

REPUBLIC OF JANUAN
- Koltozeskomod -

Reference No.: K-POD/11-712-V/2007

| *Subject: Application for international protection*
Original in: English, Januese
Officer in charge: Uno Vanod

Mr. Arsen Hakobyan, an Armenian national, born on 18.2.1952, in Arteni, Republic of Armenia, applied for refugee status in the Republic of Januan on 27th May 2006. Based on Act 75/1993 on refugees, following a careful examination of the claim for international protection, in the name of His Royal Majesty King of Januan, the Migration Office

rejects

| Mr. Arsen Hakobyan's application for international protection.

Facto of the case

Mr Arsen Hakobyan ("the applicant") was born in 1952 in the village of Arteni, to his father and mother, both of Yezidi origin and religion, who both work on their farm. The applicant does not have any brothers or sisters. He obtained basic education and after finishing it he started to work on his parents' farm.

In 1980 the applicant married Maia Agasyan and in 1981 his wife gave birth to a boy, Artak. They lived together with applicant's parents until both of them died in 1981. Before Armenia's independence they didn't face any serious problems, then they were harrassed and mistreated several ways.

Applicant's son was bullied at school - taunted, insulted and sometimes beaten as well. The applicant has complained about this to the teacher and to the school director (several times) as well as to the local police (once), but he was not successfull and, in consequence of this, his son stopped attending school.

Besides, the applicant and his family were not provided appropriate medical care. The applicant suffers from diabetes and he needs regular medical care. But his doctor refused to prescribe necessary medicine to him, did not react on applicant's complaints regarding his health problems. He also refused to treat his leg which was badly injured after the incident at police office in Yerevan (described below). Due to this, his health state has worsened. (Documentation issued by medical staff providing treatment to applicant after his arrival to Januan is included in the applicant's dossier regarding his application for international protection)

Moreover, the applicant and his family were repeatedly insulted and threatened by their neighbours. In summer 2006 somebody burnt their house. It happened when applicant was out of house together with his son. the applicant's wife died during the fire, his daughter-in-law and her son escaped. She saw two of their neighbours running away of their house. Before the fire was set, numerous threats had been made by the applicant's neighbours as well as comments after the incident. Therefore, the applicant is sure that their neighbours had burnt their house intentionally. He informed the local police station about the incident but nothing happened. He went to Yerevan police to complain, but there they didn't want to deal with his complaint and, moreover, he was mistreated by police officers. When he asked if anybody would come to his place to see what had happened, they started to insult him, slapped him and kicked several times. His leg was wounded, but somehow he got home, where his doctor refused to treat his injuries. According to the applicant, this was probably the first moment when he started considering leaving the village – when he saw that nobody did care, nobody was willing to take any action to protect them. A few months after this incident, the applicant's neighbours dispersed their drove. In consequence, the applicant and his family lost their livelihood. Again, they contacted local policemen, who promised to send somebody to conduct an investigation, but nobody came. In this case, the applicant didn't contact the superior police office, because - after his previous experience with police in Yerevan - he was afraid of them.

In this situation, the applicant contacted his father's friend who used to live in the village of Arteni before he moved to Yerevan, who advised him to get out of Armenia and offered him to arrange all the necessary matters. The applicant used all his savings to pay for this. On 23rd of May the applicant's family got on a van together with some other people. They stopped several times on their way to Januan, but the applicant did not recognize countries they were crossing. On 26th of May they arrived to Januan, where they met some people who advised them to ask for refugee status and gave necessary instructions. Then they took a bus and got to reception center, where they lodged their application for [international protection](#).

Medical documentation (reg.number: *K-MED/02-5142-V/2007*) shows that the applicant suffers from diabetes, cataract and acrostealgia. Beside this, he complains of serious stress and dysomnia. According to the medical expert's opinion (*K-MED/03-118-V/2007*), these phenomena are likely to be the consequence of his forced displacement and the circumstances that led to it, as well as the continuous preoccupation concerning his future and physical security.

Justification

When passing this decision, the Migration Office took into consideration the applicant's statements as pronounced in his application and during the interview conducted with him, as well as the medical documentation (see reference above) and the relevant country of origin information. While being generally convinced about the applicant's credibility, the Office of Immigration is of the opinion that Mr Arsen Hakobyan's claim for [international protection](#) is not well-founded, for the following reasons:

As regards, grounds for granting asylum:

The problems faced by the applicant cannot be considered as "persecution". While he was definitely subjected to forms of harassment from hands of his neighbours, these actions didn't reach that intensity to be considered as persecution; the above described acts cannot be defined as serious violation of human rights. Moreover, when talking about his motivation for leaving Armenia, the applicant mentioned the fact that his family was not able to live on due to loss of their cattle which was their only means of livelihood. These are not the reasons relevant for potential granting of refugee status.

Treatment of the police officials in Yerevan, as described by the applicant, might be defined as inhuman, but this was just one incident which might have been caused by

professional failure of these individual policemen. It is not possible to make any general conclusion regarding prejudicial attitude of state officials towards Yezidi people from this particular incident, moreover, if the applicant as a victim of such mistreatment **didnot take all the possible means of redress of police abuse** which were (according to country of origin mentioned below) **available in his home country.**

Besides, the applicant could benefit from an **internal protection alternative** in some of the villages where Yezidi inhabitants are predominant. Here, supposedly, his family would not face any threat to their life or physical integrity.

Doubts regarding the question whether the applicant's fear of mistreatment is well-founded arise from considering the country of origin information. The relevant country of origin information collected by the Information Centre of the Migration Office states that: *"Unlike in 2005, Yezidi leaders said that they had received no reports that police and local authorities discriminated against them."* And, that *"By law citizens may sue police in court as they would sue any person against whom they had an adjudicable complaint"*. Various reports also show that the Armenian state is willing to fight against police misconduct: *"The government reported that during the year 20 police officers received administrative fines (compared to 49 in 2005) for their roles in cases involving police mistreatment of detainees. Prosecutors also opened 11 criminal cases against some of the police officers involved; the disposition of those cases was unclear at the end of the year."*

In consequence of arguments presented above, the Migration Office is of the opinion that there is no ground for granting **refugee status** to the applicant.

As regards, grounds for granting subsidiary protection:

In respect of above mentioned internal protection alternative as well as general protection mechanisms as described in country of origin information, the Migration Office is of the opinion that there is not any significant threat that the applicant becomes subject to "serious harm" as defined in Article 15 of the European Council Directive No. 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection.

The incidents were too scarce to reach the level necessary to be considered torture or inhuman or degrading treatment or punishment, and according to the information available there is no internal armed conflict going on in Armenia, neither is the applicant in risk of being subject to death penalty or execution.

Therefore, Migration Office have neither recognised the applicant's need of **subsidiary protection.**

The applicant has the right to submit an appeal to the first-instance Administrative Court within 14 days.

Nijitvan, 7 December 2007

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Uno Vanod
Officer in charge