



# KNOWLEDGE-BASED HARMONISATION OF EUROPEAN ASYLUM PRACTICES

*A project of the Hungarian Helsinki Committee  
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## Case Summary

Country of Decision/Jurisdiction	<b>Spain</b>
Case Name/Title	
Court Name <i>(Both in English and in the original language)</i>	Supreme Court/ Tribunal Supremo
Neutral Citation Number	6894/2005
Other Citation Number	
Date Decision Delivered	16/02/2009
Country of Applicant/Claimant	Colombia
Keywords	Credibility; Internal Protection; Persecution Grounds; Relevant documentation
Head Note (Summary of Summary)	The claimant appealed before the Supreme Court against the decision of the High National Court to reject his refugee status. The claimant, his wife and their children claimed asylum, alleging persecution for membership to a particular social group. The status was rejected, on first instance, determining that the facts reported were unrealistic and declaring the possibility for the claimants to obtain internal protection. Finally, this decision was revoked and refugee status was finally granted.
Case Summary (150-500)	
<i>Facts</i>	<p>The claimant, his wife and their children, holding Colombian nationality, claimed asylum based on a well-founded fear of being persecuted due to their membership to a particular social group.</p> <p>He reported that, as he was working as a regional authority with relevant public visibility, his professional status caused persecution by means of serious death threats. He ignored the origin of these threats.</p> <p>The High National Court considered, and the General Attorney reiterated that the origin of the threats is unknown; therefore, this fact can't be assessed. Also, it was stated that the claimant could have relocated to another part of the country where there was no well-founded fear of being persecuted and could have stayed in this part of the country.</p> <p>Besides, contradictions were identified on the report of the facts and also it was judged that the documentation provided by the claimant as evidence of their persecution focused only on the personal aspects of the claimants.</p>
<i>Decision &amp; Reasoning</i>	<p>The Supreme Court ruled that the claimant proved a well-founded fear of being persecuted.</p> <p>This Court highlighted the existence of serious flaws in the Colombian judicial</p>



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	<p>system, determining that in many occasions the persecuted can't escape persecution even if he/she quits the activity that is causing the persecution. It was determined that the claimant lived in a "red area" and that the professional activity of the claimant was especially relevant in that area.</p> <p>The Supreme Court also assessed the allegations as credible and concurrent with the information available about the current situation in Colombia. It is credible and realistic to ignore the origin of the death threats if the circumstances of the claimant are assessed and if it is taken into account how common the non-identification of the agents of persecution is in Colombia.</p> <p>Finally, concerning internal protection, the Court declared that internal relocation in Colombia could not be considered as a safe and effective option.</p>
<i>Outcome</i>	The appeal was successful and the Court declared that refugee status has to be granted to the claimant, his wife and their children.