



UNHCR

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

CASE LAW REVIEW PAGE

1. Title of the case: Al-Sarraj and others v Maghur and others
2. Parties to the case: Fayez Musatafa Al-Sarraj and four others v. Azza Kamel Hassan Maghur and five others
3. Case/application number: unknown
4. Name of the court: Supreme Court of Libya
5. Instance: Supreme Court
6. Date of the decision: 26/06/2019
7. Date of publication: 26/06/2019
8. Type of decision: Annuls decision of Tripoli Court of Appeals of 23/03/2017
9. Case outcome: The litigation against the 2017 Italy-Libya Memorandum of Understanding is declared inadmissible due to lack of functional jurisdiction
10. Intervening parties: n/a
11. Decision available online? <input type="checkbox"/> Yes If so, please add the link: Arabic original: https://drive.google.com/drive/folders/1yzhnBz10z_DASHnlyCn0aHI89-2v2rkY ; unofficial English translation https://drive.google.com/drive/folders/1yzhnBz10z_DASHnlyCn0aHI89-2v2rkY
12. Related decisions: Tripoli Court of Appeals of 23/03/2017
13. Original language of the decision: Arabic
14. Official court translation available in any other languages? <input type="checkbox"/> No If yes, which: unofficial English translation https://drive.google.com/drive/folders/1yzhnBz10z_DASHnlyCn0aHI89-2v2rkY
15. Countr(y)(ies) of origin of the applicant(s) (or, for statelessness cases, country of former habitual residence): Libya
16. Country of asylum (or, for statelessness cases, country of habitual residence) of the applicant(s): Libya
17. Any third country of relevance to the case: 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; 2017 Memorandum of understanding Italy/Libya

20. Executive summary The Supreme Court of Libya holds that concluding the Memorandum of Understanding with Italy was a sovereign act, and not an administrative decision. Courts therefore lack jurisdiction.

21. Key facts [max. 200 words]

22. Key considerations of the court The Supreme Court of Libya holds that concluding the Memorandum of Understanding with Italy was a sovereign act, and not an administrative decision. Courts therefore lack jurisdiction.

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.

24. Other comments, references or feedback



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EXPLANATORY NOTE

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