



# Malta

## Ratified the European Convention on Human Rights in 1967

### National Judge: Vincent A. De Gaetano

[Judges' CVs](#) are available on the ECHR Internet site

Previous judges: Giovanni Bonello (1998-2010), Giuseppe Mifsud Bonnici (1992-1998) ; John Cremona (1965-1992)

The Court dealt with 24 applications concerning Malta in 2016, of which 14 were declared inadmissible or struck out. It delivered 8 judgments (concerning 10 applications), 7 of which found at least one violation of the European Convention on Human Rights.

Applications processed in	2015	2016	2017*
Applications allocated to a judicial formation	24	25	14
Communicated to the Government	16	19	5
Applications decided:	37	24	9
- Declared inadmissible or struck out (Single Judge)	22	7	5
- Declared inadmissible or struck out (Committee)	7	4	2
- Declared inadmissible or struck out (Chamber)	1	3	2
- Decided by judgment	7	10	0
Interim measures:	0	1	0
- Granted	0	1	0
- Refused (including out of scope)	0	0	0

\* January to July 2017

For information about the Court's judicial formations and procedure, see the [ECHR internet site](#)

Applications pending before the court on 01/07/2017	
Total pending applications*	60
Applications pending before a judicial formation:	57
Single Judge	0
Committee (3 Judges)	0
Chamber (7 Judges)	57
Grand Chamber (17 Judges)	0

\* including applications for which completed application forms have not been received

### Malta and ...

#### Its contribution to the Court's budget

For 2017 the Court's budget amounts to approximately 71 million euros. That budget is financed by contributions from the 47 member States of the Council of Europe in accordance with scales based on population and GDP; the 2017 contribution of Malta to the Council of Europe's (EUR 328 million) budget is **EUR 381,786**.

#### The Registry

The task of the Registry is to provide legal and administrative support to the Court in the exercise of its judicial functions. It is composed of lawyers, administrative and technical staff and translators. There are currently **672** Registry staff members of whom **2** are Maltese.

## Noteworthy cases, judgments delivered

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### Grand Chamber

#### [Micallef v. Malta](#)

15.10.2009

Applicant's complaint about unfairness of injunction proceedings, notably alleged impartiality of the tribunal on the basis of the judge's family ties with the legal representatives.

Violation of Article 6 § 1 (right to a fair trial) See also:

## Noteworthy cases, judgments delivered

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### Chamber

#### Cases dealing with the right to life (Article 2)

##### [Brincat and Others v. Malta](#)

24.07.2014

The case concerned ship-yard repair workers who were exposed to asbestos for a number of decades beginning in the 1950s to the early 2000s which led to them suffering from asbestos related conditions.

Violation of Article 2

Violation of Article 8 (right to respect for private and family life)

#### Three cases concerning detention conditions of individuals awaiting immigration proceedings in Malta

##### [Aden Ahmed v. Malta](#)

23.07.2013

Concerned a Somali national, Ms Ahmed, and her detention in Malta after entering the country irregularly, by boat, to seek asylum in February 2009.

Violation of Article 3 (prohibition of inhuman or degrading treatment)

Violation of Article 5 §§ 1 and 4 (right to liberty and security)

This is the first time the Court found a violation of Article 3 against Malta concerning immigration detention conditions.

##### [Suso Musa v. Malta](#)

23.07.2013

Concerned an alleged Sierra Leonean asylum seeker who complained in particular that his detention had been unlawful and that he had not had an effective means to have the lawfulness of his detention reviewed.

Violation of Article 5 § 1 (right to liberty and security)

Violation of Article 5 § 4 (right to have lawfulness of detention decided speedily by a court)

##### [Louled Massoud v. Malta](#)

27.07.2010

Concerned unlawfulness of an immigrant's detention for more than 18 months, the maximum allowed according to a policy introduced in Malta in 2005 concerning illegal immigrants, refugees and integration.

Violation of Article 5 §§ 1 and 4 (right to liberty and security)

#### Cases dealing with the right to liberty and security (Article 5)

##### [Gatt v. Malta](#)

27.07.2010

Concerned imprisonment-in-default system. Notably, applicant – facing drug trafficking proceedings – complained that 2000 days' detention for breaching his bail conditions was excessive.

Violation of Article 5 § 1

This is the first case before the Court where this system was examined under Article 5.

##### [Stephens v. Malta N°1](#) & [Stephens v. Malta N°2](#)

21.04.2009

Cases concerned applicant's complaints under Article 5 following his arrest in Spain on suspicion of drug trafficking at the request of the Maltese authorities.

**Stephens N°1:** complaint about detention in Spain on the basis of an unlawful order issued in Malta and about not being able to appeal against judicial decisions concerning the lawfulness of his detention

Violation of Article 5 § 1

No violation of Article 5 § 4

Extends the Court's case-law in respect of extra territorial jurisdiction

**Stephens N°2:** complaint that the domestic courts did not address the issues raised by his lawyer when challenging the lawfulness of his arrest, and failed to review speedily the lawfulness of his detention

[No violation of Article 5 §§ 3 or 4](#)

Although no violation found in the specific circumstances, judgment reaffirms that Constitutional proceedings are not an effective remedy under Article 5 § 4

### Cases dealing with Article 6

Right to affair trial

[Bellizzi v. Malta](#)

21.06.2011

Concerned a dispute over the berth where Joseph Bellizzi, a full-time boatman, had moored his boat for over 20 years. The applicants notably alleged that the related constitutional proceedings had not been impartial.

[No violation of Article 6](#)

Access to a court

[M.D. and others v Malta \(no. 64791/10\)](#)

17.07.2012

The case concerned the inability of a mother and her children to challenge a care order and the subsequent automatic and permanent removal of the mother's parental rights following her criminal conviction for neglect of her children, and the impossibility for her to challenge that measure before a tribunal.

[Violation of Article 6 § 1 and Article 8 \(right to private and family life\)](#)

Right to legal assistance of one's own choosing

[Borg v. Malta](#)

12.01.2016

The case mainly concerned the complaint by a convicted offender of not having had any legal assistance during questioning in police custody, resulting from the absence of any provisions under Maltese law in force at the time allowing for legal assistance during pre-trial investigation and questioning by the police.

[Violation of Article 6 § 3 in conjunction with Article 6 § 1 \(right to a fair trial\)](#)

[No violation of Article 6 § 1 in respect of an alleged lack of legal certainty concerning the constitutional proceedings](#)

### Cases dealing with family and private life (Article 8)

[Ramadan v. Malta](#)

21.06.2016

The case concerned the revocation of an acquired citizenship. Mr Ramadan (the applicant), originally an Egyptian citizen, acquired Maltese citizenship following his marriage to a Maltese national. It was revoked by the Minister of Justice and Internal Affairs following a decision by the relevant domestic court to annul the marriage on the ground that Mr Ramadan's only reason to marry had been to remain in Malta and acquire Maltese citizenship.

[M.D. and others v Malta \(no. 64791/10\)](#)

17.07.2012 (see above)

[Zammit Maempel and others v. Malta](#)

22.11.2011

Concerned the letting off of fireworks close to the applicants' home.

[No violation of Article 8](#)

[Dadouch v. Malta](#)

20.07.2010

Failure of the Maltese authorities to register applicant's marriage for more than two years.

[Violation of Article 8](#)

The Court acknowledged marital status as part of an individual's personal and social identity.

[Mizzi v. Malta](#)

12.01.2006

Concerned applicant's complaint about proceedings in which he tried unsuccessfully to repudiate paternity.

[Violation of Article 8](#)

### Freedom of expression cases (Article 10)

[Aquilina and Others v. Malta](#)

14.06.2011

Concerned defamation proceedings brought by a lawyer following a report in the *Times of Malta* newspaper that he had been found

guilty of contempt of court at the final stages of a bigamy case. The Court found that the Times' journalist had acted in good faith when reporting on the case.

[Violation of Article 10](#)

#### Cases dealing with discrimination issues (Article 14)

##### [Genovese v. Malta](#)

11.01.2012

The case concerned the complaint by a British citizen, whose father is Maltese, that he was prevented from obtaining Maltese citizenship because he had been born out of wedlock.

[Violation of Article 14 in conjunction with Article 8 \(right to respect for private and family life\)](#)

##### [Zarb Adami v. Malta](#)

20.06.2006

Concerns the applicant's complaint that, in being frequently required to serve on a jury, he was the victim of sex discrimination, the percentage of women called to perform jury service in Malta being negligible.

[Violation of Article 14 taken together with Article 4 § 3 \(d\) \(prohibition of slavery and forced labour\)](#)

#### Cases dealing with property issues (Article 1 of Protocol No. 1)

##### [Schembri and Others v. Malta](#)

10.11.2009<sup>1</sup>

Concerned expropriation of two plots of land in Ghaxaq belonging to the applicants and inadequacy of the ensuing compensation, which reflected values applicable decades earlier, and the delay in the payment of such compensation.

[Violation of Article 1 of Protocol No. 1](#)

##### [Edwards v. Malta](#)

24.10.2006

##### [Fleri Soler and Camilleri v. Malta & Ghigo v. Malta](#)

26.09.2006<sup>2</sup>

<sup>1</sup> In the same case, in its [just satisfaction judgment](#) of 28 September 2010, the Court established the criteria for payment of compensation in relation to expropriations in Malta.

<sup>2</sup> In the cases of **Edwards** and **Ghigo**, in its [just satisfaction judgments](#) of 17 July 2008, the Court, referring to Article 46 (binding force and execution of

Property belonging to the applicants requisitioned by the Government resulting in a landlord-tenant relationship being imposed on the applicants under which they received only a small amount of rent and a minimal profit.

[Violation of Article 1 of Protocol No. 1](#)

## Noteworthy cases, decisions delivered

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##### [Cassar v Malta](#)

09.07.2013

This case concerned a male-to-female transsexual who was denied the right to marry.

[Struck out of the list of the Court's cases](#)

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judgments), considered that Malta had to set up remedial procedures to balance the interests of the landlords, including their entitlement to derive profit from their property, and those of the community, including the availability of sufficient accommodation for the less well-off.

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