



**UNHCR**

United Nations High Commissioner for Refugees  
Haut Commissariat des Nations Unies pour les réfugiés

## CASE LAW REVIEW PAGE

1. <b>Title of the case:</b> Maghur and others v Al-Sarraj and others
2. <b>Parties to the case:</b> Azza Kamel Hassan Maghur and five others v. Fayez Musatafa Al-Sarraj and four others
3. <b>Case/application number:</b> 217/30
4. <b>Name of the court:</b> Tripoli Court of Appeal
5. <b>Instance:</b> Court of Appeal
6. <b>Date of the decision:</b> 23/03/2017
7. <b>Date of publication:</b> 23/03/2017
8. <b>Type of decision:</b> interim injunction
9. <b>Case outcome:</b> suspends the implementation of the Italy/Libya Memorandum of Understanding of 2 January 2017
10. <b>Intervening parties:</b> n/a
11. <b>Decision available online?</b> <input type="checkbox"/> Yes If so, please add the link: <b>Original:</b> <a href="https://drive.google.com/drive/folders/1yzhnBz10z_DASHnlyCn0aHI89-2v2rkY">https://drive.google.com/drive/folders/1yzhnBz10z_DASHnlyCn0aHI89-2v2rkY</a> <b>English translation:</b> <a href="https://drive.google.com/drive/folders/1yzhnBz10z_DASHnlyCn0aHI89-2v2rkY">https://drive.google.com/drive/folders/1yzhnBz10z_DASHnlyCn0aHI89-2v2rkY</a>
12. <b>Related decisions:</b> This decision was quashed by the Supreme Court of Libya, 26 June 2019
13. <b>Original language of the decision:</b> arabic
14. <b>Official court translation available in any other languages?</b> <input type="checkbox"/> No If yes, which: unofficial translation into English available (supra)
15. <b>Countr(y)(ies) of origin of the applicant(s) (or, for statelessness cases, country of former habitual residence):</b> Libya
16. <b>Country of asylum (or, for statelessness cases, country of habitual residence) of the applicant(s):</b> Libya
17. <b>Any third country of relevance to the case:</b> Italy



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**18. Topics / Key terms** (see [Refworld 'Topics'](#)) 2017 Memorandum of understanding Italy/Libya

**19. Please indicate the (relevant provision(s) of the) legal instruments discussed (national, regional and/or international):** 2017 Memorandum of understanding Italy/Libya

**20. Executive summary** By way of interim measure, the Court of Appeal suspends the implementation of the Memorandum of Understanding between Italy and Libya of 2 January 2017

**21. Key facts** [max. 200 words]

**22. Key considerations of the court** The decision is not motivated in substance

**Analysis of the case (optional)** For an analysis see Majd Achour and Thomas Spijkerboer: *The Libyan litigation about the 2017 Memorandum of Understanding between Italy and Libya*, EUMigrationlawblog.eu, 2 June 2020

**23. Other comments, references or feedback:** NB this judgment of the Court of Appeal was annulled by the Supreme Court of Libya, 26 June 2019 **\*\*insert cross-reference to that decision\*\***



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### **EXPLANATORY NOTE**

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