



# KNOWLEDGE-BASED HARMONISATION OF EUROPEAN ASYLUM PRACTICES

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## Case Summary Template

Country of Decision/Jurisdiction	<b>Bulgaria</b>
Case Name/Title	S. U. Muse 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	7653/2004
Other Citation Number	
Date Decision Delivered	14/01/2005
Country of Applicant/Claimant	Somalia
Keywords	internal relocation
Head Note (Summary of Summary)	The head of the State Agency for Refugees had issued a decision to reject refugee and subsidiary protection to Ms. S. U. Muse on the ground that she did not qualify for refugee status or subsidiary protection and there was an internal relocation alternative. The decision was repealed and the administrative organ was obliged to issue a new decision following the binding interpretation of law given by the court.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>Ms. Muse, a Somalian national, entered Bulgaria legally as part of a sport team. She stated that she used the sport competition as a legal channel to escape from Somalia where she was subjected to persecution because of her ethnicity – she belonged to the <i>tunni</i> ethnic group. Ms. Muse stated that members of the dominant ethnic group killed her father, raped her and regularly subjected the <i>tunni</i> ethnic group to repression and humiliation. She described the position of her minority ethnic group as slaves to the dominant ethnic group. She stated that since 1991 there was no central government in Somalia and she could not rely on protection by the official authorities.</p> <p>The head of the State Agency for Refugees refused protection to Ms. Muse on the ground that she left Somalia because of the “general insecurity in the country” and “the poor conditions of life”. The decision-making body admitted that there might be discrimination against the ethnic group, but the applicant was not targeted personally. This was evidenced in the fact that she had left her country of origin legally and was holding an international passport. Furthermore, the administrative organ stated that Ms. Muse could avail herself of internal relocation within Somalia.</p>
<i>Decision &amp; Reasoning</i>	The Court gave particular weight to the country of origin information on Somalia, which revealed “terrible” human rights violations and lack of security in any part of the country.



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	<p>The Court noted that holding an international travel passport was not a 'cessation' circumstance regarding the applicant's right to protection. Furthermore, the Court pointed out that leaving the country legally might be the only escape route for an asylum seeker.</p> <p>Regarding the 'general insecurity' argument of the head of the State Agency for Refugees, the court quoted paragraph 53 of the UNHCR Handbook on Procedures and Criteria for Determining Refugee Status regarding the 'cumulative grounds' of discrimination amounting to persecution. It concluded:</p> <p><i>"Therefore, the argument that discrimination is not a ground to be granted refugee status is wrong. However the allegations about discrimination should be assessed by taking into account the applicant's ethnicity and the geographical region from where she comes."</i></p> <p><i>"Затова мотивът, че доводът за дискриминацията не е основание да бъде предоставен статут на бежанец е неправилен. Следва обаче това твърдение да бъде обсъден, съобразно етническата принадлежност на кандидата и географския регион откъдето идва."</i></p> <p>Regarding the internal relocation argument of the head of the State Agency for Refugees, the Court noted that the administrative organ had made their assumption based on formal citation of country of origin information, without taking into account the individual circumstances in the concrete case. The Court stated that the possibility for an internal flight alternative should be assessed by taking into consideration the concrete ethnic group of the applicant, as well as the feasibility of moving to another region in view of the fact that there was no central government in control of the country.</p>
<p><i>Outcome</i></p>	<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>