba ubuhungiro ashobora gusaba OFPRA kumva amajwi y'ibazwa rye imbere y'umwunganizi we mu by'amategeko kandi akamagana ihindurwa ry'amagambo ryaba ryakozwe.

Kwirinda kugaragara nk'umubeshyi

Niba usaba ubuhungiro avuga inkuru imwe niy'undi muntu wasabye cyangwa usaba ubuhungiro, niba adashobora gutanga ibisobanuro birambuye ku nkuru ye, niba invugo ze zirangwa no kwivuguruzwa, Usaba ubuhungiro afatwa n'umukozi ubishinzwe nk'umubeshyi.

1) Kubeshya cyangwa amagambo adahuye

Gukoresha amagambo adafite aho ahuriye bikoze n'usaba ubuhungiro bishobora gutuma umukozi ubishinzwe yibwira ko usaba ubuhungiro amubeshya. Nukuvuga ko usaba ubuhungiro akoresha amagambo akwiye mu mvugo ze, kuko ibisobanuro by'amagambo ari ingenzi mu nkuru abara asaba ubuhungiro.

2) Inkuru idashoboka

Niba usaba ubuhungiro adashobora gusobanura mu buryo burambuye inkuru ye, nukuvuga gusobanura impamvu zumvikana. Nta mpamvu yo gusobanura igisubizo atanga, gishobora ku garagara nk'ikinyoma kugeza ubwo byangiza inkuru yose uko yakabaye.

Kumvisha ukuri umukozi ubishinzwe

Iyo ikiganiro kirangiye, Umukozi ubishinzwe yibaza niba: "Usaba ubuhungiro yamuhaye ubusobanuro buhamye?". Kugira ngo asubize iki kibazo, ashingira ku migendekere y'ikiganiro n'ibyo yabwiwe, mbese ibintu ashobora kwizera ko byabaho.

1) Kwizera ukuri kw'ibyavuzwe mu buryo budashidikanywaho ni iki ?

Ubu buryo bukoreshe akenshi mu butabera mpanabyaha kugira ngo hamenyekane niba umuntu ku giti cye ahamwe n'icyaha bityo agacirwa urubanza. Muri OFPRA, ukumva neza no kwemera ukuri kw'ibyavuzwe gutuma umukozi ubishinzwe afata icyemezo mu buryo bwihuse.

Bityo usaba ubuhungiro, ni ngombwa kumva ko niyo yaba yatanze ubusobanuro buhagije, guhabwa ubuhungiro bishingira ku gitekerezo gifatika kandi gishobora guhinduka, nukuvuga kwemeza bidashidikanywaho n'umukozi ubishinzwe.