

CASE LAW COVER PAGE TEMPLATE

Name of the court ¹ (English name in brackets if the court's language is not English): Qorti Kostituzzjonali (Constitutional Court)	
Date of the decision: (2013/04/29)	Case number: ² 53/2008/1
Parties to the case: Essa Maneh and by decree of the 20 November 2012 Dr Katrine Camilleri was appointed as the mandatory of the absent Essa Maneh v. Commissioner of Police as Principal Immigration Officer and Minister for Justice and Home Affairs	
Decision available on the internet? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, please provide the link: http://www.justiceservices.gov.mt/courtservices/Judgements/search.aspx?func=thisyear (If no, please attach the decision as a Word or PDF file): Search term "Maneh" or use case number.	
Language(s) in which the decision is written: Maltese	
Official court translation available in any other languages? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (If so, which):	
Countr(y)(ies) of origin of the applicant(s): The Gambia	
Country of asylum (or for cases with statelessness aspects, country of habitual residence) of the applicant(s): Malta	
Any third country of relevance to the case: ³	
Is the country of asylum or habitual residence party to:	
The 1951 Convention relating to the Status of Refugees <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Relevant articles of the Convention on which the decision is based:
(Only for cases with statelessness aspects) The 1954 Convention relating to the Status of Stateless Persons <input type="checkbox"/> Yes <input type="checkbox"/> No	Relevant articles of the Convention on which the decision is based:
(Only for cases with statelessness aspects) The 1961 Convention on the Reduction of Statelessness <input type="checkbox"/> Yes <input type="checkbox"/> No	Relevant articles of the Convention on which the decision is based:
(For AU member states): The 1969 OAU Convention governing the specific aspects of refugee problems in Africa <input type="checkbox"/> Yes <input type="checkbox"/> No	Relevant articles of the Convention on which the decision is based:
For EU member states: please indicate which EU instruments are referred to in the decision Council Directive 2003/9/EC of 27 January	Relevant articles of the EU instruments referred to in the decision:

<p>2003 laying down minimum standards for the reception of asylum seekers</p> <p>Charter of Fundamental Rights referring to the Convention for the Protection of Human Rights and Fundamental Freedoms, 1950</p>	<p>Article 3, 5(1)(f), 5(2), 5(4).</p>
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Topics / Key terms: (see attached 'Topics' annex):

Asylum, detention of asylum seekers, torture and inhuman and degrading treatment, arbitrary detention, conditions of detention, length of detention.

Key facts (as reflected in the decision): [No more than 200 words]



Key considerations of the court (translate key considerations (containing relevant legal reasoning) of the decision; include numbers of relevant paragraphs; do not summarize key considerations) [max. 1 page]

Disclaimer: This is an unofficial translation, prepared by UNHCR. UNHCR shall not be held responsible or liable for any misuse of the unofficial translation. Users are advised to consult the original language version or obtain an official translation when formally referencing the case or quoting from it in a language other than the original

Other comments or references (for example, links to other cases, does this decision replace a previous decision?)

Final judgment

EXPLANATORY NOTE

1. Decisions submitted with this form may be court decisions, or decisions of other judicial, quasi-judicial and administrative bodies.
2. Where applicable, please follow the court's official case reference system.
3. For example in situations where the country of return would be different from the applicant's country of origin.

For any questions relating to this form, please contact the RefWorld team at the address below.

Please submit this form to:

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