



KNOWLEDGE-BASED HARMONISATION OF EUROPEAN ASYLUM PRACTICES

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Case Summary Template

Country of Decision/Jurisdiction	Bulgaria
Case Name/Title	Bostanabad v. the head of the State Agency for Refugees
Court Name (<i>Both in English and in the original language</i>)	Supreme Administrative Court (<i>Върховен административен съд</i>) Panel of three judges
Neutral Citation Number	14986/2009
Other Citation Number	
Date Decision Delivered	18/03/2011
Country of Applicant/Claimant	Iran
Keywords	Expert opinion by an NGO as valid documentary evidence, duty to assess all evidence available
Head Note (Summary of Summary)	The head of the State Agency for Refugees had issued a decision to refuse refugee and subsidiary protection to Mrs. Bostanabad. She claimed that she and her husband left Iran because the family was subjected to persecution on ground of sympathy with the Shah regime. The administrative organ had concluded that the applicants did not present sufficient evidence that they were victims of treatment that amounted to persecution or serious harm. The court found that an expert opinion prepared by ACET, a non-governmental organization, was not taken into account by the decision-making body. They noted that the expert opinion of ACET was not contested and therefore constituted valid evidence. The decision was repealed and the administrative organ was obliged to make a thorough assessment of all evidence regarding the application.
Case Summary (150-500)	
<i>Facts</i>	Please see the head note.
<i>Decision & Reasoning</i>	<p>The judgment concerns the evidentiary weight of an expert opinion prepared by the NGO Assistance Centre for Torture Survivors, ACET, in Bulgaria. A team of three experts from ACET carried out interviews with the asylum seeker and concluded whether or not there is a credible account of ill-treatment suffered by the applicant. The expert team consisted of a psychiatrist, a psychologist and a social worker.</p> <p>In the present case the "certificate" by ACET concluded that Mrs. Bostanabad was "a victim of violence afflicted by representatives of the official authorities, which amounts to torture".</p> <p>The Court noted that the head of the State Agency for Refugees did not take into account this "certificate" when assessing the facts and circumstances in</p>



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	<p>the case. At the same time, the Court noted that the head of the State Agency for Refugees did not contest the credibility of the expert opinion by the NGO, therefore the expert certificate by ACET had "<i>material evidentiary force with regard to the facts that it certifies</i>" (in Bulgarian: "<i>документът като официален свидетелстващ документ е годно доказателствено средство ползващо се с материална доказателствена сила за фактите, които удостоверява</i>").</p>
<i>Outcome</i>	<p>The decision of the administrative organ was repealed and the Court ruled that Mrs. Bostanabad's application should be re-examined by the head of the State Agency for Refugees in compliance with its duty to assess all evidence.</p>
<i>Comments</i>	<p>The same opinion of the Court is found in the case of Mrs. Bostanabad's husband – case No.14987/2009.</p>