

2022

International Migration and Refugee Law Moot Court

Semi-final, new element

Omar Sharif

vs

**The Minister of Home Affairs of the People's
Republic of Kalakuta**

Migration Law Research Group

Ghent University



New evidence shared with both parties to the case a couple of hours prior to the case's hearing in the Administrative Court of First Instance

Mr Omar Sharif's guardian questioned the young Syrian's mental health since his arrival. The guardian first passed through a phase of disbelief about Omar's sudden mood swings, from being inconsolable, welcoming all hugs, to being absent, distracted and even violent. Further, the guardian also noticed that Omar has obsessively been playing video games, many of them with a violent nature, and that he refused to have any social interaction with older men from the Syrian – and wider Maghreb and Mashreq regions - diaspora communities. When Omar was asked about his addiction to video games, he replied that it was the only way of getting some sleep, as nights were long and trying to sleep only gave him nightmares about his time back in Syria. Omar further explained that he did not trust men, as they hurt him. When asked to elaborate further, he would be entirely silent, or he would occasionally start crying or get panic attacks without being able to give any further explanations.

When the guardian tried to discuss this with Omar's caregivers in the asylum reception centre, where he had been residing, the staff of the facility found that Omar's guardian was overreacting as all teenage boys prefer playing video games during their puberty.

Upset by not being taken more seriously, the guardian requested the caregivers in the asylum reception centre where Omar has been residing to set up a medical examination. The GP medically screened Omar and decided to refer him to a psychologist. With a couple of months delay, as the number of people in need of psychological support in Kalakuta is outweighing the number of psychologists, Omar got an appointment with Dr Lipschitz, a rather controversial psychotherapist who was previously sanctioned for conducting hypnosis without his patients' approval. On Monday 14 March 2022, the guardian drove Omar to his appointment and nervously waited in the meeting room, while extensive examinations took place. After 4,5 hours, the psychotherapist accompanied Omar to his guardian and only stated the words "This is serious, I will send you my report asap".

In the morning of 17 March 2022, the guardian receives Dr. Lipschitz' report in his email inbox. Being reluctant to disclose private and medically sensitive information of Omar, but at the same time mindful of the urgency as the case is being discussed on the same day at the Administrative Court of First Instance session, the guardian decides to forward to both parties of the case (the legal council defending Omar Sharif, as well as the legal council assigned to the case on behalf of the Minister of Home Affairs of the People's Republic of Kalakuta) the following abstracts from the medical examination.

"... The patient re-confirmed that against his will a male member of a specific group that he joined back in Syria– and trusted– had conducted sexual handlings that he had not approved and were utmost painful."

"The patient was very ashamed to confess that he never told this to anyone. Hoping that if the story would not be told, it would not have been lived."

"I [Dr. Lipschitz] hereby diagnose that the following conditions which the patient has been describing are linked to the lived experience : eating and digestive troubles, difficulty sleeping, extreme headaches, trust issues, sweating, increased heart palpitations, distorted memories and partial amnesia."