



**European Database of Asylum Law**

[www.asylumlawdatabase.eu](http://www.asylumlawdatabase.eu)

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## Background

The European Database of Asylum Law (EDAL) is an online database containing case law from 11 EU Member States interpreting refugee and asylum law. EDAL summarises relevant case law in English and the Member State's national language and provides a link to, and/or pdf of, the full text of the original judgment where available.

EDAL is funded by the European Commission's European Refugee Fund under the project entitled '**Learning from Practice: Developing a database of jurisprudence to deepen cross-European understanding of the interpretation of the Qualification and Asylum Procedures Directives**'.

EDAL's objective is to strengthen the development of harmonized standards of protection within the Common European Asylum System and, in particular, to increase

consistency and quality in the interpretation and application of the Qualification<sup>1</sup> and Asylum Procedures<sup>2</sup> Directives.

The Irish Refugee Council coordinated the project and partnered with the European Council on Refugees and Exiles (ECRE). An Advisory Panel including a representative of UNHCR was formed to provide guidance on the project and National experts were appointed to select and draft the case summaries in English and the Member State's national language.

The primary audience is decision-makers at all levels, practitioners, academics and policy makers. The project aims to foster deeper cooperation amongst decision-makers and practitioners in Member States. EDAL contains case summaries from the following 11 Member States:

• Belgium	• Ireland
• The Czech Republic	• The Netherlands
• Finland	• Spain
• France	• Sweden
• Germany	• The United Kingdom
• Hungary	

<sup>1</sup>Council Directive 2004/83/EC. It has only been possible to focus on key elements of the Directives at this stage.

<sup>2</sup>Council Directive 2005/85/EC.

## Features of EDAL

EDAL is searchable in English and the original language of the decision. The website interface is available in English only. The case summaries are searchable by a predictive text keyword search, by a free text / full text search, as well as by provisions of relevant EU Directives, citation, and case title. EDAL contains information on each Member States legal framework – Country Overview – outlining how the asylum system operates, and explaining the standing and relationship between different courts and tribunals in that process.

## Criteria for Selecting Cases

The primary focus of EDAL is to collect case law that is relevant to the interpretation of the Qualification and Asylum Procedures Directives; however important cases on the Reception Conditions Directive and the Dublin II Regulation are also included.

Cases are selected where a significant point of law is discussed and the reasoning of the decision-maker is evident and instructive. This includes, for example, precedent setting cases and cases that contribute to policy changes at the national level. In addition, cases are selected

if they were considered significant and therefore should be shared with decision-makers and practitioners in other Member States, regardless of the outcome.

## International Protection Standards

EDAL is conscious that EU law is not the only source of asylum and refugee law in Member States. Every Member State is a signatory to the 1951 Geneva Convention on the Status of Refugees and there can be discrepancies in the interpretation of international (and EU) obligations between different Member States.

EDAL is useful to identify cases that either highlights protection gaps in Member States or case law which demonstrate instances where Member States have maintained higher standards than are required by EU asylum *acquis* but correspond with international law.

## Developing EDAL

The Irish Refugee Council is seeking to obtain additional funding to be able in the future to include the case law of other EU Member States and to extend the focus to other elements of the Common European Asylum System.

## Home Page

The screenshot shows the EDAL Home Page with the following elements and callouts:

- EDAL Logo:** European Database of Asylum Law.
- Navigation Menu:** HOME, ABOUT, EDAL CASE SUMMARIES, RESOURCES, CONTACT US.
- Search Bar:** A search bar with a "SEARCH EDAL SUMMARIES" button. Callout: "Users can search directly from the Home Page".
- Featured Summaries - Exclusion Clauses:**
  - UK – High Court, 6 December 2011, ABC (a Minor) (Afghanistan), R (on the Application of the Secretary of State for the Home Department) [2011] EWHC 2937**
  - Country of Decision:** United Kingdom
  - Country of Applicant:** Afghanistan
  - Keywords:** Best interest of the child, Exclusion
  - Date:** 06-12-2011
  - Legal Provisions Cited:** 1951 Refugee Convention, Art 1F(b), ECHR, Art 3, Legislation - UK, Borders, Citizenship and Immigration Act 2009, Children Act 1989, Children and Young Persons Act 1933, Coroners and Justice Act 2009, Criminal Justice and Immigration Act 2008, Immigration Rules, Nationality, Immigration and Asylum Act 2002
- Germany - Federal Administrative Court, 7 July 2011, 10 C 26.10**
- Country of Decision:** Germany
- Country of Applicant:** Turkey
- Keywords:** Exclusion, Serious non-political crime, Acts contrary to the purposes and principles of the UN, Individual assessment.

- EDAL Case Summaries:** A list of countries with the number of cases per country available on EDAL.

Country	Number of Cases
Germany	75
United Kingdom	
France	
Sweden	
Ireland	
Belgium	
Czech Republic	
Netherlands	25
Spain	25
Finland	24
Hungary	15
- Resources:** EN - Refugee Convention 28 July 1951. Callout: "Quick Link to Resources".
- Footer:**
- Stay informed on our latest news!** E-mail [input field] SUBSCRIBE
- Disclaimer**  
Our Partners  
Site credits
- Project supported by:** Irish Refugee Council, European Union, ecre (European Council on Refugees and Exiles)
- Follow EDAL:** Twitter, Facebook

## Search Function

The Search is both Predictive Text and Free Text

For example, the user has typed 'in' and is prompted by a list of terms linked to the Keywords

The screenshot displays the EDAL (European Database of Asylum Law) website. At the top, the logo features a stylized book icon next to the text 'EDAL' and 'European Database of Asylum Law'. Below the logo is a navigation bar with links: HOME, ABOUT, EDAL CASE SUMMARIES, RESOURCES, and CONTACT US. A search bar is positioned below the navigation bar, showing the text 'In' and a dropdown menu with predictive text suggestions. To the left, a section titled 'Featured Summaries - Ex' lists a case: 'UK – High Court, 6 December 2011, the Secretary of State for the Home Department v. M. (Afghanistan)'. Below this, it lists 'Country of Decision: United Kingdom', 'Country of Applicant: Afghanistan', and 'Keywords: Best interest of the child, Exclusion'. To the right, a section titled 'EDAL Case Summaries' lists various countries with corresponding counts in grey boxes: Germany (75), United Kingdom (75), France (60), Sweden (49), Ireland (47), Belgium (45), Czech Republic (37), Netherlands (25), Spain (25), Finland (24), and Hungary (24). Below this, a 'Languages' section lists: English, Français, Deutsch, Nederlands, Español, Čeština, Suomi, Magyar, and Svenska. At the bottom right, a 'Partners' section is partially visible with the text 'Logo and link'.

**Internal protection (142)**  
**Indiscriminate violence (81)**  
**Internal armed conflict (79)**  
**Country of origin information (66)**  
**Inhuman or degrading treatment or punishment (54)**  
**Individual threat (48)**  
**Individual assessment (47)**  
**Individual risk (40)**  
**Change in circumstances (25)**  
**International armed conflict (11)**  
**Personal interview (11)**  
**Best interest of the child (10)**  
**Inadmissible application (4)**  
**Inability to return (3)**  
**Indirect refoulement (2)**  
**Provision of information (2)**  
**India (2)**

**EDAL Case Summaries**

Country	Count
Germany	75
United Kingdom	75
France	60
Sweden	49
Ireland	47
Belgium	45
Czech Republic	37
Netherlands	25
Spain	25
Finland	24
Hungary	24

**Languages**

- English
- Français
- Deutsch
- Nederlands
- Español
- Čeština
- Suomi
- Magyar
- Svenska

**Partners**

Logo and link

Users can search in languages other than English by selecting the list visible on the Homepage.

## Search Results

'Excerpt' shows where the search term appears in the text

Each case listed displays:  
Title, Country of Decision, Country of Applicant, Keywords, and Headnote

**SEARCH EDAL SUMMARIES**

Home » EDAL case summaries » Internal armed conflict »

### EDAL case summaries

**Sweden - Migration Court of Appeal, 22 February 2011, UM 10061-09**

**Excerpt:** 0 subsidiary protection **internal armed conflict armed conflict** ... The Migration Court of Appeal held **internal armed conflict** ... indeed was in need of subsidiary protection from an **internal armed conflict** ...

**Country of Decision:** Sweden  
**Country of Applicant:** Somalia  
**Keywords:** Subsidiary Protection, Internal armed conflict, Armed conflict, Exclusion

The Migration Court of Appeal held that internal armed conflict prevails in all parts of southern and mid Somalia.

**Date:** 24-02-2011  
**Legal Provisions Cited:** Legislation - Sweden, Aliens Act (2005:716) Chapter 4 Section 1, Aliens Act (2005:716) Chapter 4 Section 2, Aliens Act (2005:716) Chapter 4 Section 2 (c), Qualification Directive, Art 17

**France - CNDA, 11 March 2010, Mr. C., n° 613430/07016562**

**Excerpt:** 0 subsidiary protection **internal armed conflict international armed** ... as a situation of **armed conflict**, within meaning of Article L.712-1 ... **conflict** ...

**Country of Decision:** France  
**Country of Applicant:** Iraq  
**Keywords:** Subsidiary Protection, Internal armed conflict, International armed conflict

The situation which currently prevails in the region of Mosul, as well as in the whole territory of Iraq, can no longer be considered as a situation of armed conflict, within the meaning of Article L.712-1 c) of Csesda [which transposes Article 15 (c) of the Qualification Directive].

**Date:** 11-03-2011  
**Legal Provisions Cited:** 1951 Refugee Convention, Art 1A(2), Legislation - France, Csesda Art L.712-1(c)

#### Languages

- English
- Français
- Deutsch
- Nederlands
- Español
- Čeština
- Suomi
- Magyar
- Svenska

#### Current search

**Search found 52 items**

- Internal armed conflict

#### Filter by keywords

Subsidiary Protection	45
Internal armed conflict	43
Indiscriminate violence	31
Serious harm	26
Individual threat	22
Internal protection	16
Individual risk	12
Armed conflict	10
Real risk	10

#### Filter by EU legal provisions applicable

- Qualification Directive 52
- Asylum Procedures Directive 3

#### Filter by legal provisions cited:

- Qualification Directive 35
- 1951 Refugee Convention 20
- Additional Protocol II 1977 9
- ECHR 9
- Fourth Geneva Convention 1949 8
- Legislation - France 8
- Additional Protocol I 1977 4
- ICC Statute 4
- UNHCR Handbook 4
- CFREU 3

Show more

#### Filter by case law cited:

Case Law - Germany	22
Case Law - CJEU	18
Case Law - UK	12
Case Law - ECHR	6
Case Law - ICTY	6
Case Law - Sweden	6
Case Law - Czech Republic	1

**Sweden - Migration Court of Appeal, 22 February 2007, UM 6696-07**

**Excerpt:** 0 subsidiary protection **armed conflict** ... The question as to whether or not an **armed conflict** existed has ... serious harm threshold. In dispute was whether or not an **internal armed** ...

**Country of Decision:** Netherlands  
**Country of Applicant:** Kosovo  
**Keywords:** Subsidiary Protection, Armed conflict

The question as to whether or not an armed conflict existed has to be answered according to humanitarian law (common Art 3 of the Geneva Convention and the second additional protocol).

**Date:** 20-07-2007  
**Legal Provisions Cited:** Fourth Geneva Convention 1949, Art 3, Qualification Directive, Art 15 (a), Art 15 (b), Art 15 (c), Art 2 (e), Additional Protocol II 1977, Art 1.1, Art 1.2

**France - CNDA, 24 April 2009, Mr. G., n° 625816**

**Excerpt:** of internal or international **armed conflict** ... 0 subsidiary protection Indiscriminate violence **internal armed** ... **conflict international armed conflict** generalized violence ...

**Country of Decision:** France

Having searched 'Internal armed conflict' the search results can be 'Filtered' further according to: Keyword, Legal Provisions Applicable and Cited, Case Law cited, Country of Decision and Country of Applicant

## Case Summary

**France - CNDA, 24 April 2009, Mr. G., n° 625816**

**Country of Decision:**  
France

**Country of Applicant:**  
Russia, Russia (Chechnya)

**Date of Decision:**  
24-04-2009

**Neutral Citation No.:**  
CNDA, 24 avril 2009, M.G., n° 625816

**Court Name:**  
National Asylum Court / Cour nationale du droit d'asile (CNDA)

**Keywords - Primary:**  
Subsidiary Protection, Indiscriminate violence, Internal armed conflict, International armed conflict, Generalized violence

**EU Legal Provisions Applicable:**  
Qualification Directive > Art 2  
Qualification Directive > Art 6  
Qualification Directive > Art 7  
Qualification Directive > Art 15

**Legal Provisions Cited:**  
1951 Refugee Convention > Art 1A(2)  
Legislation - France > Ceseda Art L.711-1  
Legislation - France > Ceseda Art L.713-2  
Legislation - France > Ceseda Art L.712-1

**Headnote:**  
The situation which currently prevails in the Republic of Chechnya does not amount to generalized violence resulting from a situation of internal or international armed conflict.

**Facts:**  
The applicant, from the Russian Federation of Chechen origin, claimed that he was persecuted because his uncle belonged to the Aslan Maskhadov's presidential guard since 1996. He left his country of origin in 2007. The French Office for the Protection of Refugees and Stateless Persons (Ofpra) rejected his asylum application. He lodged an appeal against this negative decision before the Cour Nationale du Droit d'Asile (National Asylum Court) (CNDA).

**Decision & Reasoning:**  
The Court examined firstly whether the applicant qualified for refugee status according to the 1951 Refugee Convention. It however considered that the alleged persecution was not established and that the fears were unfounded.

Furthermore, the Court examined the asylum application within the context which currently prevailed in the Russian Federation, in particular in the Republic of Chechnya. The Court highlighted the stabilisation and the improvement of the security situation in the Republic of Chechnya since the beginning of 2007, as well as the weakening of the rebel guerilla war which was at the time very fragmented, residual and restricted to a few mountainous areas. The Court considered that this situation did not amount to generalized violence resulting from a situation of internal or international armed conflict as under Article L.712-1 c) Ceseda [which transposes Article 15(c) of the Qualification Directive].

Finally the Court considered that this case did not fall within under Article L.712-1 a) and b) Ceseda [which transpose Article 15(a) and (b) of the Qualification Directive].

**Outcome:**  
The claim was rejected.

**Observations/Comments:**  
Article L.712-1 Ceseda [which transposes Article 15 of the QD] reads [unofficial translation]:

"Subject to the provisions of Article L. 712-2 [exclusion], subsidiary protection is granted to any person who does not qualify for refugee status under the criteria defined in Article L. 711-1 and who establishes that she/he faces one of the following serious threats in her/his country:

a) death penalty;

b) torture or inhuman or degrading treatment or punishment;

c) serious, direct and individual threat to a civilian's life or person by reason of generalised violence resulting from a situation of internal or international armed conflict".

Under French legislation, the threat should thus not only be "serious and individual" (as in the Qualification Directive) but also "direct". Also, French legislation refers to "generalized" violence rather than "indiscriminate" violence.

**Case Law Cited (Terms):**

» Français

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**PDF version of Summary**

**Languages**

English  
Français  
Deutsch  
Nederlands  
Español  
Čeština  
Suomi  
Magyar  
Svenska

**Content listings**

- EDAL Case Summaries
- Legislation

**Navigation**

- Website management guide

Language Navigation allows the user to move easily between different language versions

A case can be shared by email, Facebook & Twitter

By clicking on the 'Legal Provision' the user can access the text of the provision

View EDAL Case Summary in the original language



