



KNOWLEDGE-BASED HARMONISATION OF EUROPEAN ASYLUM PRACTICES

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Case Summary Template

Country of Decision/Jurisdiction	France
Case Name/Title	T.
Court Name <i>(Both in English and in the original language)</i>	National Court of Asylum Law previously called the Refugee Appeal Board (Cour nationale du droit d'asile anciennement appelée Commission des recours des réfugiés)
Neutral Citation Number	CRR, SR, 16 février 2007, 573815, T.
Other Citation Number	
Date Decision Delivered	16/02/2007
Country of Applicant/Claimant	Ivory Coast
Keywords	Internal protection, actor of protection
Head Note (Summary of Summary)	Appeal against a rejection decision of the French Office for Protection of Refugees and Stateless Persons (OFPRA). The Appeal Board had to decide whether the Northern part of the Ivory Coast was an internal relocation alternative for the applicant and whether the forces controlling that part of the country could be qualified as actors of protection.
Case Summary (150-500)	The applicant, an Ivorian national, was a supporter of the opposition party. He was persecuted by the presidential forces and fled to the Northern part of the country that was under the control of the Alliance of New Forces. While there, he was accused of being an officer of the government and left the country. The Refugee Appeal Board determined that rebel forces couldn't be seen as state authorities or a regional organisation able to offer protection.
<i>Facts</i>	<p>The applicant, an Ivorian national, was a militant in the Rally of the Republicans (RDR). He supported the party at the University as soon as 1994 and then became the advisor to the chair of the Rally of Young Republicans in Adjamé. In May 2005, following a public speech supporting the rebels in Bouaké, he was attacked at home by a military group, which suspected him to be the brother of the head of the rebels. He was beaten and detained in a cell in the basement of the presidency house. He was freed on the 3rd of May thanks to acquaintances and fled to the Northern part of the country in the area controlled by the Alliance of the New Forces. He was arrested in June 2005 by members of the New Forces and accused of being an officer of the government. He was released thanks to his former employer and left the country.</p> <p>His application was rejected by the OFPRA. He made an appeal before the Refugee Appeal Board (Commission des recours des réfugiés – CRR). The appeal was heard before the joined chambers of the Board (<i>sections réunies</i>).</p>



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<p><i>Decision & Reasoning</i></p>	<p>The Refugee Appeal Board did not question the credibility of the applicant and qualified the persecution.</p> <p>The judges then wondered whether he could have sought protection in another part of the country and whether the rebel forces can be qualified as actors of protection.</p> <p>The Board recalled that actors of protection are <i>“state authorities, international or regional organisations willing and able to take necessary measures to prevent, in the relevant part of the territory, all kinds of persecution or serious harm to human beings”</i>. (<i>“des autorités de l’Etat, d’organisations internationales ou d’organisations régionales ayant la volonté et la capacité de prendre les mesures nécessaires pour empêcher, dans la partie concernée du territoire, toute persécution ou atteinte grave à la personne humaine”</i>.)</p> <p>It added that <i>“to assess whether the applicant can reasonably remain in that part of the territory, his personal situation should be determined with regard to the general living conditions of the population in that area”</i> (<i>“pour estimer si le demandeur peut raisonnablement rester dans cette partie du territoire, sa situation personnelle doit être appréciée au regard des conditions générales d’existence de la population dans cette zone”</i>).</p> <p>Concerning Ivory Coast, the Board stated that the government had no authority in the Northern part of the country that was under military control of the Alliance of New Forces. Thus, the Ivorian authorities cannot exercise their protection function there. On the other side, the substitution of the former authorities by the coalition of war lords that formed this alliance and the embryonic characteristics of the administrative and judicial organisation the alliance is attempting to put in place cannot lead to the conclusion that the Alliance of the New Forces are state authorities or a regional organisation able to offer protection according to the law.</p>
<p><i>Outcome</i></p>	<p>The CRR overturned the decision of the OFPRA and granted refugee status to the applicant.</p>