



# 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>Netherlands</b>
Case Name/Title	
Court Name <i>(Both in English and in the original language)</i>	District Court of Dordrecht (Rechtbank Dordrecht)
Neutral Citation Number	AWB 11/11748
Other Citation Number	
Date Decision Delivered	28-06-2011
Country of Applicant/Claimant	Somalia
Keywords	Internal protection, Indiscriminate violence
Head Note (Summary of Summary)	An internal protection alternative is available if it concerns an area where there is no well-founded fear of persecution or a real risk of a violation of Article 3 of the ECHR that is effectively and truly accessible from the Netherlands in a legal and safe way, and where the asylum seeker can settle in the area and he can reasonably be expected to stay in that part of the country. It is not required that an alien receives the same protection as he or she would have had in the Netherlands. However, the alien has to be able to exercise the same essential rights as the local population. Furthermore, the general living condition in this area should not, in itself, lead to a humanitarian emergency situation.
Case Summary (150-500)	The applicant, a Somalian woman from Mogadishu, requested asylum, also claiming that no internal protection alternative was available.
<i>Facts</i>	The respondent (the Minister of Immigration and Asylum) refused to grant the applicant a temporary asylum permit on the grounds that her asylum story was not credible and that there was an internal protection alternative in south and central Somalia (10-03-2011).
<i>Decision &amp; Reasoning</i>	After establishing that the respondent rightfully considered the applicant's asylum story as not credible, the district court reviewed the respondent's assessment that there was an internal protection alternative.  According to Dutch policy, an internal protection alternative is available if: a) it concerns an area where there is no well-founded fear of persecution or a real risk of torture, inhuman or degrading treatment or punishment for the asylum seeker; b) the asylum seeker can enter that area safely; c) the asylum seeker can settle in the area and he can reasonably be expected to stay in that part of the country. Sub b), it is required that the area is effectively and truly accessible from the Netherlands in a legal and safe way. Sub c), it is not required that an alien receives the same protection as he or she would have had in the Netherlands. However, the alien has to be



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	<p>able to exercise the same essential rights as the local population. Furthermore, the general living condition in this area should not, in itself, lead to a humanitarian emergency situation.</p> <p>The district court considered that sub a), that the applicant would not run a real risk of violation of Article 3 of the ECHR solely by her presence in central and south Somalia, had been fulfilled. Subsequently, the district court considered that the respondent had not substantially motivated that requirement b) had been fulfilled: the respondent's claim, that leaving Mogadishu can be seen as an acceptable risk, was not sufficiently convincing. Furthermore, requirement c) had not been fulfilled either, since it could not merely be assumed that displaced persons from Mogadishu were discriminated against as regards the exercising of their essential rights.</p>
<i>Outcome</i>	The appeal was well-founded.