

CASE LAW COVER PAGE TEMPLATE

Name of the court ¹ (English name in brackets if the court's language is not English): Qorti Ċivili, Prim' Awla (Ġurisdizzjoni Kostituzzjonali) [Civil Court, Frist Hall (Constitutional Jurisdiction)]	
Date of the decision: (2009/12/16)	Case number:² 53/2008
Parties to the case:	
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/default.aspx (enter the case number in the search field) (If no, please attach the decision as a Word or PDF file):	
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, Nigeria	
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: n/a
(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: Charter of Fundamental Rights referring to	Relevant articles of the EU instruments referred to in the decision: Article 3 and Article 5(1)(f)

the Convention for the Protection of Human Rights and Fundamental Freedoms, 1950	
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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?)

One of the applicants in this case appealed from this decision to the Constitutional Court. The Constitutional Court decided the case on 29 April 2013.

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:

Protection Information Unit
Division of International Protection
UNHCR
Case Postale 2500
1211 Genève 2 Dépôt
Switzerland
Fax: +41-22-739-7396
Email: refworld@unhcr.org