

CASE LAW COVER PAGE TEMPLATE

Name of the court ¹ (English name in brackets if the court's language is not English): Raad voor de Vreemdelingenbetwistingen (Council for Aliens Litigation)	
Date of the decision: (2014/04/04)	Case number: ² 122 129
Parties to the case: X v Commissioner-General for refugees and stateless persons	
Decision available on the internet? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, please provide the link: http://www.rvv-ccc.be/sites/default/files/arr/A122129.AN.pdf (If no, please attach the decision as a Word or PDF file):	
Language(s) in which the decision is written: Dutch	
Official court translation available in any other languages? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (If so, which):	
Countr(y)(ies) of origin of the applicant(s): Syria	
Country of asylum (or for cases with statelessness aspects, country of habitual residence) of the applicant(s): Belgium	
Any third country of relevance to the case: ³ No	
Is the country of asylum or habitual residence party to:	
The 1951 Convention relating to the Status of Refugees <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Relevant articles of the Convention on which the decision is based: Article 1A(2)
(Only for cases with statelessness aspects) The 1954 Convention relating to the Status of Stateless Persons <input type="checkbox"/> Yes <input type="checkbox"/> No	Relevant articles of the Convention on which the decision is based:
(Only for cases with statelessness aspects) The 1961 Convention on the Reduction of Statelessness <input type="checkbox"/> Yes <input type="checkbox"/> No	Relevant articles of the Convention on which the decision is based:
(For AU member states): The 1969 OAU Convention governing the specific aspects of refugee problems in Africa <input type="checkbox"/> Yes <input type="checkbox"/> No	Relevant articles of the Convention on which the decision is based:
For EU member states: please indicate which EU instruments are referred to in the decision	Relevant articles of the EU instruments referred to in the decision:

Topics / Key terms: (see attached 'Topics' annex):

Refugee status; armed conflict; Syria

Key facts (as reflected in the decision): [No more than 200 words]

Applicant claims fear of persecution because of her son, who allegedly was arrested in early 2011 for participating in anti-government protests. Applicants claims to have been beaten during house searches. Applicant lives in Saqba, a town under control of the Free Syrian army and attacked by the Syrian army, including with chemical weapons.

Applicant's request for refugee status is rejected, because the applicant's account is largely based on facts related to her son, because of adverse credibility findings, and because she cannot proof she and her family is wanted by the Syrian government. However, due to the current situation in Syria there is a serious threat to the applicant's life by reason of indiscriminate violence resulting from armed conflict.

Key considerations of the court (translate key considerations (containing relevant legal reasoning) of the decision; include numbers of relevant paragraphs; do not summarize key considerations) [max. 1 page]

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The Council upholds the adverse credibility findings but considers that notwithstanding such findings the decision-maker retains the responsibility to assess whether a well-founded fear of persecution or a real risk of serious harm exists on the basis of accepted facts (2.6). It is accepted that the applicant resided in Saqba, a city controlled by the Free Syrian Army and under attack by the Syrian Army. The Council refers to UNHCR's position that inhabitants of areas under the control of groups opposing the Syrian regime need particular attention. The fighting parties in the conflict interpret broadly who is affiliated with an opposing party, including because of family ties, religious or ethnic background, or even because of being present in an area that is regarded as pro or anti Syrian government. According to UNHCR, to be a refugee it is not required to be individually targeted. The Council supports this reasoning.

Other comments or references (for example, links to other cases, does this decision replace a previous decision?)

EXPLANATORY NOTE

1. Decisions submitted with this form may be court decisions, or decisions of other judicial, quasi-judicial and administrative bodies.
2. Where applicable, please follow the court's official case reference system.
3. For example in situations where the country of return would be different from the applicant's country of origin.

For any questions relating to this form, please contact the RefWorld team at the address below.

Please submit this form to:

Protection Information Unit
Division of International Protection
UNHCR
Case Postale 2500
1211 Genève 2 Dépôt
Switzerland
Fax: +41-22-739-7396
Email: refworld@unhcr.org