



# KNOWLEDGE-BASED HARMONISATION OF EUROPEAN ASYLUM PRACTICES

*A project of the Hungarian Helsinki Committee  
co-financed by the European Commission*

## Case Summary

Country of Decision/Jurisdiction	<b>Spain</b>
Case Name/Title	6252/2004
Court Name <i>(Both in English and in the original language)</i>	Supreme Court
Neutral Citation Number	6252/2004
Other Citation Number	
Date Decision Delivered	15/02/2008
Country of Applicant/Claimant	Nigeria
Keywords	Persecution; Persecution grounds, Religion; Generalised Violence; Individual risk
Head Note (Summary of Summary)	The applicant lodged an appeal before the Supreme Court against the High National Court's decision to reject the granting of asylum. She claimed to have gone through persecution in Nigeria since her parents were killed in a religious confrontation between Muslims and Catholics. However, she did not explain how this fact constitutes subsequent persecution. It was ruled that the applicant was not a victim of religious persecution as it is interpreted from the 1951 Refugee Convention, but, rather that she has fled from a general conflict and a situation of political instability.
Case Summary (150-500)	
<i>Facts</i>	<p>The applicant claimed asylum in Spain alleging to have suffered persecution based on religious grounds. She claimed that her parents died three years ago as consequence of a confrontation between Muslims and Catholics. She did not give more details about the cause of her parent's death. After surviving this event she escaped to Benin then to Abidjan; someone gave shelter to her there.</p> <p>In her declaration, the actual circumstances founding persecution and the reasons explaining why her parents' death can constitute a well-founded fear of persecution, were not recorded.</p> <p>The UNHCR didn't express their opposition to the application.</p>
<i>Decision &amp; Reasoning</i>	The Supreme Court reiterated the High National Court's ruling on the case: declaring that the applicant's parents dying due to a religious confrontation does not amount to persecution based on religious grounds. She did not describe a situation of persecution, but, rather a situation of instability and generalised conflict, which can't be subsumed within persecution grounds. It seems that she left Nigeria to flee the social and political environment more than to escape a particular individualised persecution.



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	<p>The Supreme Court sets a general principle about the concept of persecution that will be reiterated in subsequent decisions.</p> <p>A situation of generalised internal conflict that takes place in a particular country, including the weakening of public powers and the emergence of uncontrolled groups that are able to endanger basic human rights, is not, in itself, a sufficient reason to claim persecution in order to be granted with refugee status. To be granted, this status requires a common undetermined threat, also this threat has to be posed to the applicant individually or due to his/her membership of a particular group.</p> <p>In this case, the applicant did not demonstrate that she experienced persecution for religious reasons linked to her, individually, or as part of a particular group.</p>
<i>Outcome</i>	The appeal was not successful and the Supreme Court declared that refugee status cannot be granted.