



KNOWLEDGE-BASED HARMONISATION OF EUROPEAN ASYLUM PRACTICES

A project of the Hungarian Helsinki Committee

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Case Summary Template

Country of Decision/Jurisdiction	Bulgaria
Case Name/Title	N. S. K. Syedabas 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	3646/2010
Other Citation Number	
Date Decision Delivered	07/03/2011
Country of Applicant/Claimant	Iran
Keywords	persecution, inhuman and degrading treatment or punishment
Head Note (Summary of Summary)	The head of the State Agency for Refugees had issued a decision to reject refugee and subsidiary protection to Mr. Syedabas on the ground that his fear stemmed out of a dramatic instance from everyday life, which did not constitute persecution or serious harm. The decision was repealed and the administrative organ was obliged to issue a new decision following the binding interpretation of law given by the court.
Case Summary (150-500)	
<i>Facts</i>	<p>Mr. Syedabas, an Iranian national, fled his country of origin after one night he committed adultery with the wife of a third person. Mr. Syedabas himself had been divorced four years before that (on ground that he could not provide subsistence for his ex-wife) and took care of his son by himself. After the adultery, he feared severe punishment by the official authorities, as well as bloody revenge by the husband of the wife directed towards him and his son. He escaped Iran together with his son.</p> <p>The head of the State Agency for Refugees refused protection to Mr. Syedabas on the ground that the case concerned an instance of everyday drama. In addition, the administrative organ argued that recently Iran had put a moratorium on the execution of the adultery punishment envisaged in law and stoning took place rarely.</p>
<i>Decision & Reasoning</i>	<p>The Court noted that according to the Iranian Penal Code, adultery was punished by death, stoning or flogging, depending on the details of its commitment.</p> <p>The Court observed that, <i>"any of these punishments constitutes an inadmissible violation against the dignity of the punished person, irrespective of what he had committed."</i></p> <p><i>"Всяко едно от посочените наказания представлява недопустимо"</i></p>



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	<p><i>посегателство върху личността на наказаното лице, независимо от деянието което е извършило.”</i></p> <p>Therefore the Court concluded that upon return to Iran the applicant would be exposed to serious harm in the form of either death or inhuman and degrading treatment or punishment.</p>
<i>Outcome</i>	<p>The court repealed the decision of the head of the State Agency for Refugees and the administrative organ was obliged to issue a new decision following the binding interpretation of law given by the court.</p>