

Case Brief No: OK-13-121/19.01.2024

<u>Strategic priority:</u>	Inadequate interpretation of legal grounds for granting protection and asylum		
<u>Appellant:</u>	ALEKSEI NIKOLAEVICH SHAMAEV		
PIN	7003225654	COO	Russian Federation
Place	Yakutsk	District	Republic of Sakha
Ethnicity	Sakha	Other	
<u>Respondent:</u>	State Agency for Refugees		
	RRS Sofia		
<u>Appealed act:</u>	7231/27.06.2025		
<u>1st instance court:</u>	Administrative Court Sofia City, 54 panel		
<u>Case №:</u>	7079/2024		
<u>Facts:</u>	In reaching its decision, the court committed a material breach of the administrative procedural rules, as it failed to clarify all the facts and assess all the allegations from his refugee history, as well as the evidence containing information about the situation in Russia. His concerns are related to the fact that at his age, if he were convicted and sent to prison in his country of origin, he would not be physically able to survive. These concerns are based on the inhuman and degrading conditions in Russian prisons, in which his life and health would be exposed to an extremely high risk, especially given his age. The court did not discuss the evidence presented in the case concerning the conditions in Russian prisons and the abuses that are part of life in them. The evidence admitted in the case in connection with the allegations of inhuman and degrading conditions in Russian prisons was not discussed,		

Bulgarian Helsinki Committee

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	although they are a generally known fact within the meaning of Art. 155 of the Code of Criminal Procedure in conjunction with Art. 144 of the Code of Criminal Procedure.
<u>Issue:</u>	Why did the court, when issuing its decision, not take into account that the granting of subsidiary protection under Art. 15 in conjunction with Art. 4, para. 1 of the Qualification Directive, transposed into national legislation in the form of humanitarian status under Art. 9, para. 1 of the Asylum and Refugees Act, is conditioned by the existence in the country of origin of a real risk of significant harm being inflicted on the person seeking protection, that is, when the risk of suffering significant harm is real or probable?
<u>Court:</u>	Supreme administrative court
<u>Department:</u>	
<u>Case №:</u>	