



Czech Republic - V.P. v Ministry of Interior - damages claim

The Court ordered the Ministry of Interior to pay damages to an applicant to the statelessness determination procedure for experiencing delays in the procedure and excessively detaining him while awaiting a statelessness determination decision.

Case name (in original language) : V. P. proti ministerstvu vnitra - žaloba na náhradu škody

Case status: Decided

Case number: Nr. 12 C 2/2019

Citation: V.P. v Ministry of Interior - damages claim Nr. 12 C 2/2019

Date of decision: 15/10/2020

State: Czech Republic

Court / UN Treaty Body: District Court of Prague 7

Language(s) the decision is available in: Czech

Applicant's country of birth: Russian Federation

Applicant's country of residence: Czech Republic

Key aspects: Procedural safeguards, Statelessness determination

Relevant Legislative Provisions:

Act No. 82/1998 Coll., on Liability for Damage Caused in the Execution of Public Authority by a Decision or Incorrect Official Procedure

Facts

The applicant, a stateless man, applied for statelessness status. The Ministry of Interior did not respect the legal deadline of 6 months to issue a decision, in fact the deadline was exceeded by more than 18 months. In the meantime, he was repeatedly detained, could not work and did not have any rights, lived on the street and was afraid to be detained again or put in prison and deported. He asked for non

pecuniary damages for his difficult situation and also pecuniary damages because he was charged for all the time spent in detention.

Legal arguments by the applicant

Before this court case, the applicant initially filed an inaction claim which he won, as the court stated that the Ministry delayed the statelessness determination procedure. After winning that previous case, the applicant asked for damages. It was the delays that caused his protracted detention. He asked for pecuniary damages because he was charged for all the time spent in detention, as well as non pecuniary damages for the trauma he faced in detention and for the fear of being deported.

Legal arguments by the opposing party

The Ministry of Interior argued that the applicant actually caused the damage himself by a lax approach to resolving his situation, claiming lack of a causal link.

Decision & Reasoning

The court granted pecuniary damages because he was charged for all the time spent in detention, and also non pecuniary damages for the trauma he faced in detention and for the fear of being deported. The court pointed out it was the delays in the statelessness determination procedure that caused his protracted detention, emphasizing the causal link in the non pecuniary part of the claim.

Outcome

The Court ordered the Ministry to pay damages. The Ministry accepted and paid damages.

Caselaw cited

[V.P. v Ministry of Interior, no. 10 A 155/2017](#) - this case concerned the same applicant and was addressed the obligation to decide the statelessness status determination case in 6 months, analogically to asylum cases.