

SERVICE ACKNOWLEDGED BY:  
F. KAMLOPA  
ON BEHALF OF THE ATTORNEY GENERAL  
ON THE 27 DAY OF 04 21 AT 16:05 HOURS  
SIGNED: [Signature]

8044  
High Court of Malawi  
PAID  
26 APR 2021  
Lilongwe District Registry  
Private Bag 15, Lilongwe  
1000



SERVICE ACKNOWLEDGED BY  
[Signature]  
ON BEHALF OF THE INSPECTOR GENERAL OF POLICE  
ON THE 27 DAY OF 04 21 AT 16:05 HOURS  
SIGNED: [Signature]

MALAWI GOVERNMENT  
IN THE HIGH COURT OF MALAWI  
LILONGWE DISTRICT REGISTRY  
MISCELLANEOUS CIVIL CAUSE NO. 21 OF 2021

IN THE MATTER OF SECTIONS 15, 28, 29 AND 41 OF THE MALAWI  
CONSTITUTION  
-AND-  
IN THE MATTER OF ORDER 19 RULE 20 OF THE COURTS (HIGH COURT)(CIVIL  
PROCEDURE) RULES  
-AND-  
IN THE MATTER OF SECTION 9 OF THE REFUGEES ACT  
-AND-  
IN THE MATTER OF AN APPLICATION FOR JUDICIAL REVIEW BY ELIE  
UMUKUNZI OF PRIVATE BAG 337 LILONGWE 3 IN THE REPUBLIC OF MALAWI

**BETWEEN:**  
ELIE UMUKUNZI APPLICANT  
AND  
THE SECRETARY FOR HOMELAND SECURITY 1<sup>st</sup> RESPONDENT  
AND COMMISSIONER FOR REFUGEES  
THE INSPECTOR GENERAL (MALAWI POLICE 2<sup>nd</sup> RESPONDENT  
SERVICES)

**NOTIFICATION OF JUDGE'S DECISION ON APPLICATION FOR LEAVE**

- a. Leave to move
- b. Hearing to be expedited
- c. Application to be made by summons to be filed together with skeleton arguments within 7 days from the date of the order
- d. The Respondents shall file and serve their defence and skeleton arguments, if they wish to defend the proceedings, within 14 days from the date of service of summons

MINISTRY OF HOME AFFAIRS  
SECURITY  
27 APR 2021  
PRIVATE BAG 331  
LILONGWE

- e. Trial of the judicial review proceedings shall be held within 21 days after service of the defence and skeleton arguments in defence
- f. The decision made by the 1<sup>st</sup> Respondent directing that all refugees/asylum seekers in Malawi and living outside Dzaleka camp do relocate to Dzaleka refugee camp, and further threatening to enforce the same if they fail to comply, be stayed pending the determination of judicial review proceedings.

Dated this ..... day of ..... 2021

.....  
A REGISTRAR



Type of hearing:

1. On consideration of the documents only
2. Following oral submissions by the Applicant or counsel in chambers/open court (delete whichever is inapplicable)

Counsel : Eric Dickson Salima 099 444 648



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F. KAMLOPA  
ON BEHALF OF THE ATTORNEY GENERAL  
ON THE 27 DAY OF 04 21 AT 16:05 HOURS  
SIGNED: [Signature]

High Court of Malawi  
PAID  
26 APR 2021  
Lilongwe District Registry  
Private Bag 15, Lilongwe  
7.000



SERVICE ACKNOWLEDGED BY  
INSR [Signature]  
ON BEHALF OF THE INSPECTOR GENERAL OF POLICE  
ON THE 27th DAY OF 04 AT 1640 HOURS  
SIGNED: [Signature]

MALAWI GOVERNMENT  
BY THE HIGH COURT OF MALAWI  
LILONGWE DISTRICT REGISTRY  
MISCELLANEOUS CIVIL CAUSE NO. 21 OF 2021

IN THE MATTER OF SECTIONS 15, 28, 29 AND 41 OF THE MALAWI CONSTITUTION  
-AND-  
IN THE MATTER OF ORDER 19 RULE 20 OF THE COURTS (HIGH COURT)(CIVIL  
PROCEDURE) RULES  
-AND-  
IN THE MATTER OF SECTION 9 OF THE REFUGEES ACT  
-AND-  
IN THE MATTER OF AN APPLICATION FOR JUDICIAL REVIEW BY ELIE UMUKUNZI OF  
PRIVATE BAG 337 LILONGWE 3 IN THE REPUBLIC OF MALAWI

**BETWEEN:**  
ELIE UMUKUNZI APPLICANT  
AND  
THE SECRETARY FOR HOMELAND SECURITY 1<sup>st</sup> RESPONDENT  
AND COMMISSIONER FOR REFUGEES 2<sup>nd</sup> RESPONDENT  
THE INSPECTOR GENERAL (MALAWI POLICE  
SERVICES)

**ORDER GRANTING LEAVE TO APPLY FOR JUDICIAL REVIEW AND GIVING DIRECTIONS**

(By Order of The Hon. Justice *Chinangwa* made on the 27<sup>th</sup> day of April 2021)

UPON reading the statement lodged pursuant to Order 19 of the Courts (High Court) (Civil Procedure) Rules

AND UPON reading the sworn statement of Elie Umukunzi,

AND UPON HEARING Counsel on behalf of the above-named Applicant for leave to apply for judicial review for a like order of certiorari and mandamus and damages in respect of the said decision made by the respondent

IT IS HEREBY ORDERED that the application for judicial review be allowed and that the said applicant do have leave to apply for judicial review as aforesaid.

MINISTRY OF HOMELAND SECURITY  
27 APR 2021  
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LILONGWE

The court further orders that the application for judicial review be made by Summons to the judge in open court.

The court further directs that the hearing of the said Motion be expedited.

**IT IS FURTHER ORDERED AND DIRECTED as follows;**

1. Application shall be made by summons to be filed together with skeleton arguments within 7 days from the date of the order
2. The Respondents shall file and serve their defence and skeleton arguments, if they wish to defend the proceedings, within 14 days from the date of service of summons
3. Trial of the judicial review proceedings shall be held within 21 days after service of the defence and skeleton arguments in defence.
4. The decision made by the 1<sup>st</sup> Respondent directing that all refugees/asylum seekers in Malawi and living outside Dzaleka camp do relocate to Dzaleka refugee camp, and further threatening to enforce the same if they fail to comply, be and is hereby stayed pending the determination of judicial review proceedings.

Dated this ..... 27<sup>th</sup> ..... Day of ..... April ..... 2021

.....  
REGISTRAR

To: The Attorney General  
Private Bag 333  
LILONGWE 3

And to: The Secretary for Homeland Security and Commissioner for Refugees  
Private Bag 331  
LILONGWE 3

And to: The Inspector General  
Malawi Police Service  
Area 30  
LILONGWE

*This document is filed by Messrs. E.D. Salima & Company, whose address of service is Top Floor (Suite No. 206) CIL House, along Kamuzu Procession Road, Opposite SS Rent-A-Car, Area 3, Post Office Box 3031, LILONGWE*