

SIDEE U ISTICMAALI KARNAA MAXKAMADAHA? WADAHADAL BILAABE

SYSTEMIC JUSTICE





FARIIN KA TIMI SYSTEMIC JUSTICE

Kani waa dukumenti fudud oo ay ku jiraan su'aalo aad keeni karto goobaha bulshada iyo kulamada adiga oo uga gol leh bilaabista wadahal waddareed ku saabsan sida geynta kiisaska maxkamada ay uga ciyaari karaan door u-dagaalankaaga helista caddaalada takoorka, bulshada, iyo dhaqaalaha.

Waxaanu ku talinaynaa isticmaalka dukumentigan iyada oo lala isticmaalayo dukumentigayaga kale ee "[Dacwad Istaraatiijiyadeed: haggaha tallaabo sharci](#)" iyo in si waddajir ah loogu shaqeeyo su'aalaha iyada oo anay joogin qareeno ama urruro kale. Looguma talogelin in ay beddesho la-talinta sharci, laakiin taas beddelkeeda waa in ay u noqoto wadahal bilaabe bulshadaada si ay uga fekeraan dhinacyo kala duwan oo istaraatiijiyad sharciyeed ah ka hor inta aan lagala hadlin qareenada iyo shirkooyinka kale ee suurtagalka ah inay kiisaska geeyaan maxkamada.

Haddii aad jeclaan lahayd in aad wax badan oo dheeri ah ka ogaato mid ka mid ah su'aalahan, waxaad marwalba iimayl u diri kartaa kooxda sharciga ee Systemic Justice adiga oo ugu hagaajinaya knowledgeandpower@systemicjustice.ngo si aad wax badan uga ogaato sida aad uga dhigi karto kiiska bulshadaadu wado mid dhab ah.

SYSTEMIC JUSTICE,
THE MOVEMENTS' LAW FIRM

01

MAXAY TAHAY RIYADAADA KU AADAN SHAQADDA AAD QABANAYSO?

Qareenadu inta badan waxay wax ka bilaabi karaan booska waxa sharcigu qaban karo, laakiin tani waa mid cidhiidhiya oo xaddidan. Ka bulsho ahaan, waxa aad u baahan doontaan in aad hubisaan in kiisasku door ka qaataan himilada kama danbaysta ah ee adduunka aad doonaysaan in aad ku noolaataan iyo in aanay idinka lumin aragtida hadafkaasi. In aad tan si cad u ogaato bilowga waxay la macno tahay, marka la baadhayo kiisaska sharci ee suurtagalka ah, waxa aad qiimeyn kartaa doorkeeda ku aadan gaadhista riyadaada.

TUSAALE:

“Himiladayadu waa in aan baabi’ino xukunka dilka ah.”

02

MAXAY YIHIIN TALLAABOYINKA YARYAR EE AAD KU GAADHI KARTO RIYADAN?

Ma u kala jabin kartaa himilada qaybo yaryar, oo la gaadhi karo, sidoo kalena ah yoolal xaqiiqo ah oo halkaa lagu gaadhi karo? Su’aasha muhiimka ah ee halkani waa yoolalkee gacan ka geysan kara wax ka qabashada dhibaataadu sababta ay salka ku hayso ee hortaagan gaadhista riyada, iyo yoolalkee mudan in laga fogaado sababtoo ah waxay ilaalinayaan in xaaladu ay taagnaato halkeeda iyo in la qurxiyo nidaamyada dulmiga ee salka u ah dhibaataada. Si kale haddii loo dhigo, diiradu waa in ay saarnaato [dib u habeynta wiiqda nidaamka](#).

Tusaale: Marka la eego baabi’inta xukunka dilka ah, tallaabooyinka yaryari waxay noqon karaan:

- joojinta codsiga xukunka dilka ah ee kiisaska ay ku lugta leeyihiin ciyaalka, dhalinyarada, iyo dadka la nool naafanimada dhimir iyo bulsheed;
- burburinta sharciyada soo rogista xukunka dilka ah ka dhigaya mid khasab ah marka loo eego danbiyada qaar;
- joojinta dhaqanka ku haynta dadka xukunka dilka ah wakhtiyo dheer iyo xaaladaha xun, taas oo dhalisa saameynta dhimir ee loo yaqaan “death-row phenomenon”;
- mamnuucida soo saarista, soo dejinta, qaybinta, iyo isticmaalka hababka dilka ee bini’aadantimada ka baxsan ee xun;
- burburinta sharciyada xukunka dilka ah iyadoo loo cuskanayo ku xad-gudbida xuquuqal iinsaanka iyo ku dabaqida aan kala sooca lahayn iyo habka takoorka ah.



Si aad u akhrido in badan oo ku saabsan sida tallaabooyinkan yaryari isugu beddelaan istaraatiijiyad dacwadeed, eeg Cutubka 3-aad ee [“Dacwad Istaraatiijiyadeed: Haggaha tallaabo sharci”](#).

03

SIDEE LOO AWOODI KARAA IN TALLAABOYINKAN YARYAR LOOGU BEDDELO DALABAADYO AAD KA SAMAYSO MAXKAMADAHA?

Dhammaan tallaabooyinkan ma noqon doonaan kuwo aad u daba socoto maxkamad, qaar badan oo ka mid ah waxaa laga yaabaa in lagula dagaalamo ololeyaal, galaangalo, u-doodis, ama ficiil toos ah. Tallaabada xigta waa inaad aqoonsato sida qaar ka mid ah tallaabooyinkan yaryar loogu beddeli karo dalabyo aad maxkamada ka dalban karto. Ha dareemin in aad gacmaha ka xidhantahay adigoo ka walwalaya waxa sharci ahaan suurtagalka ah in laga codsado maxkamadaha, mar walba waxaad arrintaas ku xalin kartaa la-talin sharciyeed oo qareen kaa caawiyo. Su'aashan waxa looga gol leeyahay in la iftiimiyo waxa aad jeclaan lahayd ama aad filayso in maxkamaduhu sameeyaan marka laga hadlayo arrimaha aad ka shaqeyso. Waxana ka mid noqon kara:

- Ku guul-daraysiga kiiska: laga yaabee inaad filato in maxkamaduhu ay ilaaliyaan heerka xaalada ee hadda iyo in kiisku yahay fursad aad ku muujin karto sida sharciga iyo caddaaladu u xuntahay;
- Wax ka qabashada wixii horre u dhacay: adduunka aad ku fekerayso, maxaad dooni lahayd in maxkamaduhu wax ka qabtaan, soo celiyaan, ama ay hagaajiyaan ee horre u dhacay? Tani waxay noqon kartaa nooc magdhow ah, qirasho, ama amarada loogu talagalay in lagu qaado tallaabooyin cayiman;
- Hubinta in aanay mar labaad dhicin: ma weydiin lahayd maxkamadaha in ay sameeyaan xaddidaadyo si ay u hubiyaan wax qabad cayiman, fal, ama dhaqan in aanay mar labaad dhicin? Tani waxay noqon kartaa hab amaro ah oo loogu talagalay in sharci lagu beddelo, in falayaasha wax la baro ku saabsan arrin, ama in la ganaaxo qayb cayiman oo ka mid ah falayaasha si aanay mar labaad u sameyn falalkoodaas;
- Caddaalada bogsasho, daryeel, iyo dhaqan celin: feker ahaan, ma jiraan wax aad ka codsan lahayd maxkamada taas oo gacan ka geysan lahayd in bulshadaadu bogsato? Tani waxay noqon kartaa hab dalabaadyo loogu talagalay maaliyad ama taageero kale oo loo fidiyo bulshada, sida weynayn ama xusid, ama ka wacyi-gelinta bulshada arrin gaar ah;
- Ka dhigista nidaamka maxkamada mid adiga kuu shaqeeya: ma jira wax aad weydiin lahayd maxkamada marka loo eego sida ay u maarayso kiiskaaga kaas oo gacan ka geysan kara in aad hesho caddaalad? Tusaale ahaan, tani waxay noqon kartaa xaddidaado ka yimaada maxkamada si loo hubiyo in go'aanadeedu iyo dacwad dhageysigeedu ay noqdaan kuwo galaangal lagu yeelan karo, ama oggolaansho loogu talagalay xubnaha bulshada si ay u soo jeediyaan doodo una wadaagaan mahadhooyinkooda maxkamada dhexdeeda.



Si aad u akhrido in badan oo ku saabsan sida tallaabooyinkan yaryari isugu beddelaan istaraatiijiyad dacwadeed, eeg qaybta 3-aad iyo 2-aad ee "[Dacwad Istaraatiijiyadeed: Haggaha tallaabo sharci](#)".

04

YAA LAGU SOCOD-SIIN LAHAA XADDIDAADAHAN MAXKAMADA AMA LAGU BEEGSAN LAHAA?

Su'aashani waxay ku saabsan tahay ka fekerka ama qeexitaanka cidda haysa awooda ama saameynta si ay u keento isbeddelka loo baahan yahay si aad u gaadho yoolalkaaga. Kiisaska maxkamada waxa ku lug leh hal qof ama koox soo gudbinaysa dacwad sharci oo ka dhan ah qof kale ama koox kuwaas oo aan samaynayn waxa sharcigu ka filayo inay sameeyaan. Adduunka aad ku fekerayso, yaa u ah qof kan kale ama kooxdan bulshadaada?

05

YAAD DOONI LAHAYD IN AAD KALA SHAQAYSO QAADISTA TALLAABO SHARCI OO ISTARAATIJIYADEED?

Tani waxay noqon kartaa su'aal aad adigu kaga jawaabto tixraac ku aadan adiga bulshadaada, sidoo kale adiga oo eegaya shurkooyinka ka baxsan bulshada. Yaa ka mid ah bulshada oo laga yaabo in ay ku lug leeyihiin nooca shaqaddan, iyo waxa ay dooni lahaayeen in uu doorkoodu noqdo? Bulshada wixii ka baxsan, yaad dooni lahayd in aad la shaqayso sidoo kale maxaad ka rajayn lahayd oo ay awoodaan inay keenaan?

06

MAXAA UGU BADAN OO AAD KA WALAACSANTAHAY EE KU SAABSAN MARKAY TIMAADO LA MACAAMILKA MAXKAMADAH, SIDEESE LAGA YAABAA IN AAD UGA GUDUBTID WALAACYADAN?

Geynta kiisaska maxkamadu maaha wax loo qaadan karo wax fudud, waxa laga yaaba in ay ku lug yeeshaan khataro iyo kharashaad badan. Waxa muhiim ah in kuwa kiisaska qaataa ay dareemaan kalsooni ah in fursadaha ka dhalanaya tallaabada sharci ay ka mug weyn yihiin khataraha iyo kharashaadka jira. Waxa mudan in la milicsado khataraha iyo kharashaadka ay bulshadu ka walaacsantahay badanka marka ay timaado talaabo sharci, maxay jeclaan lahaayeen in ay ka ogaadaan in badan iyadoo lala xidhiidhinayo iyaga, sideese rajayn lahaayeen in loo yareeyo loona maareeyo khataraha iyo kharashaadka. Su'aalaha qaar ee laga yaabo inay gacan ka geystaan in aad ka gudubto walaacyadani waa::

- Maxay yihiin khataraha guud ee bulshadu ka walaacsantahay marka ay timaado la macaamilka maxkamadaha ee leh kala sarreynta mudnaanta?
- Maxay bulshadu u baahan tahay si ay u dareento in khatarahani ay yihiin kuwo la maareyn karo?
- Yaa laga yaaba in bulshadu miciinsato si ay kaaga taageeraan yaraynta khatarahan?

TUSAALE:

Khatarta mudnaanta sarre leh:

“Ma hayno dhaqaale ku filan. Dacwadu waa qaali sidoo kale waxa laga yaaba in ay ku lifaaqnaato ganaax kharash haddii laynaga xukumo.”

Maxaa bulshadu u baahan kartaa:

Samee olole dhaqaale ururin, u raadi shaqadda kaalmo sharci oo bilaash ah, dhaqaale ka ururi deeq-bixiyayaal cayiman, hel taageero maareynta maaliyada ah.

Yaa laga yaaba in bulshadu miciinsato:

Dhaqaale ururiyaal, ururada kale ee dhaqaale u ururiyay kiisas kan la mid ah, deeq-bixiyayaasha danaynaya, madalaha loogu talagalay ololaha dhaqaale ururineed ee dacwadaha



Ma raadinaysaa in aad wax badan ka ogaato khataraha iyo caqabadaha ka dhalan kara dacwada? Eeg Cutubka 4-aad ee “[Dacwad Istaraatiijiyadeed: Haggaha tallaabo sharci](#)”.

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The translation of the publication has been funded through The FRi grant, which is part of the Fundamental Rights Initiative; a collaboration between Global Focus and Nyt Europa co-funded by the EU.

We want to thank the translation team for their outstanding work.

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