

Journeys for justice in Libya and how to facilitate them

**Research on people, problems, laws,
institutions, and practices**

Report of a Libyan-Dutch collaborative research project
by Suliman Ibrahim and Jan Michiel Otto with contributions
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This report is dedicated to the memory of our highly esteemed friend and colleague, Professor Nagib Al-Hussadi.

In (...) the project 'Access to Justice in Libya', we are concerned with judicial performance in the country, that is, the ability of justice seekers to access it. The first phase of this project is dedicated to monitoring the efforts of justice seekers; the second to monitoring the responses of justice providers; the third to conducting a survey that tracks the journey for justice; and the fourth to preparing a final report on the nature of this journey and the obstacles that contribute to preventing its travellers from reaching their intended destination.

The project aims to provide a knowledge base that contributes to facilitating justice for those who seek it, before both formal and informal institutions, whether the matters concern ordinary or transitional cases. (...)

The project also aims to support the relevant authorities in initiating — in accordance with specific procedures, measures, and timelines — the task of correcting what has gone wrong in the journey for justice, so that it no longer leaves room for vague and general public talk about reforming the judiciary, the rule of law, the state of institutions, the civil state, and other slogans that are raised without any knowledge-based attempt to realise them in a systematic, efficient, and effective manner.

Nagib Al-Hussadi (2024), "Al-Tajriba al-Hūlandiyya [The Dutch Experience]."
In *Arsān Al-Rūḥ* [The Bridles of the Soul].

Foreword

Access to justice is vital for an equitable society, and Libya is no exception. It is the framework through which citizens protect their rights and fulfil their obligations under the rule of law.

Many years have passed since I left my post as the Minister of Justice of Libya, a position I held from November 2012 to mid-2014. At that time, Libyans held a profound dream of a country where justice was cherished and order prevailed within a free, democratic society following decades of oppression.

Unfortunately, that dream was badly hindered by internal conflict and widespread violations of human rights - including extrajudicial killing, torture and sexual violence, as well as organised crime, greed and even negative foreign interference. Libya remains a zone of political conflict, where armed clashes between competing factions continue to occur. However, thankfully many people remain reasonably hopeful that common sense will prevail and our aspirations will be achievable.

This project, as reflected in its report, is a result of relentless collaboration between the VVI of Leiden University and the CLSS of Benghazi University, and an important contribution to Libya's path forward. Over a four-year period, both institutions deployed significant expertise and resources to complete this task. Notably, the work enlisted what can be described as a 'Libyan dream team' of legal and social academic minds.

The findings and recommendations of this study form a foundation to be implemented and built upon. It provides a path toward establishing acceptable levels of access to justice for Libyans and all those within Libya. It is my hope that this work contributes to a successful, prosperous and just Libya – fulfilling the long overdue promise of a nation that respects human rights and due legal process.

I invite all stakeholders in Libya to consider this report a vital step towards consolidating the state and delivering on the promises made to its people.

**Salah Marghani L.L.B, M.Phil. Lawyer and human rights activist. Former Libya's Minister of Justice
Awarded, HRW's prestigious international "Alison des Forges" Human Rights Defenders Award, 2012**

Preface

2011 was a year of uprisings and mass calls for justice, or *adala*, in the MENA region. In February 2012, a time when most of Benghazi was still euphoric after the end of Gaddafi's regime, we - academic staff from the University of Benghazi and a Dutch academic from Leiden University - met at Benghazi University's Centre for Research and Consultancy. The idea was to discuss topics regarding access to justice. In those days, Libya was flooded with foreign visitors, all of them excited by the idea of a new democratic Libya.

None of us foresaw that this visit would mark the beginning of fourteen years of fruitful research collaboration, with Libyan and Dutch researchers addressing a range of problems within and around law and governance in Libya, all of which are still topical, important and urgent, today. Throughout the years we worked together, the sobering reality of political divisions and violence drove away the initial feelings of euphoria. Nevertheless, as jurists and socio-legal scholars, we continued to be inspired by the idea of justice. A core team of researchers and senior advisors in Benghazi and Tripoli, an extended team of researchers, and other experts at several Libyan universities and other institutions, and a small team in Leiden, continued to jointly examine, reflect upon, and publish research about the practical manifestations of justice and injustice in law and social reality. Our team has regularly presented its findings to Libyan academics, legislators, judges, administrators, and others, as well as to audiences in the Netherlands.

The present report concerns the fifth socio-legal research project that our joint teams have undertaken since 2012. The first of our projects was exploratory research on the state of access to justice and institutional development in Libya (2012-13). It contained the seeds of the present project, but before we could undertake this, more comprehensive, investigation into access to justice, we conducted three other research projects (carried out over the past eight years). The post-2011 transitional governments issued drafts for a new constitution and many new laws to 'rebuild' Libya, so in 2014-15 our team assessed the legislative quality of these laws and constitutional drafts. Legislation was increasingly being used as a tool in political conflict, especially following the 2014 political divide. Meanwhile, at a local level, thousands of former owners were, at times aggressively, claiming restitution of land and housing that had been expropriated under Gaddafi's socialist redistributions. In 2016-17, this development led us to conduct a research project on the resulting property conflicts and how they might be resolved.

It was becoming clear that Libya's development would be severely hampered if national reconciliation was not achieved. A permanent constitution and major laws would be crucial instruments for forging national unity and stability. Hence, we initiated research on the role of law in Libya's national reconciliation (2018-2021). The research had five sub-projects, exploring: national identity; national governance; decentralisation; transitional justice; and security forces. In each sub-project, we identified the political and legal positions of main players and made suggestions for developing common ground and national consensus. Our report was taken up by Libya's government as its action plan for National Reconciliation.¹

Whilst Libya's transitional governments and political elites continued to compete for power and focus on other priorities, what had happened to the promise of justice for the Libyan people? To investigate this, our project teams in Libya and Leiden conducted extensive research on access to justice, which is detailed in this report. We have tried to include two key perspectives: those of people experiencing problems when seeking justice, and those of people working in justice institutions, who may provide remedies but experience their own set of problems and limitations. We hope that the results of our research will find their way to all concerned, and that they will be helpful to both the people and the justice institutions of Libya.

Suliman Ibrahim, Project Leader, Benghazi
Jan Michiel Otto, Senior Advisor, Leiden

Acknowledgements

We would like to express our gratitude to the persons and institutions who have made this research project possible.

First of all, the senior advisors and principal researchers based in Benghazi and Tripoli, including Prof. Nagib Al-Hussadi, Prof. Zahi Mogherbi, Prof. Kuni Abuda, Mr Mohamed Lamloom, Dr. Jazieh Shayteer, Dr. Hala El Atrash, Dr. Tarek El-Gamli, Dr. Fathi Ali, and Mr Ali Abu Raas, whose invaluable contributions were key to ensuring the success of this project. Their work was supported by a team based in Leiden, including Dr. Bruno Braak, Ms. Gieneke Teeuwen, Ms. Megan Ferrando, and Dr. Hagar Taha, who provided academic, editorial, managerial, and administrative guidance and support, and connected the Libyan-led research outputs with international audiences.

Besides the core team of researchers mentioned above, we extend our great thanks to the other researchers and experts who worked tirelessly during the different project phases, producing case studies and reflection papers, and contributing to the Nationwide Survey on Access to Justice - a significant piece of work. Their work tasks were never easy, often very challenging, and at times even dangerous. Their brave commitment was crucial in helping us understand access to justice in Libya, and it will continue to contribute to improving access for Libyans across the country.

We also thank the University of Benghazi, Leiden University, the CLSS, and the VVI for their continuous and important support throughout the project. In particular, we thank: Prof. Yahia Lamloom, Mr. Faraj Al-Aujali, Mr. Mohammed Nouh, Ms. Fathia Shayteer and Ms. Zamzam Al-Warfali, at the CLSS; Prof. Janine Ubink, Prof. Adriaan Bedner, of the VVI, and Ms. Kari van Weeren, Ms. Kora Bentvelsen and Ms. Nel de Jong, also of the VVI (retired). Our thanks also go to Mr. Niels Verwers and other senior staff at Leiden's Faculty of Law office.

Further, we would like to acknowledge the support of government institutions in Libya and the Netherlands, and thank them for their interest in, and support of, our research. We thank the Libyan Supreme Council for the Judiciary and the High Institute for the Judiciary. Also, we would especially like to thank the Dutch Ministry of Foreign Affairs and the Embassy of the Netherlands in Tripoli for their generous financial support of this research project, and their continued engagement with our work.

Finally, we would like to thank the respondents across Libya, who agreed to engage with our researchers as part of our case studies and the Nationwide Survey, and who opened up about the challenges they have experienced, despite the many pressures they continue to face.

Suliman Ibrahim, Project Leader, Benghazi
Jan Michiel Otto, Senior Advisor, Leiden
21 January 2026

Acronyms

A2J	Access to Justice
A2JiL	Access to Justice in Libya (VVI-CLSS project and report)
CDA	Constitution Drafting Assembly
CLSS	Centre for Law and Society Studies (Benghazi University)
CSO	Civil Society Organisation
EU	European Union
EUR	Euro
FFRC	Fact-Finding and Reconciliation Commission
GNC	General National Congress
HII	High Institute for the Judiciary
HoR	House of Representatives
HSC	High State Council
ICC	International Criminal Court
IDP	Internally Displaced Person
JS	Justice seeker
LFJL	Lawyers for Justice in Libya
LUCIS	Leiden University Centre for the Study of Islam and Society
LYD	Libyan Dinar
MENA	Middle East and North Africa
NGO	Non-Governmental Organisation
NTC	National Transitional Council
RoLLNaR	The Role of Law in Libya's National Reconciliation (VVI-CLSS project and report)
SCJ	Supreme Council for the Judiciary
TJ	Transitional Justice
UNDP	United Nations Development Programme
UNSMIL	United Nations Support Mission in Libya
USD	United States Dollar
VVI	Van Vollenhoven Institute (Leiden University)

Introduction

This is a concise and selective final report of the ‘Access to justice in Libya’ research project. The research has produced a vast amount of data, both qualitative and quantitative. Based on the data, a range of separate reports, papers, journal articles, and (internal) research memoranda have been published in recent years and months, in Arabic and in English - a selection of these can be found on our website (www.libyanlawandsociety.org).

More publications are set to follow this one. A Guidebook for Research on Access to Justice in the MENA region is scheduled for publication in English and Arabic in mid-2026, along with two Arabic volumes containing case studies on justice seeking and justice provision, as well as reflection papers on various aspects of the judiciary² and an edited volume containing case studies of justice seekers in Libya is scheduled for publication by Leiden University Press in late 2026. Data from the National Survey on Access to Justice are also being made accessible, so that anyone who is interested can make use of the material.

This report briefly sketches the contexts of access to justice. For deeper contextual analyses, we refer the reader to previous reports and other sources.³ The report discusses individuals’ journeys for justice’ recorded in our case studies but does not go into detail about them, although all have been revealing and interesting. The report is also not detailed enough to pay much attention to specific ‘vulnerable groups’, except for chapter 7 on women and access to justice. The report discusses the justice system as a whole in chapter 4, devoting chapter 5 to Public Lawyers, and chapter 6 to the courts. For our research on the public prosecution, the Administrative Control Authority, and councils of elders (wisemen councils as they are called in Libya), we refer the reader to the Arabic version of the final report (Ibrahim et al. 2026), which provides a comprehensive analysis of these institutions. Whilst this report will only be available in Arabic, a peer-reviewed book in English will also be developed, which covers these institutions and more. Furthermore, although our research addresses transitional justice, the report does not devote a separate chapter to it; the reader will instead find references to it in several chapters. For a full treatment of this topic, we refer to our 2019 final report on transitional justice (Ibrahim et al. 2020), which remains relevant today.

Despite its limitations, this report should provide a good overview of our research. It presents essential elements of access to justice in Libya, plus the key concerns and causes behind the main issues. It also demonstrates how access to justice is affected by different factors, at different levels and of a various nature. The intention of the report is to bring these factors together, and our concrete suggestions for how to address them constitute building blocks for what, in our view, should become a national strategy for access to justice.

1. AI and our research on access to justice in Libya

1.1 What AI says about access to justice in Libya

An interested international observer might ask ‘How good is access to justice in Libya?’. On 9 January 2026, Gemini, Google’s AI, replied to this question as follows:

Access to justice in Libya is severely compromised by political fragmentation, armed conflict, and institutional collapse, leading to widespread impunity, arbitrary detentions, and lack of fair trials, particularly affecting vulnerable groups like women, migrants, and minorities; while formal systems struggle, informal justice and international bodies are often the only recourse, and they face their own challenges in providing adequate remedies.

After describing five ‘key challenges’⁴, Gemini presents the ‘current situation’ as having three distinct features:

- 1) System collapse: In many areas, police and courts have ceased to function, leaving people with no local justice options;*
- 2) Limited state response: Whilst entities like the UNDP support the Ministry of Justice and Interior for e-justice and capacity building, progress is slow; and*
- 3) Transitional justice is stalled: Existing transitional justice laws (like Law No. 29 of 2013) are inadequate and unimplemented, due to instability and failure to address war crimes or crimes against humanity.*

Finally, Gemini provides a heading: ‘What’s being done?’ Underneath this heading it states the following:

- Research & Advocacy: International bodies and local scholars (e.g., Leiden University’s AZJIL project, Human Rights Watch) study the issues and advocate for reform.*
- International mechanisms: The International Criminal Court (ICC) investigates serious crimes, but domestic mechanisms remain weak.*
- Civil society efforts: Organizations like Lawyers for Justice in Libya (LFJL) push for accountability and rights monitoring.*

Gemini concludes that, “[I]n essence, access to justice in Libya is a severe crisis, characterised by a fractured state, rampant rights abuses, and a desperate need for comprehensive reforms and international support.”⁵

The problems listed by Gemini certainly find a basis in reality. Although, by stating that “[I]n many areas, police and courts have ceased to function, leaving people with no local justice options”, and that “informal justice and international bodies are often the only recourse”, AI gives us the impression that *often and in many areas* there are no functioning state-based justice institutions left in Libya. AI also leads us to believe that, where these institutions do exist, they “struggle”, and are either “weak” or undergoing “a severe crisis”. Libyan institutions or documents are hardly mentioned, in contrast to non-governmental and international institutions such as the UNDP, Human Rights Watch, the ICC, and the London-based Libyan Lawyers for Justice in Libya. Leiden University is mentioned, but not the University of Benghazi, despite the fact that the latter is at the centre of research activities on the subject.

In summary, AI appears to be painting with a very broad brush, following primarily international perspectives. An overlap certainly exists between Gemini’s summary and the knowledge and experience of Libyan actors, but so does quite a wide gap.

1.2 What is access to justice in Libya (also) about, and what is our approach?

As mentioned above (in 1.1), there are serious problems with access to justice and an adverse political context in Libya. However, access to justice in Libya is also about the thousands of justice seekers who frequently access institutions which, in fact, have *not* “ceased to function”. Mostly, this concerns ‘everyday’ injustices, civil or commercial disputes, and conflicts about employment, land, housing, marital problems, inheritance, etc. Such cases are not (or are less) affected by the political and security contexts. Access to justice in Libya is also about its hundreds of ‘justice institutions’, including approximately 230 courts, ranging from 183 small district courts on the periphery of the country, to 34 primary courts in urban centres, 11 courts of appeal, and a Supreme Court in Tripoli. Similar numbers apply regarding the public prosecution offices and public lawyer offices, which range from local branches to regional offices and national headquarters.

Beyond the judicial bodies, other state institutions also play a role in the resolution of conflicts. Police stations are often the first places people visit with potential legal problems. The Office for Fatwas (*Dar al-Ifta*) and the High Committee of Fatwa (Al-Lajna Al-Oulya lil-Ifta) both offer advice about religious issues, and civil service disputes are dealt with by the Administrative Control Authority. Such institutions form part of the executive branch. Disputes regarding real property, which were affected by radical redistribution legislation during Gaddafi’s regime, are brought before the quasi-judicial ‘2006 Committee’, which has government officials as members and a judge as its chair. This committee has effectively adjudicated thousands of disputes.⁶ There are other quasi-judicial committees for other categories of problems. People may also bring their disputes to councils of elders,⁷ customary committees, tribal leaders, or other community-based fora.

Our approach: ‘Access to justice’ as a concept and as a movement

Access to justice has been defined by the UNDP as “the ability of people to seek and obtain a remedy, through the formal or informal justice system, and in accordance with human rights principles and standards.” This goes beyond access to, and legal representation in, courts. It is more concerned with ensuring that “legal and judicial outcomes are just and equitable.”⁸ Along the same lines, our project considers that people have access to justice when, after experiencing a justiciable or ‘potentially legal’ problem, they are able and have the opportunity to make their grievances known to justice institutions, and to obtain fair treatment and appropriate redress, according to the rule of law.

In recent decades, ‘access to justice’ has become a widespread movement. Its intellectual roots reach back to the famous Florence Project on Access to Justice, which was initiated by Cappelletti and Garth in the 1970s. Originally, this formed a piece of comparative research into procedural laws in EU countries. It also mapped the concept historically: how legal systems first gave all citizens the right to litigate, in the 18th and 19th centuries; how a second wave introduced free legal aid and representation for the poor in some countries, in the 1960s; and, how collective interest representation, known as ‘public interest litigation’, eventually emerged. A fourth wave has since focused on modernising and simplifying judicial procedures. It is safe to say that so far, in Libya, only the first two waves have taken hold.⁹

Since then, global interest in access to justice has moved from a focus on the law to a focus on human beings. It recognises the impact of social variables, such as class, social group, age, gender, race, etc. on access to justice. Accordingly, academic research has evolved from being predominantly undertaken in the legal field, to being more interdisciplinary. Our socio-legal approach implies that we examine people and institutions as seriously as we examine law. Citing the famous words of legal scholar, William Twining, the socio-legal approach is about people doing “things with rules” (Twining and Miers 2010).

Our main narrative is concerned with people's journeys for justice, and we pay special attention to vulnerable groups. For example, a person may have an *injurious experience* and when they cannot tolerate the resulting suffering or damage, they take steps, such as trying to stop it from happening, to recover from it, to get restitution, to be compensated, or to be satisfied in some way. The law provides rules for this, but if and how these legal rules - or other rules and norms - are used, is a matter for legal and empirical research to explore.

Although our project was inspired by scholarships from several disciplines, we refer to only four of them in this report. Felstiner et al.'s seminal article, 'The transformation of disputes' was inspirational in focusing on what changes take place during the phases of a journey for justice, and Hazel Genn's 'Pathways to justice' (1999) has been fundamental to the conceptualisation of our Nationwide Survey on Access to Justice in Libya. Since a journey for justice may at some point lead people towards a justice institution that handles their case, the study of institutions and how to access them is also relevant. According to Milton Esman (1972), one of the founders of development administration, an institution exists to implement a doctrine, then to carry out that doctrine's tasks and follow its rules. Further, an institution's internal structure and processes (formal and informal), in addition to its critical external linkages, all affect its performance.¹⁰ Esman's colleague, Fred Riggs, stressed the considerable impact of an institution's environment - i.e., its socio-cultural, economic and political contexts - on its staff's performance. Whilst policy and law aim to affect social realities, reverse processes may simultaneously take place.

1.3 Members, methods, and limitations

Members of the research team: our backgrounds, activities, and interactions

Access to justice in Libya is a broad, multifaceted phenomenon. Fortunately, members of our research team have included academic researchers, women and men, from different disciplines, as well as lawyers, (former) judges, (former) prosecutors, and (former) policymakers, from East, West and South Libya. Throughout the project, numerous individual and team meetings were held, as well as focus group discussions, workshops, conferences, policy dialogues, high-level meetings, and trainings - in Libya, the Netherlands, Tunisia, and Egypt.

About 20 members were involved in in-depth qualitative research, conducting 12 case studies of people seeking justice (see Phase 1 report¹¹) and 12 case studies of justice institutions (see Phase 2 report¹²). Six senior judges and experts wrote reflection papers about judicial and semi-judicial institutions – civil, personal status, criminal, administrative, quasi-judicial committees – based on their professional experience. In preparing and conducting a quantitative Nationwide Survey on A2jil (see 3.1), 3,975 respondents, 83 enumerators, 65 interviewers, 12 supervisors, and 6 team leads played a part (see Phase 3 report¹³). A core team of 6 principal researchers and 5 senior advisors, coordinated by the project leader, was involved in major decisions and events. By interacting regularly, the members of our diverse team developed a shared understanding and formed common ground that went beyond individual, subjective perceptions. Therefore, this report reflects the *intersubjectivity* of our team, in addition to the studies undertaken by individual researchers, and the more objective Nationwide Survey and statistics.

A linguistic note

When our team discussed the term 'access to justice' and its common Arabic translation, *al-wusul al-adala* (lit: 'the arrival at justice'), Prof. Nagib Al-Hussadi raised an objection, namely that the focus of this phrase is too much on 'arrival', i.e. it makes it seem that the destination is paramount. In contrast, our project examines a process, a journey for justice. The team agreed on this, and we adopted a different translation, *tayassur al-adala*, *the facilitation of justice* [lit. 'the process of justice becoming more easily available'], which better illustrates how we addressed the many conceptual and linguistic challenges of a bi-lingual, interdisciplinary project.¹⁴

Methods and levels of analysis

We employed mixed methods for this research, including qualitative case study methods, interviews and observations, quantitative survey methods, doctrinal research of legal sources, analysis of secondary data – i.e., official documents, academic literature, ‘grey’ literature, and media reports – and, last but not least, critical thinking methods. For an account of our methods, including a selection of our case studies, we refer the reader to the different reports of Phase 1, 2 and 3 of this project.¹⁵

This research is also a multi-level project. On the one hand, we studied Libya’s national laws and institutions. On the other hand, our case studies followed justice seekers moving from local to regional, and at times national or even international, levels. Similarly, our analysis of justice institutions often covers several levels. The Nationwide Survey was carried out in 127 localities (*Mahallahs*) across 22 Libyan provinces (*Shabiyahs*). Hence, this report contains different levels of analysis. For an overview of the locations in which the case studies and Nationwide Survey were carried out, please see Annexes A1.3a, A1.3b, and A1.3c.

Limitations

This five-year research project has led to a wealth of different data from different sources, and about a variety of different groups and institutions in Libya. The size and complexity of this project and its approaches reflect the complexity of access to justice in Libya. At the same time, we have faced some limitations in our capacity to be comprehensive in both breadth and depth.

As well as defining our approach to access to justice in Libya (see 1.2), we should also clarify what our approach does *not* involve. As is the case with the more widely available sources online, which focus strongly on human rights violations and political violence, our research provides a certain perspective on access to justice. We acknowledge that institutions overseeing Libya’s justice sector also hold a wealth of data and information on each of the justice institutions covered in this research. Our inclusion of their sources may therefore lead the reader to adopt a different, complementary perspective on access to justice in Libya. There is much opportunity for cross-learning by drawing even further from these Libyan sources of information.

Another limitation relates to the different research methods employed during this research. Making use of qualitative (case studies, reflection papers) and quantitative approaches (the Nationwide Survey) leads to different types of data which do not always provide for evident joint analysis (see Chapter 3). More research is necessary to provide further-reaching analyses of the data produced through case studies and the Survey, in addition to other sources related to the project, such as workshops, conferences, and reflection papers.

Linked to the above, a major distinction in our proposal is between ‘transitional justice problems’ which took centre stage after 2011, and so-called ‘everyday justice’ problems. When we began preparing this research project in 2018 and conducting the first phase of field research in 2021, the collective memory of the 2011 uprising and its motives was so fresh that the focus of many in the research team was on the suffering and possible remedies related to gross violations of human rights, before and after 2011, primarily under Gaddafi’s regime but also during the transitional periods after. This appears from the focus and findings of our (Phase 1) case studies on justice seeking. Nine of the twelve cases were directly connected to political conflicts and violence, before or after 2014, and are therefore more likely to be qualified as ‘transitional justice cases’. This can cause a difference with the results of the Nationwide Survey, which do not (as easily) show links with political conflict and violence marked by the Gaddafi regime and post-2011 period.

1.4 Towards an analysis: access to justice problems, underlying problem areas, and strategic objectives

This report will lead the reader first towards Libyan contexts (Chapter 2), and to justice seekers and justice seeking (Chapter 3). It then presents Libya’s justice system as a whole (Chapter 4), before going on to describe how Public Lawyers (Chapter 5) and the courts operate (Chapter 6). Chapter 7 is about the role of women, both as justice seekers and as people employed in justice institutions. In terms of our analysis, Chapter 8 presents three top ‘access to justice problems’ as experienced by justice seekers. They refer to the fact that: i) journeys for justice are often too slow; ii) the treatment of justice seekers is too often not humane; and iii) outcomes are too often inadequate, or even absent. The answers to these three top ‘access to justice problems’ should be *acceleration*, *humanisation* and *remedy-realisation* of justice. Our analysis further includes the identification of nine major underlying problem areas, as we searched for causal relationships between the three top A2JiL problems and other problematic phenomena. These are elaborated on in Chapter 8 and are presented in table format, below (see Table 1). The final chapter (Chapter 9) of our report gives these strategic objectives concrete expression, as a collection of suggestions for policies and legislation to address key problems in more detail.

Given the importance of access to justice for all people living in Libya, we assume that a firm consensus could develop between governments in the East and West of the country, concerning the need for a national access to justice strategy. The elements of such a strategy that have limited political sensitivity could be implemented in the short term.

Table 1: Underlying problems and their corresponding strategic objectives

No	Underlying problems	Strategic objectives
1	Lack of legal, material, and financial resources in judicial institutions	Providing judicial institutions with sufficient legal, material, and budgetary resources
2	Lack of capacity in justice institutions, notably in judicial bodies	Capacity development
3	Inadequate and outdated legislation	Amendment and updating of specific laws and provisions, and of the overall legislative framework
4	Lack of legal awareness	Legal information
5	Lack of leadership and coordination of judicial bodies	Clarification and harmonisation of roles and responsibilities amongst the leadership of the justice sector
6	Political division within the Libyan state	Unification and harmonisation of national-level institutions to remove/address the effects of the current political divisions
7	Stagnation of Libya’s initiatives for transitional justice	Revitalisation of transitional justice
8	The general state of government institutions	Institutional development of public administration
9	Grave social discrimination	Increasing inclusiveness within access to justice institutions

2. Contexts

2.1 Geography

With an estimated 6,278,000 inhabitants,¹⁶ Libya has the second lowest population density of any country in Africa. With its size of 1,759,540 km² and its 1,770 km coastline along the Mediterranean, it is the fourth-largest country in Africa. The three main cities in Libya are Tripoli (1,216,000 inhabitants), Benghazi (685,000 inhabitants) in the North-East, and Misrata (290,000 inhabitants) in the North-West. They are all situated along the northern coastal zone, where 90% of the population lives.

The other 10% of the Libyan population lives in the arid desert land that covers most of the country, usually near oases, or 'green spots' with water and plants, some of which have developed into medium-sized towns surrounded by agriculture. Historically, the Nafusa Mountains in the North-West and the Green Mountain area in the North-East have both been suitable for agriculture and forestry. Lately however, these locations have both been impacted by climate change, undergoing increased and prolonged periods of drought and erratic rainfall. Over eighty oil and gas fields are scattered across the desert land, providing (from 1959 onwards) the backbone of Libya's economy (see 2.5).

Inland transportation in Libya is rather constrained. Roads are often damaged and not regularly maintained, railways are non-existent, and public transport is extremely limited. Across the country, streets tend to be inconsistently or unofficially named, which hinders postal delivery; this makes court summons, for example, difficult to deliver.

In spite of these infrastructural challenges, Libya ranked first in Africa's ICT Development Index in 2024, achieving high scores for universal access, network coverage and effective connectivity.¹⁷

2.2 History

Libya will celebrate its 75th birthday as an independent country (since 1951) this year. Its history is defined by its three constituent regions, and by reference to the regime of Moamar Gaddafi (1969-2011). The regions of Tripolitania (in the north-west), Fezzan (south-west) and Cyrenaica (east) were administered as such under Ottoman and Italian rule. Following independence, the regions became states within a federal kingdom, up until 1963, when the kingdom adopted a unified system.

During the kingdom era (1951-1969) Libya's legal system was established. Civil, commercial, criminal and procedural codes, and procedural laws, were quickly drafted and enacted; these are still (mostly)¹⁸ in force today, with some amendments. During the same period the Supreme Court was established, to oversee the lower courts.

Gaddafi's regime was characterised by redistributive aspirations and centralised control. The application of two laws designed to redistribute the land and houses of hundreds of thousands of owners led to multiple grievances, many of which persist today. To control the judiciary, Gaddafi brought all judicial institutions together under a Supreme Council for the Judiciary (SCJ), which is still in effect now. For a long period he also closed all private law firms, replacing them with a government-led Directorate of Public Lawyers. Gaddafi's control-obsessed regime became increasingly oppressive, committing numerous gross violations of human rights against (perceived) opponents; the 1996 massacre in Abu Salim prison is one of the most infamous examples.¹⁹

In February 2011, some fearless people in Benghazi started an uprising against the regime, which expanded rapidly. After intense fighting, the uprising forced Gaddafi's downfall. When his arms depots were opened millions of weapons fell into the hands of the fighters, who decided to keep them in order to put pressure on future governments. Many Gaddafi loyalists fled the country at this point. Meanwhile, the National Transitional Council enacted an Interim Constitutional Declaration in 2011, which was intended to regulate a transitional period between the former regime and the creation of a permanent constitution. In 2011-2013 hopes for a democratic, rule of law-based, Libya were high and a sense of unity prevailed. The Fact-Finding Commission for Transitional Justice was established to address injustices committed by the former regime, free elections were held, and a new parliament was elected, i.e., the General National Congress (GNC).

Nevertheless, this so-called 'revolutionary fervour' also led to the issuance of many problematic laws, such as Law 13 of 2013 on Administrative and Political Isolation, which automatically excluded many people who had been working under the former regime from office, and Law 29 of 2013 on transitional justice, which discriminated between human rights violations based on whether they had been committed by the former regime or by 'revolutionaries'.²⁰ As such, political divisions in the post-2011 period (and post-2014 in particular) also produced their own set of injurious experiences, strongly tainted by political affiliations.²¹ Subsequent governments enacted contradictory laws that sometimes hindered journeys for justice, rather than enabling them.²²

In addition, conflicts emerged along different faultlines, related to political, religious, regional, tribal and local affiliations. Armed groups took the upper hand, new elections were not successful, governments fell and fled, and polarisation was exacerbated. This ultimately led to a political division of the state in 2014, a bifurcation with two power major centres: Tripoli in the West, and El-Bayda and Tobruk in the East. Later, the House of Representatives and its affiliated government would relocate their seats from Tobruk and al-Bayda, respectively, to Benghazi.

In December 2015, a consensus was reached to end this state of conflict. In Skhirat (Morocco), representatives of Libya's main political factions concluded a political agreement that was brokered by the United Nations Support Mission in Libya (UNSMIL). A nominal 'head of state', the Presidency Council, was created to keep the country together. The national government stayed in Tripoli and received international recognition, and the legislature - the House of Representatives - remained in the East. The Supreme Court and the High State Council, the latter acting as a senate with limited powers, also remained in Tripoli. Misrata, Libya's third biggest city, has continued to play a prominent role too, with its powerful business people and armed formations.

In 2019, the East-based LNA launched a military offensive to capture Tripoli, but it did not achieve that goal. Reconciliation efforts by UNSMIL and others led to a ceasefire and a conference in Berlin in January 2020, where a joint military commission of '5+5' Eastern and Western military and security commanders was established to reconcile and, ultimately, unify the armed forces.²³

2.3 Politics

Since 2021 the internationally recognised government in Tripoli has been led by Misratan businessman, Abdul Hamid Dbeibah. Dbeibah's government, like all its predecessors, has tried to rein in armed groups, and it had some success with this in 2025. Nevertheless, the Special Deterrence Forces (or Al-Rada), a powerful armed security entity, retains a strong presence in Tripoli. Formally affiliated to the Ministry of Interior, Al-Rada carries out high-profile police work, i.e. patrolling, investigations, and arrests. They also control Mitiga airport - the only functioning airport in Tripoli, since the destruction of the city's international airport in 2014 - and the adjacent Mitiga prison.

The power of Dbeibah's government also depends on the continued support of powerful armed groups from his hometown of Misrata. The exploration and exploitation of oil and gas is controlled from Tripoli, by the government's undivided National Oil Corporation, and the revenues are controlled by Libya's central bank. This is a fragile situation as oil facilities have frequently been targeted since 2011, and have even been put out of operation temporarily, by armed groups trying to enforce their demands.

In the East, the House of Representatives established another government, enacted legislation, and now acts as Supreme Commander of the Army. Under the General Command of Field Marshall Haftar, the 'Libyan Arab Armed Forces', also known as the Libyan National Army (or LNA), holds military power in the East, and it has gradually expanded its power to control most of the South (Fezzan) as well.

Despite domestic and international efforts towards reconciliation the political divide persists, leading to separate legislative developments that have created uncertainty for citizens and dilemmas for those applying the law, notably the courts.²⁴ Still, 'Libya works' - to a large extent in the sense of Chabal and Dalmoz' famous 1999 book, *Africa works* - through "reciprocity within patron-client relations". Chabal and Dalmoz argued that, on the continent:

... politics thus 'works' through the distribution of the resources of the state (power, status, wealth, access to markets, etc.) through informal, deeply personalised patron-client networks, rather than the formal, impersonalized channels of the Weberian legal-rational state that supposedly characterizes 'modern' Western statehood... resources are distributed through patronage networks to regenerate the political power of 'big men', and political power (access to state spoils) is used to replenish the resources needed to maintain these networks... For political elites, power thus becomes a zero sum, winner-takes-all struggle for control of the legally recognized state and its resources. But such power struggles are not just the domain of the political elites, however. They permeate all levels of society, reaching from statehouse to village, as people strive to gain some form of access to resources through local patronage networks. (Beresford 2014)

When governance is largely transactional in this way, one should not immediately expect political powerholders to develop a vision and strong political will for the social and economic development of society as a whole, nor for swift political, legal and institutional development. In today's politics, Libyan elites do not show much of the post-2011 democratic ethos, instead they display signs of a return to authoritarianism. The 2011 uprising encouraged many new initiatives by civil society organisations who were aiming, either directly or indirectly, at justice for all. Yet over the last decade, the space these organisations are able to claim has been drastically reduced, and positive developments towards justice for all have become much more restricted. Many programmes targeting vulnerable groups, including children, youth, women, IDPs and migrants, have therefore lost traction. There have even been concerns about a 'backlash'.²⁵

Such developments do not bode well for the independence of the judiciary or for access to justice in general, but they are especially discouraging when it comes to achieving transitional justice.

2.4 Security

Despite occasional 5+5 Joint Military Commission meetings, at present Libya does not constitute a unified state, with one army and a regulated police force to exercise the government's monopoly on the use of legitimate force. The country's security is instead managed by a variety of military and security forces. As mentioned above, the

‘Libyan National Army (LNA) dominates in the East, but there are also local police forces, including ‘internal security directorates’. Formally, these come under control of the government, but in practice they are accountable to the army. In the west, the National Army, the Special Deterrent Forces, and numerous local armed groups dominate, some of which operate as professional military brigades. Here too, there are local police forces, including internal security directorates, that fall formally under Home Affairs (Lacher 2023).

Prisons and detention centres, which form two crucial parts of the criminal justice chain, are also controlled by armed forces and groups rather than by the state authorities, as was sourly pointed out by Libya’s Attorney General. As a result, in criminal court cases tens of thousands of convictions cannot be concluded,²⁶ despite the fact that many arbitrary arrests and detentions continue to be reported.²⁷

Our case studies show that, across Libya, this ‘power of the gun’ culture has contributed to an atmosphere of fear and intimidation. The case studies also demonstrate how this can place constraints not only on justice seekers, but also on members of staff in justice institutions. Police may halt investigations, and bailiffs and judicial police may be deterred from enforcing court rulings, or from summoning individuals to appear in court.

2.5 Economy and the public sector

Libya’s economy depends heavily on oil and gas. Despite oil revenues of over 15 billion USD (2025), instability, unemployment, inflation, and a steep rise in the cost of living have all contributed to widespread poverty across Libya. Today, about 32.5% of the population lives in poverty²⁸ and is unlikely to be able to spend the money, time and energy that is required to undertake a long ‘journey for justice’.

Continuous inflation also has another impact on access to justice. Several laws stipulate monetary amounts that made sense at the time of enactment but are now obsolete. For example, due to a provision limiting the jurisdiction of district courts (the lowest level of court) to cases with a monetary value of up to 1,000 LYD only, most people must now resort to the next level of court: the primary courts. This is in spite of the fact that the nearest primary court may be located hundreds of kilometres away from the homes of people living in rural areas. Similarly, provisions on fees and fines have become outdated. Unfortunately, revising such laws has not been a priority so far. Lacking a unified national budget, both governments have tended to overspend – mainly on public salaries and subsidies, but also on public investments²⁹ – which, as Hanna Tetteh, the head of UNSMIL, stated on 17 April 2025 in her briefing to the UN Security Council, runs the risk of precipitating an economic collapse.³⁰

Over two million people, or around 89% of Libya’s workforce, are employed in the public sector,³¹ of which state justice institutions form just a small part. Today’s powerholders, like their predecessors, have chosen to provide numerous public jobs to secure the loyalty of regional and ethnic groups and armed formations, rather than opting to achieve the same aim by fostering the social and economic development of the Libyan people.

Regarding the performance of public institutions, a recent report states that, “[a]cross sectors, from education and healthcare to infrastructure maintenance and electricity provision, the Libyan state is providing its citizenry with substandard services.”³² This critical assessment is part of a long tradition of reports of Libya being a ‘rentier state’ that has lost the connection between performance and income, as well as reports of patronage, nepotism and corruption.³³ Obviously, this context causes many external and internal challenges for Libya’s justice institutions.

Notwithstanding these justified criticisms, Libya does have its share of dedicated state officials, working throughout the public sector and at all levels, as our research team has noted on numerous occasions.

2.6 Society

As already suggested above (see 2.3), Libya's social structure is marked by strong personal relationships and networks as means for getting things done, in both private and professional spheres. To a considerable extent, people's identities and social positions are marked by their membership of a particular family or tribe, and by their city of residence or origin. In addition, the degree of loyalty or opposition to the holders of political and armed power has always mattered a lot, both before and after the 2011 revolution. Other social and cultural faultlines include those concerning ethnicity (notably Arab, Amazigh, Tebu and Tuareg), nationality, religious affiliation, gender, race, and being a foreign migrant or an internally displaced person. As is the case in many other countries, power differentials in Libya have a significant impact on access to justice.³⁴ People with strong personal networks or connections to families and tribes, and those who are otherwise positioned on the 'stronger' side of society are likely to face less obstacles in any journey for justice than those who lack these credentials.

Patriarchal ideologies and practices are common in Libyan families and workplaces. Males are supposed to be the decision makers, whilst females face mild to severe discrimination, as well as prevalent sexual and gender-based violence.³⁵ However, these circumstances are not static. Gaddafi's socialist policies helped improve the status of working women and, as this report shows, at the moment women fill a considerable number of positions within several of the judicial bodies.

Rather than being seen as holders of individual rights and obligations, people in both private and public contexts are often seen primarily (and stereotypically) as belonging to the above-mentioned group identities. Our research found that this affects access to justice in many ways, but two examples will suffice for the purposes of this report. First, community-based justice institutions, such as councils of elders, customary committees, and tribal leaders, may place significant weight on the relationship between families and tribes, at the expense of individual rights. Our Nationwide Survey confirms that the role of such institutions in conflict resolution is highly valued. Second, in murder cases the court may be obliged to take the relationship between the perpetrator's family and the victim's family into account, e.g., whether the relationship is one of revenge or forgiveness, and decide whether to temporarily release or detain the accused accordingly.

Consultation with community-based institutions is deeply ingrained in Libyan society's socio-cultural fabric. Therefore, communication and coordination between these institutions and the formal judicial system are both natural and expected. Legally speaking, referring disputes to a community-based institution is optional,³⁶ but submitting a dispute to a community-based institution *before* resorting to the judiciary can offer practical benefits. In the aftermath of 2011, community-based institutions have provided a powerful alternative to and support for the poorly functioning state institutions (see 4.4 for further details).

3. Justice seekers and their ‘journeys for justice’

3.1 Justice seekers in this research

As is the case in every society, people in Libya face injurious experiences which they will understandably try to address and overcome. As indicated in Chapter 2, political changes and conflict in Libya have increased the likelihood of people experiencing serious injustices. Most of our case studies on justice seekers bear the marks of this context. They demonstrate how justice seekers in Libya not only suffer significantly from gross injustices, but that they often undergo a subsequent journey for justice that is onerous, i.e., fraught with obstacles and disappointments.

Theorising journeys for justice

In developing our conceptual framework for the analysis of justice seeking in Libya, we built on the foundational work of Felstiner et al. (1984, see 1.2) and more recent literature (Bedner and Vel 2010). We ended up with a useful theory of ten phases that together represent a complete ‘journey for justice’. The theory is set out in detail in the Arabic version of this final report (Ibrahim et al. 2026: 48). For the sake of brevity in this report, we are condensing the ten phases into four, as follows:

- I. *Dealing with a bad experience*: In this phase, people have an injurious experience and may recognise themselves as a victim, the experience as an injustice, and their situation as involving a justiciable problem.³⁷
- II. *Taking action*: This phase includes all the types of actions that justice seekers decide to (not) undertake with the avenues and opportunities at their disposal, including the decision to reach out to certain types of justice institutions.
- III. *Dealing with justice institutions*: This phase covers the entry of and interactions between justice seekers and justice institution(s).
- IV. *Outcomes*: This phase includes the decision of a justice institution, its enforcement or realisation, and the extent to which the outcome was considered satisfactory (by the justice seeker) and in accordance with the rule of law (by the researchers).

Research methods and phases of the project

The research project has employed different research methods, each of which is useful for shedding light on particular aspects of access to justice.

In Phase 1 of the research, we used twelve case studies to focus on individuals who had suffered from a serious ‘justiciable’ problem and were seeking to resolve or remedy it. In our Phase 1 report (Ibrahim et al. 2022) we explained how we aimed to achieve a balanced selection of the cases, based on our set criteria regarding, e.g., topic and location.³⁸ We used the twelve case studies to identify common patterns in these journeys for justice, setting these out as a set of general observations.³⁹ This chapter makes extensive use of these observations.

In Phase 2 we conducted twelve case studies on the mandate, organisation and functioning of justice institutions, which provided us with insights into ‘the other side’. Our qualitative research on justice seekers and institutions was then complemented by quantitative research⁴⁰ via a Nationwide Survey (of 3,975 respondents) on Access to Justice in Libya. The survey was the first of its kind in the country, and it ensured that journeys for justice could be analysed on a national scale. To differentiate between the journeys for justice of various respondent groups, the Nationwide Survey categorised respondents according to their age, gender, income, education, region, nationality, ethnicity, (possible) displacement history, and those with a lower level of income or education (for a focus on the experience of women as justice seekers, see Chapter 7).⁴¹

This chapter

Each of the sections below presents our relevant case study results, followed by the relevant results of our Nationwide Survey. Often, the research results of these two methods are aligned, but sometimes they differ, which raises further questions. We have tried to address these questions as far as possible, whilst acknowledging that the adoption of different methodological approaches may contribute to disparities in outcomes (see 1.3).

The following section attempts to define who Libya's justice seekers are (3.2). This is followed by the four condensed phases of 'journeys for justice' (3.3). Finally, some concluding remarks are provided (3.4).

3.2 Libya's justice seekers

The following picture of justice seekers emerges from the case studies: "Many ordinary Libyans have been affected by a wide range of injurious experiences, before 2011, between 2011 and 2014, and since 2014" (Ibrahim et al 2022, 27).

Our research also finds that three prominent factors define the justice seekers we followed, and how their journeys unfolded.⁴² The first factor is 'personal', including a person's gender, age, education, level of wealth and personality. The second can be categorised as 'ethnic', including one's tribe, city, region, nationality (including being a migrant) and ethnicity. Amongst these sub-categories, the case studies highlighted the importance of one's tribe as being influential. A third factor is 'political', and this has been of particular importance since the toppling of Gaddafi in 2011; an event which was followed by 'revolutionaries' opposing Gaddafi loyalists, and a strong prevailing sentiment of 'being on the right side of history'. Any one of these factors could form either an obstacle or an opportunity for justice seekers, informing their decisions and interactions along their respective journeys for justice. Given Libya's social context (see 2.6), it is not surprising that more than a few injurious experiences were felt collectively, on both the side of the victim and that of the perpetrator.⁴³

The Nationwide Survey tells us that 35% of people in Libya reportedly experienced at least one justiciable problem in the last five years.⁴⁴ Most are male (59%)⁴⁵ and younger than 35-years-old (58%)⁴⁶, with a high level of education (86%)⁴⁷ and a medium to high level of income (64%)⁴⁸. This provides us with the average profile of 'a justice seeker' in Libya. However, the survey also highlighted factors affecting the *likelihood* of facing a problem. Income tends to play a significant part in this (for example), with more people living in a household that faces great difficulty covering its needs experiencing a justiciable problem, compared to households facing some or no economic difficulties at all. On average, the former group also faced issues related to a greater number of problem 'types' than others. In addition, people in Libya who are (or have ever been) displaced from their original place of residence, experienced a much higher number of problems, more frequently (Teeuwen et al. 2025).

3.3 Journeys for justice in four phases

I. Dealing with a bad experience

While both the case studies and the Nationwide Survey show that any person in Libya can face a justiciable problem, their individual situation (i.e., personal, ethnic and political factors - see 3.2) has a significant impact on the type of experience they are likely to face. It also influences their level of awareness regarding the injurious experience and their own options and rights as a justice seeker.

As noted in Chapter 1, the majority of the Phase 1 case studies deal with injurious experiences linked to the Gaddafi regime, to the 2011 Revolution and its aftermath, or to a combination of the two. These experiences could be classified as ‘transitional justice issues’. The Gaddafi regime was welcomed by many for its redistributive aspirations, but it eventually came to be feared and resented by many for its violently oppressive practices. The regime caused countless disputes, grievances and injustices, some of which remain contested to this day.⁴⁹ This includes the horrific Abu Salim massacre, the thousands of land and housing claims made by former owners (in both rural and urban areas), killings linked to armed conflict and disappearances, properties damaged during political struggles, and the consequences of internal displacement. In such cases, the state itself has often been involved in one way or another, either as perpetrator or opponent. In the Gaddafi days, opposing the government was dangerous, and people who had suffered an injustice often did not dare undertake a journey for justice. In contrast, the fall of the regime initially provided a more enabling environment for justice seeking from 2011 onwards, as expectations were high for a new, more just, Libya.

The research also shows that justice seekers from vulnerable groups tend to have a lower awareness of their rights and procedural options. Amongst others, this was the case for women, who felt pressured to accept injustice due to patriarchal norms and values. It was also the case for irregular migrants, who are viewed, and tend to view themselves, as being ‘against the law’, rather than as victims of injustice (Ibrahim et al. 2022).

In the survey, in which a cross-section of people living in Libya was interviewed, most people faced injustices which at first glance appeared to be ‘everyday’. The problems that respondents reported most frequently concerned employment (for 12% of justice seekers), services and goods (8%), crime (8%), and housing and land (7%).⁵⁰ When justice seekers reported a problem, 24% of these concerned employment, 24% services and goods, 15% crimes, and 14% issues related to property (with differences between regions, see Annex B3.3b).

The survey showed that the justice seeker’s opponent plays an important role in their problem. This person or entity is accused by the justice seeker of being the perpetrator, i.e., they are at the heart of the justice seeker’s injurious experience. Our survey data shows that the most frequent opponent (at 19%) is the state, in the form of either a government institution or an individual public servant. A total of 28% of opponents belong to the justice seeker’s own close circle, including family members (16%), other relatives (5%), neighbours (4%) and friends (3%). Companies are opponents in 10% of cases, including primarily public companies (9%), followed by private (1%) and foreign (less than 1%) companies. This means that the public sector, including public companies and state institutions, is the opponent in the highest share (31%) of cases (see Annex B3.3c and B3.3d for the full breakdown). We get a more complete picture, however, by relating the opponents to problem categories. While the average opponent of a justice seeker is an individual from their close circle, Annex 3.3e shows that the average opponent varies significantly across problem types.

II. Taking action

Both the case studies and the survey reveal that victims often do not take action, or at least not immediately. Beyond a lack of awareness of their rights as a victim of an injurious experience, recurrent reasons victims give for this lack of action (as expressed throughout the research) include a lack of trust in a positive outcome, and the fear of making the situation worse.

The justice seekers in our case studies often reported a feeling of fear. Fear of armed groups, who are often more powerful than state institutions; fear for the new-style or old-style powerholders; and fear of bad treatment and discrimination, based on one’s personal, ethnic or political identity.⁵¹ Such fears often lead people to delay taking action, because they are concerned that acting will produce a worse outcome than doing nothing. Journeys for justice therefore sometimes begin long after the injurious experience has occurred – and sometimes, victims do not take any action at all.⁵²

In addition, justice seekers often lack information regarding the appropriate entity to complain to, and around how to approach that entity. In cases where justice seekers do have this information to hand and the appropriate entity is a state institution, the justice seeker often lacks trust in its authority and power. This was especially true in the post-2011 context, in which armed groups with tribal support held – and often still hold – so much influence that state institutions were incapable of holding perpetrators to account.⁵³ People therefore often halted their journey for justice before even engaging with a justice institution, as they feared - or were threatened by - violent reprisals by armed groups, criminal gangs, or their own (or other) tribes. The degree of control which a justice institution enjoyed in a specific context therefore informed justice seekers' decisions about whether or not, when, and in what way to approach such institutions.⁵⁴

When justice seekers do take action, they reach out to a variety of justice institutions. These could be state-based (including e.g., courts, lawyers and police) or community-based (including e.g., tribal leaders, councils of elders and customary committees), with justice seekers often engaging simultaneously with both types. In our case studies, community-based institutions were preferred when justice seekers feared that their identity would prevent them from receiving fair treatment by a state institution,⁵⁵ and when justice seekers sought advice from religious leaders, such as in some Sharia-related cases.⁵⁶ In our case studies about domestic violence, family, and inheritance cases, female justice seekers tended to devote considerable time and effort to trying to resolve disputes informally, by working with family, neighbours and friends. This is strongly linked to the prevailing patriarchal culture in Libya, which incites women to resolve issues amicably, instead of consulting official institutions.⁵⁷

Our case studies also show that Libyan government institutions, including the police, are often approached by justice seekers, as well as the courts, prosecutors and municipal councils. In fact, in procedures brought before the courts, they often require justice seekers to actively involve government institutions (see 4.4).⁵⁸

Public lawyers (see Chapter 5) are less consulted than one would expect, given that state sponsored legal aid is free and widely accessible, geographically. In the rare cases in which public lawyers play a role, there are serious concerns about their effectiveness.⁵⁹

Regarding private lawyers, justice seekers express serious concerns about their high fees and, in some cases, about their effectiveness.

In several cases, justice seekers have approached international NGOs, foreign and international public institutions, or even a foreign state (i.e., Qatar), for support and remedies, but institutions such as the Fact-Finding Commission on Transitional Justice have not played a role at all. According to the law this institution was empowered to handle transitional justice cases, but in reality it only dealt with a few such cases before being put on hold.⁶⁰

The survey data corroborates the case study findings that people experiencing a justiciable problem do not overwhelmingly take action, at least not immediately. According to the survey, people took action to address their problem in only 55% of cases. When taking action, contacting the other party is the most popular choice in all types of problems, except those involving family members. Of those facing a family problem, about one-third contacted the other party, while roughly one-third did not take any action at all. Less than half of our respondents who experienced a justiciable problem (45%) brought their problem to a party for negotiation, mediation, conciliation or adjudication. Respondents clearly reported that the main reason for not taking any action was that they were not expecting a satisfactory outcome. In addition, 10% of women reported that they would not reach out to the relevant institution because they did not trust it, compared to only 6% of men. People who are or have been displaced reported that involving an institution would be too dangerous (5%), compared to only 1% of those who have never been displaced (Teeuwen et al. 2025).

Aside from lack of trust in the outcome of the process, many other factors can play a part, including social pressure, discrimination, fear of oppression, lack of awareness of rights, or lack of understanding in terms of who to turn to for help or justice. Regarding the latter two factors, the data show that 11% of justice seekers did not bring their problems to a justice venue, because they “did not know about any of them”.⁶¹ Another 13% of justice seekers did not bring their problems to a justice institution, because “they did not know how to do it”, and 4% of justice seekers gave both the above as reasons not to consult a justice venue or institution. In total, the lack of awareness and information prevented almost 20% of justice seekers from seeking remedy for their grievances.⁶²

Our case study results also show that people in Libya tend to make extensive use of advisors when facing a justiciable problem, be those people within their personal network, a religious or customary advisor, or a lawyer. An advisor was consulted in 48% of cases, with greater representation amongst higher income households, and people living in the west. People with a higher level of education are more likely to consult a lawyer than those with a lower level of, or no, education (Teeuwen et al. 2025). In total, 2% of people obtained assistance from public lawyers, compared to the 7% who obtained it from private lawyers.

III. Dealing with justice institutions

In our case studies, interactions with judicial institutions were often described as fraught with frustration. Institutions were slow and not always capable of following up on cases. They also often required documents (e.g., proof of citizenship, proof of land ownership) which (according to justice seekers) were difficult to assemble due to conflict, insecurity or the weakness of state institutions.⁶³

No matter which justice institutions were approached, justice seekers overwhelmingly made use of their personal connections (*wastah*), reflecting an omnipresent and indispensable practice when people want to get things done, both in the justice sector and in wider society.⁶⁴ In several cases, justice seekers joined advocacy institutions or created one-issue victim associations, in order to help advance their case. In several cases, syndicates and unions, and the aforementioned victim associations, had a pivotal role to play. In addition, the relatives of victims (in particular, victims of crimes against persons) often engaged actively with justice institutions in pursuing justice on their behalf, or at least in order to support them. Amongst others, relatives were described as pressuring authorities to work on victim’s cases, by seeking remedies through civil lawsuits affiliated to criminal cases or before civil courts, and by reaching out to perpetrators for out of court settlements or forming victim associations to further pressure the government.⁶⁵

According to our Nationwide Survey, the two institutions which justice seekers engaged with the most were the courts (16%) and the police (15%). Next on the list were community-based institutions (14%, including 7% customary institutions and 6% religious authorities),⁶⁶ and government institutions (6%). Municipal councils (6%), public prosecutors (6%), and arbitration (6%) were also pursued in some cases, whereas quasi-judicial committees were used by 3% of justice seekers, and the House of Representatives and High State Council were consulted by less than 1%.

The Nationwide Survey tells us that 46% of justice seekers took their problem to a judicial institution - 52% of these justice seekers are male and 48% are female; 64% are between the ages of 25 and 44. People who have completed some education represent 85% of justice seekers engaging with judicial institutions, out of whom 46% are people with a high school level of education. The larger segment (62%) of justice seekers using judicial institutions are people with a medium or low income. A noteworthy result is that the group making the most use of public lawyers (in 5% of cases) are people with a lower level of education. More highly educated people tend to engage with private lawyers more often (in 11% of cases).

According to the survey, 6% of justice seekers took their problem to a government institution. Government institutions are used more by people in the South (11%), compared to 8% in the East, and 5% in the West. A larger number of men reached out to these institutions (7% of men, as opposed to 5.5% of women). The research found that income levels did not make a significant difference to whether or not a person would reach out to a government institution. However, people with at least a primary education reached out significantly more often to government institutions (10% of justice seekers), compared to those with a secondary and higher education (6.5% and 5%, respectively).

The survey implies that justice seekers' engagement with different justice institutions was generally perceived as being worthwhile. Engagement with justice institutions was described as either 'absolutely worthwhile' or 'somewhat worthwhile' by 74% of our justice seekers. However, their assessment varied across various justice institutions (see Annex B3.3f). Justice seekers described their engagement with community-based institutions as being the most worthwhile (85% reported it as 'absolutely worthwhile' or 'somewhat' worthwhile), compared to 72% for government institutions.

Justice seekers' evaluation of engagement also depended on the type of problem they sought help with, as shown (see Annex B3.3g). The most positive assessment of justice institutions was given by justice seekers who had engaged with them regarding problems related to crime (95%). The most negative assessment, however, was related to citizenship and identification problems (64%). No significant gender differences existed regarding the assessment of 'worthwhileness', with 76% of women finding engagement worthwhile, versus 73% of men. Some slight differences were noted across the regions, with justice seekers in the East, West and South finding their engagement with justice institutions worthwhile in 77%, 73% and 71% of cases, respectively.

We also asked respondents about their treatment by justice institutions in general. For example, we enquired if they thought they had been listened to, been shown understanding, and been treated fairly, politely, and impartially (or at least similarly to others). We also asked if they thought the institutions had been competent, timely, accurate, and communicative, and if they had allowed the justice seeker to express their own opinion on the case adequately. Justice seekers were generally very positive regarding many of these dimensions. However, they were less positive about timeliness and impartiality. The survey also provides answers to questions regarding how justice seekers were treated by different justice institutions.

When distinguishing between judicial, governmental and community-based institutions, justice seekers reported being slightly more satisfied with community-based institutions, as opposed to the judicial and governmental institutions (see Annex B3.3h). When we compare the treatment of justice seekers according to the type of problem they were seeking to address (see Annex B3.3i), people with crime or family problems reported having better experiences with justice institutions, compared to those seeking help with other types of problem. In general, justice seekers with personal liberties or employment problems reported having less positive experiences with justice institutions. When it comes to timeliness, justice seekers with family problems had the least positive experience.

As the institution with which justice seekers most engage (16%), it is interesting to take a closer look at the courts. Within the 16%, significant variation exists between different groups of justice seekers. The higher a justice seeker's income, the higher the chance that they will engage with the courts. Justice seekers with no educational background had the lowest level of engagement with the courts (1.5%), as opposed to people with primary (23%), secondary (14%) and higher (16%) education. Regarding gender disparities, women tend to engage with the courts more often than men, with 18% of women doing so, compared to 13% of men. Finally, people living in the west of Libya engaged significantly more often with the courts (20% of justice seekers) compared to those living in the south (15%) or the east (8%). For more information, please see Chapter 6, which is dedicated to the functioning of the courts.

IV. Outcomes

All twelve case studies in this research ended with disappointing, inconclusive or unsatisfactory outcomes for our justice seekers.⁶⁷ When justice seekers obtained remedies, these were usually partial and sometimes were not even implemented, which suggests a structural lack of enforcement.⁶⁸ After lengthy and tedious journeys for justice, this left most justice seekers with a sense of hopelessness, abandonment and alienation from their state and society.⁶⁹

The survey presents a more positive image of the outcomes of journeys for justice. The combined use of personal networks and justice institutions proved to be an important factor in reaching satisfactory outcomes. In cases where an advisor from a person's own personal network was consulted to assist in seeking justice, the likelihood was that a resolution would have been reached by the time our survey was undertaken, i.e., it was much less likely that the case would have been abandoned by the parties involved (Teeuwen et al (2025): 25). Of the problems that had been resolved by the time of our survey, 33% were involved an institution.⁷⁰

The trust in informal institutions identified via our case studies is also reflected in the survey results. The majority of respondents (78%) expressed that they trusted community-based institutions, either fully or to a certain extent, and the majority (69%) believe that tribes are currently important to resolving conflicts.⁷¹ Out of the 635 justice seekers who took their problems to a judicial institution, 285 (or 44.9%) achieved resolution in the form of a judgement, decision or agreement reached in relation to their problem. The groups more likely to be able to resolve their problems included people with higher levels of education, those living in more affluent households, and (more generally) people from the west and (to a lesser extent) the East (see Annex B3.3j). Unfortunately, even though women tended to involve justice institutions more often than men, women's problems were resolved significantly less often (see Chapter 7).

Out of the 285 of justice seekers who received a resolution relating to their problem, 186 (or 68%) reported that their problems were completely resolved. Not all sub-categories of justice seekers reported the same experience regarding the solving of their problems. Justice seekers with no or limited education, those with lower income levels, and those from the south all reported a low level of problem solving in response to the judgments, decisions or agreements reached on their behalf. Annex B3.3j shows similar disparities amongst justice seeker sub-categories regarding the perceived fairness of an outcome, the rapidness of the process, and the reported enforcement of the outcome.⁷²

3.4 In summary – justice seekers and their problems

Our research highlighted several significant results regarding which groups of justice seekers struggle the most to achieve satisfactory outcomes, as well as what their key problems are and which institutions are the most helpful or most constraining along their journeys for justice. Awareness of these factors is important when it comes to defining which institutions, groups of justice seekers, and types of problems a future National Strategy on Access to Justice should pay the closest attention to (see Chapters 8 and 9). From the data presented in this chapter, important areas of focus include: **justice seekers**, such as women and people with lower incomes; **justice institutions**, including the courts, police, and community-based institutions; and **problem types**, such as employment, services and goods, and crime.

This chapter has provided an overview of the main characteristics of justice seekers, their problems, and the four phases of their journeys for justice. The following chapters will address the justice institutions that are supposed to provide justice seekers with responses and remedies.

4. The justice system as a whole

Our project examines the justice system in its broadest sense. It encompasses the judiciary and a range of formal state institutions, such as the directorate of public lawyers, as well as quasi-judicial committees and informal community-based bodies like the council of elders (See 4.4).

Beyond the judiciary, the other branches of government – the legislature and the executive – play a critical role in ensuring access to justice. Whilst this is true in many different contexts globally, it is particularly salient in Libya, where the country's turbulent political transition has significantly affected these branches and, by extension, the functioning of the state-based justice system. This chapter first examines the legislature, the executive and the judiciary, before turning to other formal and informal institutions that contribute to the administration of justice.

4.1 The legislature

The House of Representatives (HoR), elected in 2014 and presently based in Benghazi, serves as Libya's legislature. However, its authority has not always been recognised nationwide, with direct consequences for the administration of justice. Libya lacks a formal constitution and is instead governed by the Interim Constitutional Declaration that was issued by the National Transitional Council (NTC) in August 2011. This declaration was intended to guide a limited transitional period, culminating in the adoption of a permanent constitution and the election of a legislative assembly. Since the draft constitution prepared by the Constitution Drafting Assembly (CDA) in 2017 has yet to undergo a public referendum, the Constitutional Declaration is still used as Libya's constitutional framework. Under this arrangement, the legislative assembly – initially the NTC, then the General National Congress (GNC), and currently the HoR – retains authority to regulate the judiciary.

Political divisions and the resultant legislative dichotomy have, at times, turned legislation into a tool of political contestation, with negative consequences for the judiciary. The HoR was elected in 2014 to replace the underperforming GNC. The latter, backed by the pro-revolution Libyan Dawn forces in western Libya, initially refused to transfer power to the HoR. In response, and supported by then-General Haftar's Operation Dignity forces, the HoR established its seat in Tobruk, in the far east of the country.⁷³ Both assemblies claimed to be the sole legitimate legislature and enacted laws that were only recognised within their respective spheres of influence. The divide was exacerbated by a Supreme Court ruling in November 2014, which deemed the amendment to the Constitutional Declaration that had paved the way for the election of the HoR unconstitutional. This decision was widely interpreted as undermining the HoR's legitimacy. Whilst the GNC's supporters welcomed the ruling, the HoR rejected it as a product of coercion by the Tripoli-based court militias. Soon after, a primary court in the eastern city of El-Bayda declared the Supreme Court's ruling void, something which had never happened before.

The ensuing legislative dichotomy has resulted in legislation that is often contradictory. For example, amendments made by the GNC have reclassified murder by motor vehicle as a 'misdemeanour' in western Libya, whereas it remains a 'felony' in the east. Apostasy from Islam is punishable by death in the west, but not in the east. The law on mandatory wills⁷⁴ is still enforced in the east, but it was repealed in the west. Moreover, the HoR enacted Law No. 6 of 2015 on amnesty, which includes provisions concerning abuses by supporters of the former regime, and this law is not recognised at all in the west. Despite the UNSMIL-facilitated political agreement of December 2015, division persists. The High State Council (HSC) eventually replaced the GNC, and although it is officially advisory, it often functions as a de facto legislative chamber in its own right.

These circumstances put the judiciary in a challenging position. First, recognising the judiciary's significance in the political divide, rival authorities have sought to co-opt it. For example, the HoR introduced Law No. 32 of 2023, stipulating that the Chair of the SCJ be appointed by the HoR, rather than being elected (or chosen) from the Supreme Court, effectively removing the Supreme Court from the SCJ's composition. The HoR also deprived the Supreme Court of its constitutional review authority by establishing a separate Supreme Constitutional Court in Benghazi.

Second, the judiciary has struggled to determine which legislation to apply. Whilst primary courts within the HoR's effective jurisdiction (e.g., North Benghazi Primary Court) may apply HoR legislation and disregard laws issued by the GNC, this approach is not feasible for the Supreme Court, which is singular and receives appeals against rulings from both western and eastern courts.

Third, transitional state institutions are widely perceived as lacking the legitimacy or authority to legislate beyond the transitional period, complicating the general acceptance of urgently needed reforms. For instance, the establishment of a separate constitutional court has long been advocated. In 2013, such a move was recommended by the National Commission for the Development of the Judiciary, and later it was proposed again, in both the 2016 and 2017 drafts of the constitution. Yet, the HoR's creation of a separate constitutional court has not been universally welcomed, with many considering it a product of the political divide, rather than a constitutionally sanctioned step towards reform.

Fourth, uncertainty about whether or not the judiciary will uphold, enforce or invalidate a given law, due either to claims of unconstitutionality or to procedural defects like quorum requirements, has generated significant legal insecurity for justice seekers.⁷⁵

4.2 The executive

The relationship between the executive and the judiciary in Libya has long been problematic. Observers who argue that Gaddafi's regime undermined judicial independence frequently point to the executive's control over the judiciary. A common illustration of this is the composition of the then-called Supreme Council for Judicial Institutions, which included not only representatives of the judiciary but also directorates affiliated with the Ministry of Justice (namely, the Directorates of Public Lawyers, Government Lawyers, and Law, respectively) and was chaired by the Minister of Justice, with his undersecretary as an additional member; this composition is widely viewed as a mechanism for executive control over judicial affairs.

Reform efforts targeting this structure emerged early on in the February 2011 uprising. On 13 November 2011, the Interim NTC issued Law No. 4 of 2011, amending the Law on the Judicial System. The amendment excluded the Minister of Justice, the undersecretary, and representatives of the directorates from the Supreme Council. Consequently, the council was composed solely of judicial members, with the President of the Supreme Court as Chair, the Attorney General as deputy, and the presidents of the seven (at the time) Courts of Appeal as additional members.

Since 2011, the former Supreme Council, now named the Supreme Council for the Judiciary, has undergone several further changes. Whilst the Minister of Justice and the undersecretary are still excluded from the council, the directorates have been reintegrated, and their status as judicial bodies affiliated with the SJC has been reinforced. Ironically, recent changes have led to the exclusion of court representatives from the SCJ, including those from the Supreme Court (see 4.1). Although the Ministry of Justice no longer sits on the council,

it continues to exercise significant influence over the judiciary. It oversees the courts' administrative personnel, such as clerks, bailiffs and the judicial police, and it is responsible for ensuring that judicial bodies receive the necessary resources to function, including salaries, building maintenance and office supplies (Al-Tashani 2020).

To alter this dependence, the SCJ issued a decision on 17 May 2021, declaring its financial independence from the Ministry of Justice (Supreme Judicial Council, 2021). The decision also affirmed the subordination of the High Institute for the Judiciary (HIJ) to the council. However, this decision has yet to be implemented. The judiciary's budget is still included in the ministry's allocations, and the HIJ's affiliation remains contested. The HIJ resumed functioning only after the prime minister intervened; with a chair appointed by the council, it remains officially subordinate to the ministry.

Even if full financial independence were to be achieved, it would not suffice to sever ties with the executive. The ministry continues to provide auxiliary staff and to retain administrative and financial oversight over them, and this (in turn) influences key aspects of judicial operations. For instance, whilst each court has a president, their authority over auxiliary staff is limited, as the latter remain administratively subordinate to the ministry, which controls appointments, transfers, delegations, salaries and other labour rights. Disciplinary powers are divided between the court president and the Minister of Justice. The court president may impose warnings or salary deductions for up to fifteen days, whereas the minister may impose similar penalties for up to thirty days per year. More severe disciplinary actions are handled by the relevant Court of Appeal disciplinary board.⁷⁶

These arrangements underscore the need to reconsider the executive–judiciary relationship. After the 2014 political divide, the exclusion of the Minister of Justice from the SCJ helped maintain a nationwide judicial unity, to some extent, as there has always been only one council. Had the council continued to be chaired by the Minister of Justice, this unity would likely have been compromised. Yet the executive's continued involvement in key judicial functions complicates the situation. Ultimately, regardless of the most appropriate solution, the Ministry of Justice's continued mandate to perform functions affecting the judiciary may justify its representation on the Supreme Judicial Council.

4.3 The judicial bodies

The judicial bodies are the central state institutions involved in dispute resolution, law and order in Libya. These bodies include the courts, public prosecution, Directorate of Public Lawyers, Directorate of Government Lawyers, Directorate of Law and Directorate of Judicial Inspection.⁷⁷ All of them operate under the supervision of the SCJ. As mentioned above, the composition and institutional linkages of the SCJ have been subject to frequent change and contestation in recent years. Most recently, in December 2023, the House of Representatives enacted Law No. 32, which significantly restructured the SCJ. The chair of the SCJ is chosen by the HoR, and membership is now limited to the Attorney General and the heads of the Directorates of Law, Public Lawyers and Government Lawyers. Where no conflict of interest arises, the head of the Directorate of Judicial Inspection may also serve as a member. As a result, the courts – including the Supreme Court – are no longer represented on the council.

Regarding *courts*, Libya has a unified judicial system, in which courts are vested with jurisdiction to adjudicate all disputes, whether these relate to public or private law, under the supervision of the Supreme Court (see Chapter 6). The *public prosecution* is the authority exclusively entrusted with initiating and pursuing criminal lawsuits on behalf of society, and it is headed by the Attorney General. It is also empowered to investigate criminal offences. *The Directorate of Public Lawyers* provides legal representation to litigants before the courts in all types of

cases. These services are provided free of charge to Libyan citizens, and to foreign nationals for a nominal fee (see Chapter 5). Following the Egyptian model, Libya maintains a *Directorate of Government Lawyers*, which represents the State and its institutions in all legal proceedings in and outside Libya, pursuant to Law No. 87 of 1971.⁷⁸

The *Directorate of Law* is governed by Law No. 6 of 1992 and is tasked with reviewing draft legislation that is referred to it by state institutions. It interprets laws, reviews and drafts conventions and treaties, and issues legal opinions upon request from state institutions. In practice, whilst the directorate is infrequently consulted on draft legislation, its opinions are often sought on sensitive or high-stakes matters. Notably, the directorate was consulted in 2014 regarding the legality of the appointment of Ahmed Ma'tiq as Prime Minister. The final judicial body is the *Directorate of Judicial Inspection*, which has a mandate to assess the performance of members of judicial bodies against established benchmarks, and to investigate any complaints lodged against them. To this end, the directorate conducts periodic technical inspections of judicial personnel, except those holding the rank of counsellor (*mustashār*) or higher. It may also carry out urgent or unannounced inspections. The directorate does not have permanent judicial staff, which means that its members are instead seconded by the SCJ from other judicial bodies.

The High Institute for the Judiciary (HIJ)

Appointment to judicial bodies requires graduates of Faculties of Law - or Law and Sharia - to complete a specialised qualification program at the HIJ, but the institute faces several challenges. These include weaknesses in students' foundational legal education - reflecting broader deficiencies in law faculties - and the prolonged suspension of student admissions following the February 2011 revolution. This suspension was driven by a combination of security concerns and a dispute between the Ministry of Justice and the SCJ over the institute's administrative affiliation.

As a result of the suspension, judicial bodies were deprived of their primary recruitment pipeline. To address staffing shortages, the SCJ appointed judicial assistants with law degrees, many of whom had spent years in administrative or clerical roles. Prominent legal experts, such as the renowned (now retired) Supreme Court judge, Faraj Ma'rouf, criticised this approach, on the grounds that such experience does not adequately prepare individuals for judicial office and that the training provided cannot substitute for that of the HIJ (Ma'rouf 2026). Moreover, the institute's training has itself been criticised for insufficient emphasis on practical skills, and for duplicating material already covered at university level (Al-Tashani 2024).

Amendments were introduced to the institute's study system, with the aim of integrating theoretical and practical training more effectively. Decision No. 19 of 2019 on the 'Reorganization of the Higher Institute for the Judiciary' provides for four main forms of training: (1) basic training, for graduates seeking appointment to judicial bodies; (2) specialised training, for judges, prosecutors, and other judicial officials; (3) continuous training, for judicial and auxiliary staff to enhance their professional performance; and (4) training for administrative, clerical, notification and enforcement personnel, and judicial police. However, whilst this framework has the potential to address training deficiencies, it has yet to be fully implemented.

Judicial movement

Graduation from the HIJ is sufficient for appointment to most judicial bodies. However, this does not apply to initial appointment as a judge, which occurs through 'judicial movement', whereby the SJC transfers members of other judicial bodies to the courts. Judicial movement also enables the SCJ to conduct annual transfers between judicial bodies.

One of the most positive aspects of judicial movement is that it opens up appointment as a judge to all the members of judicial bodies, including women, rather than restricting such appointments to members of the Public Prosecution (as was standard practice previously), who are predominantly male. This has contributed significantly to an increase in the number of female judges in Libya. Statistics issued by the Ministry of Justice's Information and Documentation Unit on 6 November 2025 indicate that women constitute 42% of all members of judicial bodies, 30% of judges in courts of appeal, and 29% of judges in primary courts. Women form a clear majority in the directorates of Public Lawyers (69%) and Government Lawyers (66%), but only represent 13% of the Public Prosecution service (see Chapter 7). By broadening eligibility for judicial appointment, judicial movement allows individuals with diverse legal experience – criminal, civil, administrative and family – to assume judicial office, in contrast to the earlier practice of limiting appointments to prosecutors with (more often than not) backgrounds in criminal law.

Nevertheless, there are also problems associated with the system and implementation of judicial movement. Its yearly frequency may not give members sufficient time to develop expertise within a specific institution, thereby weakening specialisation. Judicial movement can also be misused as an informal disciplinary tool; for instance, by transferring a judge to another body as a sanction for perceived under-performance. Additionally, transfers are neither preceded nor accompanied by tailored training, which can cause mismatches between the transferred individuals' experience and their new institution. Finally, judicial movement might deprive certain institutions of their most competent members.⁷⁹

4.4 Other state- and community-based justice institutions

Variety of institutions

Beyond its judicial bodies, Libya has a range of other institutions which contribute, either directly or indirectly, to the delivery of justice. These institutions are either formal and state-based, or informal and community-based.

Importantly, the functions of formal and informal justice institutions frequently overlap when interacting with justice seekers, who in practice often engage the two types of institution simultaneously (Ibrahim et al. 2022). Our research indicates that justice seekers commonly engage with formal institutions, such as the police and municipal councils, whilst also making extensive use of community-based institutions, including tribal elders, councils of wisemen and customary committees. Following 2011, when the performance of state institutions declined, these informal mechanisms emerged as strong alternatives and complements to formal justice processes. In certain cases, particularly those involving Sharia-related issues, justice seekers also sought religious opinions (*fatwas*) from imams and muftis (Ibrahim et al. 2022). The research shows that access to justice often requires effective engagement with executive institutions, such as the Civil Registry, the Real Estate Registration Authority, the Agricultural Police and the Ministry of Justice. These bodies have, at times, played decisive roles in enabling or obstructing justice outcomes (Ibrahim et al. 2022).

The institution established and mandated to address transitional justice needs, i.e. the 2012 Fact-Finding and Reconciliation Commission (FFRC), has never functioned fully. As a result, 'ordinary' judicial bodies – notably, the courts – have been handling transitional justice cases, even though their legal design means that they are unprepared for that function (see endnote 60). The Abu Salim massacre exemplifies this dynamic. As a paradigmatic transitional justice case, it was adjudicated by the ordinary judiciary under ordinary criminal law. This approach ultimately led the Tripoli Court of Appeal to rule that the charges had lapsed due to the statute of limitations (Abu Raas 2026). This outcome underscores the urgent need for an effective transitional justice institution that is specifically tailored to the nature of such cases.

The relationship between state- and community-based justice institutions

As noted previously, our research reveals that justice seekers frequently resort to state- and community-based institutions, either sequentially or concurrently. For example, a claim may be filed before a court whilst simultaneously being presented to a council of elders. The socio-cultural context that shapes this strategy also facilitates interaction between the two categories of justice institutions.

In some cases, judges informally refer disputing parties to councils of wisemen, whilst in others state institutions request the intervention of such councils to resolve politically sensitive disputes, or to secure a specific individual's cooperation with an investigation (Ali 2026). This interaction has, at times, been reinforced by legal rules. In cases of intentional homicide, the law mandates retribution (*qisas*),⁸⁰ unless the heirs of the victim forgive the perpetrator. Courts therefore take the heirs' position into account, often repeatedly adjourning proceedings to allow the family of the accused to ask for forgiveness (El-Gamli 2026).

Another example is provided by Law No. 74 of 1975, which vested popular local committees with the authority to reconcile disputes amongst local residents, with the aim of achieving amicable settlements. The law further required that certain civil, commercial and maintenance (*nafaqah*) cases would not be accepted by the courts, unless reconciliation had already been attempted. Although this law was repealed, via Law No. 4 of 2010, in sensitive matters (e.g., property disputes) some judges continue to require litigants to submit a 'negative certificate' to confirm that the dispute has previously been presented to a local reconciliation committee (Ibrahim 2026).

Concluding remarks

This chapter provides a general overview of the justice system in Libya as a whole, in order to sketch an image of the country's institutions and their processes. The following three chapters will delve deeper into the functioning of some of these institutions, i.e., public lawyers and courts, and the role of women as both justice seekers and providers within these institutions.

5. Public Lawyers

The institution of Public Lawyers was established in 1981, under the Gaddafi regime, as a socialist substitute for private legal practice. After the regime collapse in 2011, this legacy became a liability, leaving the institution vulnerable to political attacks and criticism from various actors, particularly private lawyers. The ongoing debates concerning public lawyers, and their potentially vital role in enhancing access to justice for poor and other marginalised groups, underscore the importance of dedicating a separate chapter to them in this report. In presenting our research findings relating to public lawyers, this chapter examines their mandate, the extent to which they perform their assigned functions, and the factors that may account for their performance being either effective or deficient.

5.1 Mandate

Public lawyers are entrusted with providing judicial representation to Libyan nationals, free of charge;⁸¹ they may also represent foreign nationals, but in return for modest fees.⁸² This service encompasses the conduct of all judicial procedures, including appeals and the enforcement of judgements.⁸³ In addition, public lawyers are mandated to “guide citizens and make them aware of the various provisions of laws and regulations that relate to their rights, duties, and interests”.⁸⁴ Public lawyers can also “help citizens end their disputes amicably”.⁸⁵ Despite the diversity and breadth of these functions, our research reveals significant disparities in their implementation and performance.

5.2 Access

In theory, access to public lawyers is relatively straightforward. Although the institution is centrally administered from Tripoli, it maintains branch offices (eleven in total) corresponding to the Courts of Appeal, as well as smaller offices that fall within the jurisdiction of primary courts and (in some cases) the district courts. As mentioned above, public lawyer services are provided free of charge to Libyan nationals, and to foreign nationals in return for modest fees.

The work of public lawyers is meant to be multifaceted. Furthermore, the range of cases in which public lawyers are involved is extensive and can include civil, family, administrative and criminal matters. In Benghazi, public lawyers have even represented defendants accused of terrorism-related offences before the military courts (Shayteer 2026a). Whereas justice seekers themselves typically initiate recourse to public lawyers in family, civil or administrative matters, courts frequently appoint public lawyers to defend suspects in criminal cases.

The case studies we conducted amongst justice seekers reveal that few resorted to using public lawyers – an unexpected finding, given that the institution provides free services and maintains offices throughout the country (Ibrahim et al. 2022). The findings of the Nationwide Survey confirmed these observations. According to the survey, more than 90% of respondents who faced a justiciable problem did not consult a lawyer at all, and amongst those who did 7% consulted private lawyers, whilst only 2% consulted public lawyers. By contrast, the statistics obtained by our research team in their case studies of two branch offices of the Directorate of Public Lawyers present a more positive picture of their use. Although the resulting figures do not provide a sufficiently reliable basis for definitive conclusions, they nonetheless offer several noteworthy insights.

First, national-level statistics indicate that public lawyers’ offices receive tens of thousands of cases annually.⁸⁶ Second, branch-level statistics show that thousands of clients benefit from their services each year. For example, the Tripoli branch registered 20,007 cases from 2020 to 2022, whilst the Benghazi branch received 27,621 cases between 2021 and 2022 (Judicial Inspection Directorate 2021).

The profiles of those who seek assistance are diverse. In Tripoli, the research found that members of vulnerable groups in particular turn to public lawyers, including women – especially divorced women and widows – orphans, people living in poverty and individuals abandoned by their families due to issues such as drug use or alcohol addiction. More generally, women tend to rely more on public lawyers in family matters, whereas men more often seek their assistance in civil and criminal cases (Al-Habib 2026). In Benghazi, by contrast, the study found that recourse to public lawyers tends to extend beyond economically disadvantaged groups to include more affluent individuals, such as white-collar professionals, as well as certain legal entities, including companies. This may be caused by the perception that public lawyers, compared to private lawyers, have a closer connection with and may exert a greater influence on judges and the public prosecution, as they are all members of judicial bodies and potentially future members of the same judicial body, pending judicial movement (Shayteer 2026a).

When people seek help at a Public Lawyers Directorate office they are not (in principle) permitted to select a lawyer themselves. One of the superiors at the office decides whether a request for representation will be approved or rejected - for jurisdictional, procedural or substantive reasons - and which public lawyer the case will be allocated to. This lack of choice can hinder effective lawyer-client relationships, and, if a replacement is requested, assignment delays of several months are common (Shayteer 2026a; Al-Habib 2026).

5.3 Performance

Whilst public lawyers are entrusted with multiple functions, the reality is that some functions receive far more attention than others. Public lawyers primarily provide judicial representation. They devote comparatively limited attention to the task of legal guidance and raising awareness. As some interviewees suggested to us, this may be because the latter activities are not included in the judicial performance evaluation criteria used in judicial inspections.

The Benghazi branch of the Public Lawyers Directorate has established a legal awareness unit, although its activities remain largely confined to family law matters. With respect to assisting citizens in resolving disputes amicably, the research revealed that the Benghazi branch – unlike its counterpart in Tripoli – also established a dispute resolution council, intended for dealing with cases involving divorce, estate liquidation, and certain misdemeanours. The success of this initiative led the council to convene sessions throughout the week, rather than limiting them to two days per week, as was the case when it was first established in 2018 (Shayteer 2026a).

Although the non-enforcement of judgments constitutes a major systemic problem in Libya, our research documents hardly any intervention by public lawyers to help address this issue, despite an explicit legal mandate that they should do so. Research undertaken in Benghazi and Tripoli revealed that public lawyers rarely attend the evidence gathering and investigative stages in criminal cases, even though frequent procedural irregularities transpire that might seriously prejudice suspects. Their absence during these important stages is attributed to staff shortages, as well as practical and gender-related obstacles, particularly for female lawyers in police settings (see 7.2). Other reported reasons for absence included the restrictions imposed by some public prosecutors, which are often justified as concerns about confidentiality, and disrespectful treatment whilst in attendance (Shayteer 2026a).

5.4 Outcomes

The achievement rate of public lawyers is mainly measured by the number of cases they handle, and by whether someone they represent wins or loses their case in court. Accordingly, the official statistics typically classify concluded cases as either ‘successful’ or ‘unsuccessful’.

A review of the Judicial Inspection Directorate’s reports concerning the public lawyers’ departments examined in Tripoli and Benghazi reveals notable disparities in outcomes. In the 2020–2021 period, the Tripoli department obtained judgments in only 274 cases (out of a total of 14,952 cases handled). By contrast, the Benghazi department obtained judgments in 4,548 cases (out of 18,485), of which 3,081 were classified as successful and 1,467 as unsuccessful (Judicial Inspection Directorate 2021). These figures highlight a striking disparity in achievement rates between the Tripoli and Benghazi departments, despite the relative similarity in their staffing levels (290 staff members in Benghazi, compared with 283 in Tripoli).⁸⁷ Although the Benghazi office achieved a higher completion rate – estimated at 24.6%, as opposed to 1.8% in Tripoli – its level of performance was nonetheless characterised as ‘weak’ by the Judicial Inspection Directorate.

5.5 Enforcement

As a matter of law, public lawyers are authorised to represent litigants in the enforcement of judgments issued in their favour.⁸⁸ However, the cases examined in this study reveal that this function is rarely carried out in practice. Instead, the role of the public lawyer typically ends once a favourable judgment has been obtained, leaving the successful litigant to pursue enforcement procedures.

One illustrative example from the research concerns a compensation claim against the State for damages arising from military operations. The judgment was issued in favour of the claimant, who had been represented by public lawyers. When she sought to enforce the judgment, she discovered that it first needed to be formally served on the Directorate of Government Lawyers – a step that had not been taken, despite four months having passed since the judgment was rendered. After completing the service herself, the claimant learned that the Directorate of Government Lawyers had appealed the judgment. She therefore returned to the public lawyers’ office to ask them to represent her in the appeal, and the same public lawyer as before was assigned to her case. Although the appeal was resolved in her favour and the judgment became final and enforceable, enforcement remained unattainable in practice. The Directorate of Government Lawyers challenged the judgment before the Supreme Court and requested a stay of execution. Hence, enforcement had to wait until the Supreme Court rejected that request and issued a ‘no-objection letter’ regarding enforcement (Al-Habib 2026).

5.6 A mixed picture and explanatory factors

To what extent are public lawyers successful in fulfilling the tasks entrusted to them? Our research does not yield a definitive answer to this question. Public lawyers tend to focus primarily on providing judicial representation, and they tend to fall short of fulfilling their mandates related to legal awareness and guidance, as well as enforcement. They also fall short, although not as significantly, in their tasks concerning assistance in the amicable resolution of disputes.

Regarding judicial representation, the research reveals mixed outcomes concerning public lawyers' ability to reach their target groups. There are also mixed results concerning the speed at which public lawyers handle cases and achieve outcomes, and regarding public perception of public lawyers in general.

First, based on the observations and interviews conducted as part of our case studies, public lawyers appear to mainly serve less wealthy clients. Although data from the Nationwide Survey do not conclusively confirm this finding, they do not contradict it either. This may indicate that more affluent litigants also rely on public lawyers, possibly due to the strong professional relationships public lawyers are perceived to maintain with judges and public prosecutors. It is worth noting that a not insignificant number of relatively well-off justice seekers engage both a public lawyer and a private lawyer for the same case.

Second, as is shown by the above-mentioned statistics, case backlogs constitute a significant challenge, suggesting that public lawyers are (for various reasons) unable to process every incoming case expeditiously. Nevertheless, it should be emphasised that the ultimate outcomes of cases handled by public lawyers often depend on other institutions, such as courts and prosecution offices. Our case studies also indicate a third outcome that runs contrary to the criticism expressed by other judicial actors: the public lawyers in the offices under review were in fact very capable of achieving positive outcomes, in terms of 'winning cases'.

Fourth, the Nationwide Survey demonstrates that public perceptions of public lawyers are positive: 72% of Libyans trust public lawyers, compared to the 86% who trust private lawyers more. Moreover, nearly 77% of respondents believed that their problem would be resolved if they contacted a public lawyer, compared to 86% with the same confidence in private lawyers. Around 80% expressed confidence in the integrity and honesty of public lawyers, compared to 80.7% for private lawyers, and 71% considered public lawyers to be directly comparable to private lawyers in terms of their professional competence.

Several factors help explain this mixed picture. The first set of explanatory factors relates to the historical and institutional context and the fact that public lawyers became a target for political criticism after the fall of the regime in 2011. However, these attacks did not result in formal changes to the institutional status of public lawyers within the Libyan judicial system.⁸⁹ In addition, the criticism directed at public lawyers often reflects systemic problems that are affecting government institutions more broadly (see 2.5), including limited working hours, uneven distribution of workload, insufficient professional qualifications, disparities between performance and remuneration, outdated legislation, weak leadership, low salaries, shortages of material resources (such as office space, computers, equipment and transportation), low morale, favouritism, patronage and corruption. A prevailing professional perception persists, particularly amongst judges and prosecutors, that the work of public lawyers is less demanding than their in terms of workload and working hours, even though their salaries are the same.

Beyond contextual factors, resources constitute a key explanatory variable. With respect to human resources, Ministry of Justice data from early 2025 indicate that there were 1,161 public lawyers nationwide.⁹⁰ Case studies show that the Benghazi branch employed 267 public lawyers in 2023, whilst the Tripoli branch employed 244. Given that each public lawyer is expected to handle approximately 200 cases per year,⁹¹ these figures appear (given the branch office's caseload) to be more than sufficient and instead reflect the broader dysfunctions of Libyan state institutions. Material resources present additional challenges. Public lawyers lack private offices, which undermines both confidentiality and effective client counselling, and they face shortages in basic tools and facilities, such as computers and transportation. Legal resources are also limited; public lawyers repeatedly reported insufficient access to legislation, Supreme Court rulings collections and authoritative doctrinal works.

Furthermore, the structure and organisation of the institution both play a part in assessing public lawyers' performance. On paper, the public lawyer branch offices follow a largely uniform organisational structure. Each branch is headed by a director, who oversees public lawyers and submits periodic reports to both central administration and the Judicial Inspection Directorate. Branch offices are divided into departments by case type – civil, criminal, family, administrative and appellate – each headed by a department chief who is responsible for case allocation and supervision. In practice, department heads tend to focus more on administrative organisation than on the substantive quality of legal work carried out. In addition, public lawyers maintain extensive informal networks within and beyond judicial bodies, often cultivating personal relationships with judges and prosecutors that facilitate informal cooperation. A rather positive factor is the collegial solidarity amongst public lawyers which often leads to the informal exchange of case details and mutual assistance.

Motivation – or its absence – constitutes another key variable. Our case studies indicate that the work itself, assisting clients in just causes, and positive collegial relationships can all provide public lawyers with a degree of job satisfaction and professional recognition. In Benghazi, lawyers expressed pride in having won roughly twice as many cases as they had lost. Conversely, the politically tainted attacks on the institution and the resulting job insecurity, as well as limited career prospects, resource shortages, poor working conditions and lack of recognition from other legal professionals, all undermine public lawyers' morale and professional pride, which in turn makes the neglect of duties, or even recourse to illicit sources of income, a serious concern.

Linked to the above concerns, the appointment and transfer patterns within the Tripoli branch are worth noting. In 2020 alone, twenty public lawyers were transferred from this branch to other judicial bodies, suggesting that some of the most competent public lawyers left the institution and were replaced by less experienced staff (Al-Habib 2026). Such transfers significantly weaken institutional capacity and likely contribute to declining performance and growing case backlogs. Moreover, there is evidence that judges and prosecutors who perform poorly are sometimes transferred to the public lawyers' institution, further undermining its effectiveness and reputation.

Finally, our research reveals that relationships between public lawyers and their clients sometimes lack adequate privacy and confidentiality, and this is due to centralised case allocation, the absence of private offices, and an informal culture of extensive information sharing. At the same time, some public lawyers developed strong trust-based relationships with their clients and demonstrated considerable dedication to their cases.

Whilst this study does not claim to provide definitive answers regarding people's reliance on public lawyers, or the lawyers' effectiveness, it does point to at least two conclusions. First, public lawyers clearly meet an important need, by providing legal services to large numbers of people across several legal fields and achieving a measurable degree of success. Second, there is still substantial room for improvement to the service, particularly when it comes to fully implementing public lawyers' legal mandate and targeting priority groups. Therefore, our proposal for a National Strategy on Access to Justice (see Chapter 9) includes important suggestions for enhancing the role of public lawyers.

Gender dynamics in the Directorate of Public Lawyers also play into access to justice - these will be addressed in chapter 7.

6. Courts

This chapter examines the mandates assigned to the courts in Libya, the extent to which these mandates have been effectively implemented, and the factors that help explain variations in performance.

6.1 Jurisdiction

Despite the challenges posed by Libya's political divide, the unified judicial system design still works fairly well. Under this system, the courts are competent to adjudicate all types of disputes – civil, criminal, administrative and family – within a single judicial hierarchy. This system is headed by the Supreme Court, the primary function of which is to ensure the uniform interpretation and application of the law.⁹²

Within this unified system, the principle of multi-tiered litigation generally applies. Cases are heard at first instance before either district courts or primary courts. District court judgments may be appealed before designated appellate chambers that are based at primary courts, whilst primary court judgments are appealed before the courts of appeal. Decisions rendered at the appellate level may then be challenged before the Supreme Court. However, the Supreme Court's role is limited to reviewing questions of law – namely, whether the contested judgment involves a violation, misapplication or misinterpretation of the law – and does not extend to reviewing matters of fact. For this reason, the Supreme Court is not considered an additional level of litigation.

In terms of territorial and numerical distribution, district courts constitute the most widespread level of the judiciary. There are 183 district courts, compared to 34 primary courts and 11 courts of appeal (Atlas of Courts 2022). As such, district courts represent the primary entry point to the judicial system and they are more likely to work directly with litigants than other courts might be.

District courts have exclusive jurisdiction over certain claims, regardless of monetary value, but the criteria for this exceptional jurisdiction are often unclear, leading to jurisdictional disputes and delays. Critics argue that this allocation is outdated and problematic, particularly when district courts with relatively junior judges hear high-value cases. Jurisdictional complexity is further exacerbated by the division of subject-matter jurisdiction between district courts and primary courts, which can require proceedings to be suspended and tends to result in prolonged case resolution (Ma'rouf 2026).

In criminal felony cases and administrative disputes, courts of appeal act as courts of first instance, with judgments on points of law being the only possibility for challenge before the Supreme Court. This effectively limits litigation to a single substantive tier, contrary to the general principle of two-tiered litigation (Abu Raas 2026; El-Gamli 2026).

The Supreme Court stands at the apex of the judicial system. Headquartered in Tripoli, the court hears appeals regarding criminal, civil, administrative and family matters. The legal principles articulated in its judgments are binding on all courts and state authorities, an arrangement that is relatively uncommon in legal systems where courts are traditionally confined to applying law, rather than creating it. Whilst this mechanism promotes uniformity, some scholars have criticised it as placing undue constraint on the interpretive autonomy and creativity of judges in the lower courts (Abuda 2004).

6.2 Access

Access to courts is assessed here in terms of three principal dimensions: cost, geographic distance, and procedural requirements. With respect to cost, court fees in Libya remain very low. In principle, the policy governing court fees seeks to balance two considerations – namely, that the fees should be modest enough not to deter individuals from litigating to protect their rights, yet sufficiently meaningful to discourage frivolous, malicious or non-serious claims. Whilst this balance may have existed at the time court fees were initially imposed, prolonged inflation has undermined it. The real value of court fees has eroded significantly, weakening their deterrent effect and contributing to cases accumulating before the courts.⁹³

Inflation has also adversely affected access to justice in cases where jurisdiction is determined by the monetary value of the claim. District courts are primarily competent to hear cases with a value that does not exceed 1,000 Libyan dinars.⁹⁴ Due to inflation, however, this threshold has become economically negligible,⁹⁵ thereby excluding a wide range of disputes that would otherwise be suitable for adjudication before district courts. As a result, many cases are being redirected to the primary courts, which are fewer in number and less geographically accessible. This development undermines the very purpose of district courts as being the closest and most accessible entry point to the judicial system, particularly when it comes to low-value claims.

Procedural barriers, particularly difficulties in the serving process (the formal, legal delivery of documents, such as a summons or subpoena to a defendant to notify them of a lawsuit), also significantly restrict access to courts in civil and commercial cases. As a case is not entered into the system until service is completed, delays or failures in notification that often involve additional formal steps frequently prevent cases from reaching the court as expected. These problems are commonly attributed to the structural constraints, such as limited transportation options for bailiffs and the lack of a reliable database for addresses, that tend to result in prolonged case stagnation.

Access to courts is particularly challenging when it comes to administrative and felony cases. Jurisdiction over these matters lies with the courts of appeal, of which there are only eleven, all located in major urban centres. Initiating such cases requires the mandatory appointment of a lawyer, adding further financial and procedural burdens. Appeals against judgments issued by courts of appeal are only available before the Supreme Court in Tripoli, again through legal representation. Consequently, litigants are required to engage with courts that are geographically distant and procedurally and financially demanding, which limits effective access to justice in these types of case.

Constitutional litigation is the most restricted form of court access in Libya, with hardship being an inherent factor in proceedings before the Constitutional Chamber of the Supreme Court (Abu Raas 2026). Centralisation in Tripoli, mandatory legal representation, high costs and strict standing requirements - requiring both a personal and a direct interest - collectively add up to make constitutional justice difficult to access, particularly for residents of distant regions, low-income groups, and for cases involving diffuse constitutional harm.

Access to constitutional review has been further restricted by procedural changes. Courts may no longer refer incidental constitutional questions directly to the Supreme Court; instead, litigants must file a separate constitutional case within a limited period, failing which the claim is deemed to be waived (Supreme Court Internal Regulations, Art. 19). Introduced due to the political sensitivity of constitutional cases, this approach also informed the suspension of constitutional review between 2016 and 2022, a move that was widely criticised as a denial of justice (Abu Raas 2026; Al-Shabani 2017).

As mentioned in Chapter 3, the Nationwide Survey revealed that a substantial proportion of individuals facing justiciable problems in Libya (45%) did not take any responsive action. When survey respondents were asked about their reasons for not taking action towards dispute resolution, the most frequently cited justification was the expectation that there would be no satisfactory outcome. This reason was reported in nearly one-third of the cases in which no action was taken (Teeuwen et al. 2025). Patterns of institutional engagement vary by problem type. Whilst judicial institutions⁹⁶ are most commonly approached in family-related disputes, administrative institutions are most often engaged in matters involving personal freedoms, and community-based institutions play the most prominent role in criminal cases. Overall, the survey revealed that more than half of respondents who had experienced at least one justiciable problem did not bring their most serious problem to any justice institution. Amongst the reasons given for this were lack of awareness regarding the relevant institutions (11%), lack of knowledge about how to approach the institutions (13%), and the belief that no institution would be willing to listen to their case (12%).

6.3 Performance

Our research indicates that cases often remain pending before the courts for extended periods, sometimes spanning several years. Multiple factors contribute to this accumulation.

First, as already mentioned, delays in notifying and summoning the parties to court are a major factor. This slow ‘service of process’ directly contributes to case backlog. Second, adjournments play a significant role in effectively prolonging litigation, particularly when requested by litigants for reasons unrelated to the substantive progress of the case. Third, delays arise from the reliance on expert opinions. Although judges may require technical expertise – such as forensic evaluations – these processes are time-consuming and often unrestricted, especially when sought in response to requests intended to delay proceedings. Fourth, political factors can also contribute to delays, as observed in constitutional cases that have remained stalled before the Supreme Court for several years (Abu Raas 2026).

Criminal cases are particularly prone to delays. Pending cases can remain before the courts for years, resulting in harm to victims awaiting justice, the potential deterioration of evidence, and the prolonged pre-trial detention of defendants, even when acquittal is likely. Furthermore, delays in adjudicating murder cases can be due to the involvement of the victim’s heirs in the proceedings, and whether they choose to grant a pardon or insist on retribution. The court may postpone hearings to allow a defendant’s family time to obtain a pardon from *qisas* claimants (see endnote 80), and it also considers the position of these heirs when deciding whether or not to grant an extension of the defendant’s pre-trial detention (El-Gamli 2026).

To deal with their case backlogs, judges are adopting divergent practices. Some frequently adjourn hearings (often beyond the judicial recess), leading to case reassignment and further delays, whilst others rely on procedural technicalities to dismiss cases as inadmissible. Empirical studies illustrate both approaches, including the rapid disposal of dozens of cases in a single session in Zliten, and the dismissal of a case after more than two years in Ajdabiya due to a missing legal certification (Al-Hajj 2026a; Al-Hitsh 2026).

6.4 Outcomes

At the ruling stage, judgments often prioritise procedural formalities over substantive merits, with dismissals issued late in proceedings, making correction costly and inefficient. Examples from our case studies include the

dismissal of a case in Ajdabiya after prolonged deliberation, due to missing heirship documentation, and the frequent invalidation of arbitration agreements for formal defects in Zliten. Scholars and judges have criticised this procedural rigidity, as it undermines substantive justice (Al-Hitsh 2026; Al-Hajj 2026a; Ma'rouf 2026).

Criminal trials may proceed in absentia, with harsher sentences imposed on absent defendants to deter non-appearance. Although such judgments are theoretically provisional and annulled upon the defendant's appearance - particularly in felony cases - in misdemeanours they become final if no appeal is filed after notification. Moreover, in absentia felony convictions can impose serious interim consequences, such as restrictions on property ownership and legal capacity, which persist until retrial or death, raising serious concerns about the right to a fair trial.

Regarding constitutional cases, from the time the Supreme Court assumed office until the preparation of the relevant study in 2023, a total of 159 lawsuits were filed. According to the court's own journal, the outcomes of these cases varied, with a high proportion of rulings (27%) citing lack of jurisdiction or inadmissibility. This outcome is attributed less to the competence of the lawyers involved and more to the procedural approach of the Supreme Court itself, which inclines towards limiting its own review of constitutional cases that could potentially lead to conflict with the executive authority (Abu Raas 2026).

6.5 Enforcement

A judicial ruling is intended to be enforced, but this process is frequently fraught with difficulties. First, its procedural regulations are "extremely complex" (Ma'rouf 2026) and have still not been updated, even though nearly seventy years have passed since their enactment. Second, the appeal mechanism further complicates enforcement, as it permits litigants to request suspension of a judgment's execution whilst an appeal is pending. Although appeal is a legally guaranteed right intended to safeguard litigants, it is also frequently used to delay proceedings, sometimes for several years (Abu Raas 2026). Third, the law centralises the execution of court judgments against the government in the Ministry of Finance, subject to procedural approvals and budgetary constraints, and it requires judgments to pass through the Directorate of Government Lawyers before payment. In practice, the directorate often delays approval, even when judgments are final, and the state frequently fails to allocate sufficient funds to satisfy court-ordered obligations. Fourth, enforcement against non-State actors presents challenges. It requires intervention by court bailiffs, who (as our research reveals) often fail to execute rulings effectively, due to limited human, material and financial resources. Finally, security conditions can further hinder implementation. For example, between 2011 and 2019 in Sabha, the bailiffs responsible for enforcing judgments frequently refused to carry out their duties because of concerns around personal safety (Al-Hitsh 2026; Al-Hajj 2026a; Al-Radamah 2026).

6.6 Explanatory factors

Our research – in particular, our case studies – reveal that justice, when it is delivered, is not always adequate. Justice seekers' journeys through the justice system may either yield results that arrive too late or no result at all. When judgments *are* obtained they are frequently disappointing, for a variety of reasons. They may be inconclusive in resolving a dispute, incomplete in their scope, or ineffective due to lack of enforcement.

In the literature, judicial shortcomings are often attributed to factors such as insufficient legislation, an inadequate number of courts, high legal fees, or expensive legal representation. However, these explanations are not persuasive in the Libyan context. Libya does *not* suffer from a shortage of legislation or courts, public legal aid is available, and litigation fees are currently quite low due to inflation. More compelling explanations identified through this research relate to the lack of available resources within justice institutions, as well as to their organisational structure, process and leadership, and the broader political, social and security contexts in which they operate.

Human resources

Resources may be categorised as human, material, legal and financial, and each of these categories have distinct impacts on the performance of courts in Libya. With respect to human resources, the presence and quality of judicial personnel are central determinants of court performance. Our research documented widespread complaints regarding the shortage of judges and auxiliary court staff, although some respondents emphasised the misallocation of judges, rather than their absolute scarcity. Shortages were more acute in southern Libya than in the north. At the Sabha District Court, for example, the lack of judges compelled many to assume multiple roles simultaneously; for example, serving as judges in the Sabha District Court whilst also supervising judges in other district courts (Al-Radamah 2026).

Another notable challenge is the lack of specialisation. Administrative justice chambers, for example, are often staffed by judges with civil law backgrounds, which affects their approach to matters such as evidence (Abu Raas 2026).

Importantly, challenges extended beyond judges to include clerks, bailiffs, court reporters and other auxiliary staff. Recurrent complaints mentioned the shortages and absence of female staff in positions requiring interaction with women (see 7.2) (Al-Hajj 2026a; Al-Hitsh 2026).

Some of the interviewees in our case studies emphasised *inefficiency*, rather than *insufficiency*. According to the Ministry of Justice statistics for 2017, judicial bodies employed approximately 17,000 staff, which equates to a ratio of roughly three employees to one member of the judicial body, e.g., judges, public lawyers, etc. (Lamlom 2024). Nonetheless, poor performance amongst judicial officers was repeatedly observed, including illegible handwritten records and frequent spelling errors in written documents. These shortcomings were attributed to weak recruitment processes. Indeed, appointments are not based on competitive examinations, but are instead (often) influenced by personal connections (Al-Fakhri 2026). This approach also tends to limit the recruitment of qualified female staff.

Material resources

Material resources significantly affected access to justice as well. Libya's vast size poses geographical challenges for litigants, especially in the south, which is characterised by its low population density and its limited number of cities that are far apart from one another. Whilst some people advocate establishing new courts, this approach may be impractical, given the documented scarcity of human, financial and material resources, and the limited numbers of cases. The Judicial Inspection Directorate's 2020–2021 report noted a shortage of judges at the Sabha Court of Appeal, partly due to regional insecurity and the recommended temporary secondment of judges – a measure already applied by Tripoli. However, this solution remains limited by housing, transport and other logistical challenges (Judicial Inspection Directorate 2021).

Opinions also differ regarding the number of courts. The high number of courts in Libya (see 6.1) is considered by some to be excessive, compared to countries such as Egypt (Abuda 2024). This proliferation of courts may reflect socio-cultural dynamics, whereby demands for courts (like demands for municipalities) serve as assertions of local autonomy. Nevertheless, the Judicial Inspection Directorate has recommended that no new courts be established in the foreseeable future (Judicial Inspection Directorate 2021).

Case studies also revealed deficiencies in court infrastructure. In Benghazi, years of conflict (2014–2017) led to the relocation of judicial institutions to peripheral areas; so, despite the improved buildings litigants needed to travel increasingly long distances from their homes (Shayteer 2026a). In Ajdabiya, multiple justice institutions shared a single building, resulting in fewer hearings and forcing judges to hold sessions in their offices, sometimes even in the president's office, which ran contrary to the principle of publicity. Similar issues were observed in North Zliten, where insufficient courtrooms often limited proceedings. Across all the institutions studied, buildings were generally inaccessible to people with disabilities, due to the non-functioning or the absence of facilities such as elevators (Al-Hitsh 2026; Al-Majbari 2024; Al-Hajj 2026a).

In addition, there are shortages in transportation options, computers, telephones, fuel and stationery. Our case study responses varied from staff going on strike to protest about such shortages, to staff using their own personal resources (such as private vehicles) to serve court notices. Due to the lack of computers available, clerks often reported recording proceedings manually, contributing to the production of poor-quality records (Al-Hajj 2026a; Al-Radamah 2026).

Financial resources

With respect to salaries and financial incentives, studies indicate general satisfaction amongst judges and members of other judicial bodies, particularly following the salary increases that were implemented after the February Revolution (Al-Hajj 2026a). Salaries were increased again recently,⁹⁷ likely enhancing satisfaction further. However, it remains unclear whether these increases correlate in any way with improved performance.

In contrast, dissatisfaction amongst auxiliary staff is pronounced. Despite the enactment of Law No. (2) of 2025 concerning the Financial Treatment of Employees of the Ministry of Justice and Judicial Bodies, which introduced a significantly improved salary scale, the law has yet to be implemented, prompting widespread protests and work stoppages (Libyā al-Aḥrār 2025).

Legal resources

In addition to human, material, and financial resources, judicial bodies (including courts) require adequate legal resources to adjudicate cases effectively. Our case studies revealed persistent challenges related to the availability and accessibility of such resources. Courts frequently lack comprehensive and up-to-date legislative encyclopaedias, collections of Supreme Court principles, and up-to-date jurisprudential works. As a result, judges and court staff often rely on personal purchases or online alternatives, which are increasingly available. Although the Supreme Court, the Ministry of Justice and the House of Representatives (as well as other public institutions) maintain official websites, these platforms are characterised by incomplete coverage, irregular updating, limited accessibility and weak technical design. In some cases, access is further constrained by the reliance on fee-based services. A partial exception is the Law Society of Libya, which seeks to provide legislation, international conventions, Supreme Court rulings and legal opinions, in a structured and accessible format. However, the effectiveness of this initiative remains limited due to its dependence on externally available data and the constraints affecting those sources.

Internal structure and oversight

Beyond the resources available, institutional performance is significantly shaped by the organisation's internal structure, including the internal allocation of tasks and responsibilities, workplace culture, career paths for staff, leadership, and other related factors.

Court governance features a dual leadership structure. Presidents oversee auxiliary staff and monitor judges' attendance, but they cannot allocate cases or discipline judges. Presidents' authority over staff is limited, as they operate administratively under the Ministry of Justice, which handles all appointments, transfers and pay. Minor disciplinary sanctions are shared between court presidents and the Minister of Justice, whilst more serious sanctions fall to the disciplinary board at the relevant Court of Appeal.

Each court also has a General Assembly of Judges, within which judges enjoy a high degree of independence from the court president, as each judge is considered to be the head of their respective chamber. At the beginning of each judicial year, the General Assembly constitutes the chambers and allocates work to them. The assembly also determines the number, dates and times of hearings. Finally, it makes decisions on other matters related to internal organisation and court administration. The assembly may also choose to delegate some of these tasks to the court president.

Relationships with other institutions

A court's performance is also shaped by its relationships with other institutions. Although the Judicial Inspection Directorate exercises technical oversight over members of the judicial bodies (including judges) through periodic and (in principle) surprise inspections, this oversight does not extend to judges who have attained the rank of counsellor (*mustashar*). As a result, judges serving in felony chambers and administrative chambers are effectively exempt from inspection, notwithstanding the gravity and sensitivity of the matters on which they adjudicate. Some researchers have linked serious judicial errors to this exemption from inspection (El-Gamli 2026).

Whilst the legal framework governing judicial inspection formally encompasses both the quantity of work completed and the quality of its performance, inspectors have been criticised for focusing on quantitative performance indicators, rather than on qualitative assessment. Further criticism concerns the frequent absence of random sampling in the inspection process. In practice, judges being inspected often influence the selection of the files reviewed, thereby undermining the representativeness and reliability of the inspection outcomes. A related concern is that inspections labelled as 'unannounced' are frequently preceded by advance notice, diminishing their effectiveness (Abuda 2024).

Additional challenges arise in relation to court-appointed experts, whose practices have contributed to procedural delays and case backlogs. Judges frequently rely on experts to provide technical opinions, in forensic reports for example. However, as our research indicates, the preparation of such opinions often takes a considerable amount of time. These delays have, in turn, incentivised litigants or their legal representatives to request the appointment of experts as a tactical means of prolonging proceedings (Ma'rouf 2025; Al-Radamah 2026).

Our research indicates strongly that the lack of effective oversight of registered experts mainly explains noted deficiencies in expert performance. Committees that are legally entrusted with inspecting the work of experts, and with verifying the continued fulfilment of registration requirements, tend to confine themselves to reviewing initial registration applications. Furthermore, state-run expert institutions are suffering from the same resource constraints that are affecting judicial bodies more broadly, further limiting their capacity to deliver timely and reliable technical assessments (Abu Raas 2009).

7. Women's experiences in seeking and delivering justice*

Access to justice for vulnerable groups is one of the themes of our research, and because women are the largest vulnerable group in Libya, we pay attention to women's journeys for justice (see 7.1). Women are not only victims and justice seekers; they also perform significant roles in Libya's judicial institutions. In this chapter we will try to identify certain patterns in either or both of these roles.

7.1 Women's journeys for justice

Our case studies and the Nationwide Survey both reveal that women's journeys for justice have characteristics that are distinct from those pertaining to men. These differences lie in the types of problems women face, the measures that they take, and the outcomes that they achieve. Women's perceptions of justice institutions also reflect that their experience is different to men. The sub-sections below list some of our key findings on the specific experiences of women as justice seekers.

Number and types of problems

The survey data indicate that women experience a lower (average) number of different types of justiciable problems, compared to men. The mean number of problem types reported by men was 0.74, whilst women reported an average of 0.54 types. At first glance, this could be seen as an indication of either the relative rarity or the limited scope of issues faced by women.

However, (as mentioned above) the survey also revealed differences in the types of problems faced by women, compared to men. Whilst women tend to encounter more family-related problems (53% of women, compared to 47% of men), they face significantly fewer problems related to personal liberties (21%, compared to 79%) and property ownership (33%, compared to 67%). Additionally, on the case studies clearly demonstrate that the (apparently) lower number of problems faced by women (compared to men) does not reflect *a lack of problems*, but rather a *fundamental difference in the nature of these problems*, and the ways in which they are perceived and addressed.

For instance, many women fail to recognise repeated and continuous domestic violence as a distinct legal issue (Shayteer 2026b). Instead, domestic violence is often seen as an ingrained family and societal condition, i.e., it is socially normalised, and it therefore goes unreported, despite its devastating impact on women's lives and safety. Similarly, the deprivation of inheritance is socially reframed as an internal family matter, rather than a potentially legal dispute requiring judicial intervention. Consequently, women often favour family mediation or partial settlements to avoid confrontation, which diminishes the visibility of these problems in the statistical data. Furthermore, wives of missing persons (Abu Igharah 2026) face complex legal ambiguity regarding their status: without official proof of their husbands' passing, it is unclear to what extent they are entitled to inheritance and/or compensation. This ambiguity prolongs the issues that women in this position face and compounds those issues socially, making them harder to classify as clearly defined legal issues. Finally, the fear of serious legal consequences, such as detention or deportation, deters irregular female migrants from recognising their problem and seeking help from formal institutions, even in cases where there have been serious violations of their rights (El-Atrash 2026).⁹⁸

For these reasons, the lower number of problems statistically reported by women cannot be interpreted as evidence of a lesser incidence of actual problems. On the contrary, women often face problems that are socially, psychologically and legally more complex, and that are difficult to capture using survey data alone.

* The contents of this chapter draw (to a significant extent) on the presentation given by Dr. Hala ElAtrash, 'Women as Justice Seekers and Providers', which was presented at the final conference of the Access to Justice in Libya project in Tripoli, on 28 January 2026.

Seeking information and advice

Another issue highlighted by the survey findings is women's greater reliance (compared to men) on material sources of legal and procedural information, such as traditional media, websites and social media platforms. These sources were used in 29% of women's cases, compared to 25% of men's. This reliance does not appear to stem solely from ease of access or use. Instead, it reflects either women's conscious search for a degree of relative safety in the absence of a trusted institutional alternative, or their fear of potential consequences arising from turning to formal institutions. Social media platforms enable women to access information, exchange experiences, and follow legal and social developments in ways that are less exposing and risky than resorting to the judiciary or consulting a lawyer, both of which are pathways that may lack guarantees of confidentiality and effective protection.

This pattern emerged clearly in our case studies, particularly in cases of domestic violence, where abused women indicated that they turned to closed online groups or social media platforms to seek advice and support, rather than to formal institutions that may be unable to provide effective protection, or which may even expose them to additional social or physical risks (Shayteer 2026b).

In terms of advice seeking, the survey indicates no statistically significant difference between men and women when it comes to consulting advisers, except in the case of public lawyers. On average, men consulted an adviser for 47% of their issues, compared to 54% of women. Nonetheless, a small proportion of justice seekers (5.5%) received support from public lawyers, with 62% of these being women. This may be attributed to the free availability of public lawyer services and, perhaps more importantly, the predominance of female public lawyers, who are perceived as more approachable by female justice seekers (see 7.2).

The survey also reveals a qualitative difference in the nature of the obstacles faced. Compared to women, men more frequently thought advisors were located too far away. Men also stated that contacting an advisor would take too much time, for a higher percentage of problems than women. Time investment was mentioned in 13% of problems (on average) for men, versus in 9% of problems for women, whilst the issue of distance was reported in 5% of cases for men, and in 2% of cases for women.

Our case studies show that women's obstacles are primarily sociocultural and political. These include the fear of escalation in domestic violence cases (Shayteer 2026b), social and familial stigmatisation when claiming inheritance rights (Braak and Ibrahim 2025), politicisation or retaliation involving the wives of missing persons (Abu Igharah 2026), and risks to their legal status and fear of detention amongst irregular female migrants (El-Atrash 2026).

Prevailing perceptions of women in Libya as being either passive or uninformed could lead some people to interpret women's reliance on non-institutional sources of information as a lack of awareness, or a weakness in taking the initiative. However, this reliance could also be understood as a deliberate strategy for managing risk, in a context where recourse to formal institutions is perceived as a high-cost pathway with an uncertain level of safety. The pursuit of 'low-risk' knowledge enables understanding, monitoring, and the exchange of experiences without social or legal exposure.

Interactions with justice institutions

When read alongside our case studies, the results of the National Survey reveal an important paradox in women's experiences as seekers of justice in Libya: women engage justice institutions to a greater extent than men, yet they achieve weaker outcomes and experience higher levels of frustration and legal anxiety. The data show that 36% of women involved at least one justice institution in the problem under review, compared to 26% of men. However, this higher level of institutional engagement does not translate into effective redress, because only around one third of women's problems are resolved, compared to half of men's problems, resulting in a larger proportion of women's cases remaining either pending or unresolved.

The problem here does not lie in ‘entry’ into the justice system, per se, but rather in what the system delivers *after entry*. Women exhibit higher levels of anxiety associated with the institutional experience itself, a pattern that becomes particularly evident when examining the impact of prior experiences. Women are more likely than men to cite negative past experiences as a reason for not reporting problems (3% of women, compared to 1% of men).

Our case studies show that recourse to institutions may shift from an opportunity for redress towards an exhausting or unproductive experience, and it may even exacerbate a woman’s vulnerability. In inheritance cases (for example), judicial procedures often end in lengthy delays or settlements that do not fully grant legal rights, causing women to accept unfair solutions – such as accepting money that depreciates daily, instead of actual property – or to withdraw from the process altogether. When it comes to the wives of missing persons, the involvement of multiple formal and informal actors can lead to a cycle of referrals without resolution, leaving women in a state of legal limbo, despite repeated ‘entries’ into the justice system. For irregular female migrants, simply engaging with an institution poses a significant risk.

In cases of domestic violence, the paradox becomes most evident. Turning to the police or the courts does not always guarantee effective or lasting protection, and women are often guided by their own families and close circle of connections, as well as by members of the judicial system, towards ‘amicable solutions’ that fail to address the ongoing danger they are in. Consequently, one single experience with an institution can be enough to discourage any future engagement with the justice system. Additionally, perceiving litigation as a step towards marital breakdown tends to steer women towards avenues that treat their problems as family matters, rather than as criminal cases. This happens even in serious instances of violence and it severely restricts the scope of legal protection.

Consequently, weak outcomes become a structural component of women’s overall experience of justice institutions. This can help in understanding our findings concerning women’s higher levels of engagement with institutions on the one hand, and their lower levels of trust and increased legal anxiety on the other. The survey data confirm this gap by indicating that more women report a lack of trust in justice institutions, along with lower confidence in the independence of the judiciary and the prosecution. Women also report more frequently that they believe that social, tribal and political factors put pressure on these institutions. In terms of women’s relationship with the justice system, this paradox reveals more than just a failure in institutional effectiveness. It indicates that, for women, the pursuit of justice is a high-risk experience where legal issues intersect with social, psychological and security factors. Women’s low levels of trust and increased legal anxiety are likely to be direct results of their experiences with institutions that reinforce exclusion, both at the point of entry and afterwards.

Perceptions of the judiciary

The survey data reveal a clear gender gap when it comes to trust in the impartiality, efficiency and independence of the judiciary, with women recording lower levels than men in their assessments of judicial neutrality, speed of adjudication, and judges’ intolerance of corruption.

For example, 44.2% of men fully agreed with the statement that “judges are impartial and do not favour one party over another”; whereas only 35.2% of women fully agreed with the same statement. Similarly, 37.9% of men fully agreed that “judges deal with cases quickly and effectively,” compared to only 30.4% of women. With regard to the statement that “judges are unbiased and do not tolerate corrupt practices”, 31.9% of women expressed full agreement, while the proportion rose to 40.5% amongst men. Men were also more likely (36.6%) than women (30.5%) to fully agree with the statement that “judges are independent and are not influenced by external factors, such as political pressure or tribal affiliations”. Notably, 28.7% of men and 29.6%

of women either partially or fully rejected this statement, meaning that more than a quarter of respondents of both genders believe that judges are not independent and are instead influenced by political pressures and tribal affiliations (Mogherbi 2025). This indicates that the gendered trust gap intersects with a broader crisis of confidence in the judicial system.

Constraints by conservative societal norms

Our research shows that women’s pursuit of justice, as shown in the case studies concerning domestic violence and disinheritance, is often contingent upon the permission or implicit approval of male relatives. Either that, or it is monitored through social norms that re-regulate what constitutes ‘acceptable’ female behaviour. The absence of an enabling institutional environment further deepens this condition. The shortage of female personnel in police forces and courts, and the mandatory interaction with male officials in a conservative context, both serve to generate a sense of insecurity that constrains both women’s willingness to make reports and their capacity to follow through afterwards. Moreover, the weak enforcement of judgments issued in favour of women undermines confidence in the judiciary and its protective function.

In conclusion, there are some fundamental paradoxes here. Women report less problems, yet they seek justice more frequently, even though they are less likely to obtain redress, they exhibit lower levels of trust, and they bear higher social costs for making reports than men do. Accordingly, in assessing women’s access to justice, it is important to look beyond the number of women engaging with justice institutions and to take the societal context in which they do so into account. It is also crucial to consider the impact this context has on women’s experiences and the outcomes of their journeys for justice.

7.2 Women as justice providers

As mentioned in 7.1, the role of women as members or staff in justice institutions is an important aspect of how accessible those institutions are to female justice seekers.

Public lawyers

A key institution in terms of women’s access to justice in Libya is the Public Lawyers Directorate, of which women members comprise the majority. According to available statistics on the composition of judicial bodies, issued by the Information and Documentation Unit at the Ministry of Justice on 6/11/2025, women represent 69% of the members in the Public Lawyers Directorate. As for the figures issued by the Judicial Inspection Directorate, concerning the judicial years 2020/2021 and 2021/2022, the proportion is even higher in the Benghazi branch of the Public Lawyers Directorate.

Table 1: Number of Public Lawyers – Benghazi (Judicial Inspection Directorate 2021; Judicial Inspection Directorate 2022)

Judicial year	Number of male members	Number of female members	Total	Percentage of male members	Percentage of female members
2020/2021	28	279	307	9%	91%
2021/2022	34	266	300	11%	89%

In the Tripoli branch of public lawyers women make up about 70% of the estimated 244 members (Al-Habib 2026). This has caused some to describe the Public Lawyers Directorate as a “women’s island” (Shayteer 2026a). The fact that the overwhelming majority of public lawyers are women may have several important positive implications for access to justice.

First, women constitute the largest ‘vulnerable group’ amongst justice seekers. Accordingly, the presence of female public lawyers significantly enhances the likelihood of effective communication, trust, and disclosure between female justice seekers and the institutions meant to serve them. This gendered proximity may reduce the barriers related to fear, stigma or social norms that often constrain women’s willingness to articulate grievances, particularly in sensitive matters. Survey data support this observation, indicating that although only a small proportion of justice seekers (5.5%) reported receiving support from public lawyers, with women accounting for 62% of those beneficiaries.

Second, female public lawyers can contribute significantly to addressing family-related problems, which constitute the largest category of cases that are handled by public lawyers. One factor that supports this role is that women are often more attentive listeners to the complaints and demands of those seeking justice. As reported in one case study, female public lawyers tended (out of concern for their clients and their cases) to discuss their cases amongst themselves, facilitating valuable experience exchanges. However, this practice also risks revealing clients’ confidential information (Shayteer 2026a).

Third, female public lawyers may be transferred to other judicial bodies. In their other roles, as judges or members of the Public Prosecution, they may bring both valuable expertise and a deeper understanding of the perspectives of women seeking justice.

Despite their demonstrated excellence, the transfer of female public lawyers to the judiciary or Public Prosecution has now been limited for many years. Our case studies show that female public lawyers are often seen as inherently less effective, partly because women are expected to fulfill their domestic roles fully as well as working, leading to assumptions that women cannot possibly be working full hours.

Studies conducted in Benghazi and Tripoli revealed that members of the Public Lawyers Directorate often did not attend certain stages of a procedure, such as evidence collection and investigation. While the Criminal Procedure Code does not prescribe their presence, the importance of such attendance becomes clear when considering the procedural errors that frequently occur during these stages - errors that can weaken the position of suspects and which the presence of lawyers could have mitigated, either wholly or in part. Explanations for their absence vary. Some members of the Public Lawyers Directorate in Tripoli cited limited staffing as a key reason, whilst others in Benghazi pointed to the discomfort experienced by female members when entering police stations to participate in evidence collection procedures. The latter situation highlights the need to make police stations more accommodating for women, both as justice seekers and as public lawyers; for instance, by appointing female police officers.

Additional reported factors contributing to the absence of female public lawyers from investigation sessions include the ill treatment they encounter when visiting offices of the Public Prosecution, as well as the restrictions imposed by some prosecutors, who bar lawyers (both public and private) from attending investigations, under the pretext of confidentiality or preventing the influence of proceedings.

Equally important to making police stations and public prosecution offices more accommodating to women is improving the physical workplaces of the Public Lawyers Directorate. Female lawyers reported that these spaces often lack childcare facilities, prompting informal coordination amongst colleagues to redistribute workloads in ways that accommodate their children’s needs (Shayteer 2026a). Improving their workplaces can help public lawyers fulfill their responsibilities properly, including accompanying their clients to police stations and public prosecution offices.

Judges

As explained above (see 4.3), a notable feature of the judicial movement is that it allows members of various judicial bodies (including women) to become judges, rather than limiting this opportunity to members of the Public Prosecution (who are predominantly male), as was common practice in the past. This culture of openness represents an important element of women's empowerment in the justice sector in Libya. Statistics from the Information and Documentation Unit at the Ministry of Justice, issued on 6 November 2025, show that women constitute 42% of members of judicial bodies, 30% of judges in Courts of Appeal, and 29% of judges in primary and district courts. However, this advancement in judicial participation has not been matched by a proportional representation of women in leadership positions.

Continuing to appoint female judges would enhance access to justice for female litigants, particularly in family cases. However, this policy remains vulnerable to attack, including the assertion that it conflicts with Islamic Sharia and is therefore inconsistent with the Constitutional Declaration which designates Sharia as the primary source of legislation. This opinion has led to two lawsuits contesting the constitutionality of Law No. 8 of 1989, the law which grants women the right to hold judicial office.⁹⁹ The sensitivity of the issue is underscored by the fact that more than a decade has passed since these cases were filed with the Supreme Court, and no ruling has yet been issued.

In this context, the Nationwide Survey included a question on respondents' perceptions of male versus female judges. The results reveal a clear divergence between men's and women's views. While 51.3% of men fully agreed with the statement that "male judges perform better than female judges", only 33.9% of women fully agreed. Conversely, 21.4% of women completely rejected the statement, compared with just 9.1% of men. This divergence demonstrates a strong statistical association and significance, reflecting the extent to which broader social and contextual factors shape men's and women's perceptions of the judicial system (Mogherbi 2025).

Judicial support staff

Our researchers also observed that, whilst complaints regarding shortages in human resources are prevalent, some are specifically associated with the deficiency of female personnel. Concerns were expressed about the scarcity of female judicial support staff, including clerks, bailiffs and other employees. In a conservative society such as Libya, certain tasks are considered more appropriate for female staff, such as the execution of child custody orders, which often involves interaction with female clients (Al-Hajj 2026a).

Community-based institutions

Our study documented the absence of women from community-based institutions, such as the councils of elders. Participation in these councils is voluntary, but this does not apply to women. The institutions are governed and regulated by the traditional customs of a conservative society. Not only are women not members of these councils, they also face difficulty accessing them as seekers of justice. In fact, female justice seekers often have to delegate male relatives to present their claims before the councils (Ali 2026).

In addressing the disputes brought before them, these councils adopt a consensual and collectivist approach that may result in solutions that preserve social peace between groups, but this does not necessarily safeguard the individual rights of victims, particularly women. In so-called 'honour' cases,¹⁰⁰ for example, claims for the punishment of perpetrators may be waived in exchange for financial compensation, and such waivers may even include forcing the female victim to marry the male perpetrator (Ali 2026).

Concluding remarks

This chapter demonstrates that women experience distinct patterns of access to justice, reflected in the types of problems they face, the actions they take (or refrain from taking) the treatment they receive, the outcomes they achieve, and ultimately, their own perceptions.

Women as justice seekers encounter challenges linked to their gender in their close circles, as well as in unaccommodating institutional environments such as police stations and public prosecution offices. Women justice seekers' relatively frequent use of public lawyer offices, for which women constitute the majority of the workforce, suggests that both female members and staff of justice institutions do serve to mitigate access problems for women. Furthermore, when a female public lawyer excels in her role, she may assume judicial office, helping to reduce the gender gap in access to justice still further. However, some opponents have launched legal and constitutional challenges to their entitlement to serve as judges. These findings underscore the need for targeted remedial measures, which will be addressed in Chapter 9. In the same vein, other vulnerable groups also deserve special attention and measures that are targeted at helping them specifically.

8. From research to analysis – and action?

8.1 Questions and methods - society, state, and judicial institutions

Our research project about access to justice in Libya began with a number of questions:

- What justiciable problems do people have?
- Where do people go with these problems?
- Which institutions are there to respond, and how do they respond?
- Do the institutions provide adequate remedy?
- How is all of this affected by the present conditions of society and state?
- Could we possibly make realistic and feasible suggestions to improve access to justice in Libya?

Our team used several qualitative and quantitative research methods to find answers to these questions. We learned about the problems people have and the journeys they undertake. In the first part of our research we followed justice seekers, and this automatically led us to study Libyan **society**. As a consequence, our researchers were able to learn more about life and problems within families, communities and workplaces; harmony and conflict; how different faultlines in society affect people's journeys for justice; the East, the West and the South of Libya; the powerless and the powerful, the rich and the poor, the educated and the illiterate, men and women, old and young, permanent residents in Libya and displaced people or migrants; strong and weak personal networks; victim associations; armed groups; the roles of tribes and tribal leaders, councils of elders and customary committees; and businesses, banks, private lawyers and arbitrators.

In studying the journeys of people in search of justice, we studied not only Libya as a society, but also Libya as a **state**. Libya is a state with a distinct history. It is a divided state, with persistent internal conflicts and no true monopoly on violence. It is a state which has been enacting and continues to enact legislation, both in the East and the West. It is a state with an executive branch, ministries, police and an army, also in both the East and the West, as well as a judicial branch, judicial bodies and institutions which (for many difficult years and until very recently) have been able to maintain a remarkable degree of unity.¹⁰¹ Lastly, it is a state that has changed several times under the banner of 'Justice' and has frequently become a perpetrator or, in other words, an effective opponent of Libyan justice seekers.

A key focus of our research has been on the institutions to which justice seekers bring their problems, in hopes of a fair process and an adequate and sustainable remedy. For this purpose, the Libyan state has six dedicated judicial bodies that are headquartered in the capital (see 4.3), as well as other branches of judicial institutions that are spread across the country. We have tried systematically to learn how the structures, processes and practices of these **judicial institutions** work. To do so, we investigated the different state and community-based institutions to which justice seekers bring their problems, and the internal and external problems faced by the institutions' members and auxiliary staff.

8.2 Three access to justice problems

Our study gathered immense amounts of varied data, taken from qualitative case studies, the quantitative survey, reflection papers by senior judges, statistics provided by the Ministry of Justice and the Supreme Council for the Judiciary, focus group discussions, workshops and high level meetings with legal practitioners and policy makers. Whilst gathering our data, we often discussed what should be regarded as the main problems Libyans experience in their efforts to obtain justice. We concluded that **three Access to Justice Problems** stand out; namely, the *slowness of justice*, a *lack of humane treatment*, and *inadequate outcomes*.

Regarding *slowness of justice*: as the legal maxim says, “justice delayed is justice denied”. This unfortunately rings true for all the different categories of justice seekers in Libya. First, it applies to justice seekers who have been seeking remedies for injustices committed by the former regime, for years now. It also applies to comparable injustices committed amongst conflicting parties since 2011. Second, it applies to the average justice seeker with an ‘everyday problem’. When we asked a senior civil judge to document his decades-long professional experience, he noted *slowness of justice* as being the overriding problem, and produced an extensive explanation of the rules and practices which perpetuated it (Ma’rouf 2025). Official statistics of judicial institutions, such as courts and public lawyers, revealed huge backlogs. The survey data confirm that ‘slowness’ or ‘lack of timeliness’ is one of the worst aspects of justice seekers’ experience with institutions. This not only applies to judicial institutions, but also to government institutions, and even to community-based institutions.¹⁰² Our case studies show that justice seekers often approach different institutions simultaneously, attempting one procedure whilst waiting for another to proceed. This practice may also contribute to slowing down their journey for justice.

Regarding the *lack of humane treatment*: access to justice implies that people with grievances should be well received and listened to properly. However, our case studies on justice seeking show clearly that justice seekers were often treated in careless or unfriendly ways, if not worse. When justice seekers considered approaching a justice institution whose members belonged to an opposing social or political group to theirs, they reported fearing bad experiences and maltreatment. Fear of discriminatory behaviour was particularly common amongst irregular migrants and internally displaced persons, and women frequently reported having negative experiences at police stations. Our field research also revealed that some judicial institution premises were unfit for a humane reception, as they lacked proper waiting spaces and rooms where confidential conversations could take place. A serious lack of humane treatment also transpires from international reports of ‘arbitrary arrests’, which state that “detention facilities in Libya are fragmented, violent and marked by inhumane conditions for migrants, asylum seekers, and Libyan nationals alike” (Human Rights Watch 2025: 1).¹⁰³ Although our case studies also revealed examples of dedicated and careful members operating within justice institutions, the respondents’ reporting of instances of inhumane treatment are serious and manifold.¹⁰⁴

Regarding *inadequate outcomes*: for the great majority of the justice seekers we followed in our case studies, the outcomes of their journey were gravely disappointing. In most cases, their journeys along justice institutions had not resulted in any remedy at all, whilst in other cases the remedy was only partial; in either instance, decisions were not properly enforced. Often, victims had to face the impunity of perpetrators, a situation which is widely reported and has led to concerns in Libya and beyond. When our team turned to justice institutions, they were often introduced to cases selected to give a picture of more positive outcomes. Whereas our survey data show that 45% of justice seekers had at least obtained an outcome, i.e., a judgment, a decision, or an agreement relating to their problem, this was less likely to be the case for women (37%) and people with a low level of education (25%).¹⁰⁵

8.3 Underlying problem areas

There are no quick and easy fixes for the three main Access to Justice Problems we have identified, since they result from a complex combination of **underlying problems** within Libyan society, within the state and its branches, and within the judicial institutions which were the focus of our research. In our analysis, we identified nine such underlying problems (and these would not be difficult to augment). We propose that discussions on access to justice in Libya pay close attention to the nine problems – or rather **nine problem areas**, as some of them are broad and need to be divided further, into more tangible problems - and their corresponding ‘action points’.

In presenting the nine problem areas, we acknowledge that some of the underlying problems are complex and will be difficult to address before major political changes and social reform decisions take place. Therefore, we will first mention problem areas for which action is within reach in the short term, i.e., without having to wait for such changes to occur. In the next chapter, when we outline our suggestions for a National Strategy for Access to Justice, we will also take this distinction into account.

A first problem area concerns resources *in judicial institutions* (see 5.6 and 6.6). These institutions need a certain quantity of human, material, legal and financial resources. The researchers who conducted our case studies of judicial institutions noted all sorts of shortcomings, such as the lack of office space, insufficient means of transportation, insufficient availability of computers and other tools, and (importantly) insufficient quantity or maldistribution of human resources; namely, judges, prosecutors, public lawyers and their auxiliary staff.

A second problem area concerns the *human capacity of members and staff in judicial institutions*. This includes issues with pre-service training, plus the appointment of members and staff and their transfer through the judicial movement (see 4.3). It also involves issues with in-service training, specialisation, and standards for assessment, promotion, and disciplinary measures. Finally, it relates to issues around technical-legal knowledge and skills, writing skills, social and psychological skills, and planning and leadership skills.

A third problem area refers to *inadequate and outdated legislation*. Certain outdated provisions have caused unnecessary delays in legal procedures, congestion in the caseloads of district and primary courts, and shortcomings regarding the right to litigate and appeal in criminal, administrative and constitutional cases (see 4.3, 5.6, 6.2, and 6.6).

A fourth problem is people's *legal awareness*. Our research has shown that many people, especially those who are poor and have a lower level of education or are less well-connected, are less aware of their rights and of the institutions and procedures available to them. Informing and assisting the public, and vulnerable groups in particular, falls within the mandate of Public Lawyers. However, so far little has been done by the directorate to spread legal information via (for example) social media and other outlets. The availability of up-to-date legal information is a broader problem in Libya, and it has even affected judicial institutions themselves (see 5.6 and 6.6).

A fifth problem concerns the *leadership and coordination of the judicial bodies at national level*. The institutional heritage of the Gaddafi regime includes the SCJ, a body with supervisory powers over the judiciary, prosecution, public lawyers and government lawyers. Since 2011, the composition of this council has been contested and changed several times. The council shares its mandate to oversee the courts with the Minister of Justice, but coordination between the two bodies has often been problematic. This has been to the detriment not only of the courts but also of the HII, which is responsible for the pre-service training of recruits to the judicial bodies (see 4.3).

A sixth problem is the *political division within the Libyan state*. The division reinforces socio-political divisions in society and hinders serious efforts to finalise a permanent constitution, improve legislation, regain the monopoly on violence, and develop judicial and governmental institutions, all of which are requirements for improving access to justice (see 2.2 and 2.3). The very legitimacy of legislative and judicial institutions has been contested, because of the division of the Libyan state, meaning that fundamental questions about justice have either remained unanswered or have been answered inconclusively.

A seventh problem area is *transitional justice*, a field in which Libya continues to stagnate. In recent decades, many Libyans have suffered immensely from gross violations of their human rights. This includes injustices committed under the previous regime, as well as injustices committed in the context of ‘post-February 2011’ armed and political conflicts. Victims still lack proper procedures and adequate remedies for these types of injustices (see 2.2 and 4.4). Such events created deep trauma and hatred, and in 2013, former Minister of Justice, Salah El-Marghani, rightfully argued that these painful events needed to be addressed directly, in order to achieve social peace (El-Marghani 2013) (see 2.2 and 4.4).

An eighth problem area is the *general state of government institutions*, many of which have suffered long periods of neglect, badly affecting the quality of their services. Internally, many institutions suffer from a lack of professionalism, sound work processes, effective leadership and oversight, and proper resources. The connection between income and performance is weak, and motivation is often low, (amongst other things) due to the practices of patronage, nepotism and corruption persisting. This is not only problematic in and by itself; it also deeply affects access to justice, because justice seekers often depend on governmental institutions for statements, evidence, and the enforcement of judicial rulings. Courts and public lawyers are also dependent on the executive branch (for example, the Ministry of Justice) for their budgets, auxiliary staff, means of transport, legal information and oversight. They are also dependent on the public prosecution and the judicial police.

A ninth problem area concerns the *differences and discrimination between social groups*. In recent decades, the existing faultlines between tribes, cities and regions, and between sons-of-the-soil and IDPs or migrants, have been aggravated by gross human rights violations committed by various parties. As we found in our case studies and the survey, a person’s access to justice depends considerably on their ‘social weight’, i.e., on their personal characteristics, their social and political identity, and their affiliations (see 2.6).

8.4 From problem areas to strategic objectives

Our identification of the above nine problem areas has come at the end of our research project. However, we would like to see a focus on these problem areas used as input to assist in the ongoing efforts of Libyans who are policy makers, practitioners and scholars, to help them analyse, discuss and improve access to justice in their country. We recommend that research in this field continues and that it is undertaken by inter-disciplinary research teams in Libyan universities, and by research centres attached to public and private institutions.

To focus attention on the three access to justice problems mentioned above, we coin **three key terms to indicate what is needed: acceleration, humanisation and real remedies**. This could serve as a threefold motto for the justice sector. To act according to this motto and meaningfully support Libyans in their journeys for justice, policy makers and practitioners will first need to address the nine underlying problem areas. Therefore, we have formulated **nine corresponding** Strategic Objectives (see Chapter 9). Chapter 9 (the following chapter) contains a wide range of suggestions designed to help achieve these strategic objectives.

The structural improvement of access to justice in Libya would require a joint effort to be made by many Libyan actors, across society, state and judicial institutions. This is why we propose that the leading institutions of the justice sector join forces and reach out to others, in order to develop and implement a National Strategy for Access to Justice. In the next chapter, we will present a series of knowledge-based suggestions in response to the many constraints and opportunities that were revealed by our research project.

9. Suggestions for a National Strategy on Access to Justice

The idea of a National Strategy for Access to Justice in Libya emerged from discussions amongst our project team about how to contribute to real improvements in the country. In our analysis, we concluded that judicial institutions play a significant role but they cannot resolve the complex and multifaceted problem of access to justice by themselves. Improving access to justice calls for a collective effort, which would involve the judicial institutions, the state (via all three of its branches), and society itself (in different ways). It would be helpful to provide those governing (or seeking to govern) Libya, who see access to justice as a priority, with a set of concrete proposals for a national strategy.

This is especially true when the fact that many Libyans have endured serious injustices (both before and after 2011) is taken into consideration. As our research has shown that, particularly after 2011, people attempted to seek justice but often had to wait too long for too little, or nothing at all. This not only concerns issues of ‘transitional justice’. Slowness occurs in judicial procedures across the board, including those involving ‘everyday injustices’, such as disputes over employment, goods and services, ordinary crime, housing and land disputes, and marital disputes.

National strategies, in Libya or elsewhere, are often filled with lofty objectives. In his autobiography (2025) our esteemed colleague, Prof Nagib Al-Hussadi, reflected on the national strategies in Libya as follows:

‘(...) our drawers are overcrowded with strategic plans, but we don't seem to manage planning very well, because our plans are usually not executed properly. The information on which our plans, if they are available, is based is often not current, and if it is current, it is not accurate... our plans do not rely on monitoring that is based on up-to-date and accurate information... and that exposes the weaknesses and challenges we face, and we don't invest in improving our strengths in responding to such challenges.... This is why we are constantly confronted with the same problems ...’

Prof Nagib Al-Hussadi’s words remind us that a national strategy should be knowledge-based, realistic and incremental, in order to be successful. There are no huge solutions to huge problems. Problem areas must be analysed and divided into smaller, more tangible, problems. Action can then be taken on these smaller problems.

Along these lines, in Chapter 8 we identified what we called ‘access to justice problems’, as well as the underlying problem areas. The access to justice problems originate in our research findings, which have been presented throughout the chapters of this report, albeit concisely and selectively. For each underlying problem, we have also identified a strategic objective. For ease of reading, we include the table that lists both again here (see also 1.4).

Table 1: Underlying problems and their corresponding strategic objectives

No	Underlying problems	Strategic objectives
1	Lack of legal, material, and financial resources in judicial institutions	Providing judicial institutions with sufficient legal, material, and budgetary resources
2	Lack of capacity in justice institutions, notably in judicial bodies	Capacity development
3	Inadequate and outdated legislation	Amendment and updating of specific laws and provisions, and of the overall legislative framework
4	Lack of legal awareness	Legal information
5	Lack of leadership and coordination of judicial bodies	Clarification and harmonisation of roles and responsibilities amongst the leadership of the justice sector
6	Political divisions within the Libyan state	Unification and harmonisation of national-level institutions to remove/address the effects of the current political divisions
7	Stagnation of Libya's initiatives for transitional justice	Revitalisation of transitional justice
8	The general state of government institutions	Institutional development of public administration
9	Grave social discrimination	Increasing inclusiveness within access to justice institutions

Below, we present a selection of our suggestions for a National Strategy on Access to Justice. The suggestions were discussed in numerous meetings and conversations with Libyan practitioners, policy makers and researchers. We present the suggestions to the collective leadership of Libya's justice sector with a view to further discussing, amending and elaborating on them, as well as eventually translating them into action.

9.1 A collection of suggestions for an 'Access to Justice in Libya' Strategy

1. Contexts

Several of the underlying problems and our corresponding strategic objectives (6, 7, 8 and 9) concern Libya's macro problems. Finding solutions for those are beyond the scope of this research project and those involved. We therefore recommend that the leadership of the justice sector focuses on underlying problems and the related strategic objectives (1, 2, 3, 4 and 5) that depend less on major, macro-level changes taking place in the country. Nevertheless, since we cannot deny the negative impact of the former set of underlying problems, we have incorporated them into our analysis and mentioned them here as major contextual obstacles. It remains in the hands of Libya's political leaders to act upon the strategic objectives 6 through 9, with support from the international community.

Political context

Strategic objective 6 is listed as the **unification/harmonisation of national-level institutions to remove/address the effects of current political division**. Several chapters in this report explain how the current state of political division constitutes an underlying problem area which has a negative impact on access to justice. The relevant strategy suggestions are:

- 1.1 End the political divide which led to a duality of legislative and executive powers.
- 1.2 Include major justice issues in the constitution, such as defining the structure of the judicial system in its various aspects - constitutional, administrative, civil, etc.

This political situation has led to the **stagnation of Libya's initiatives for transitional justice** (underlying problem 7), so we have included the **revitalisation of transitional justice** as strategic objective 7. The relevant strategy suggestions are:

- 1.3 Enact a constitution with clear and comprehensive transitional justice provisions. These should explicitly state that no defence based on the non-retroactivity of laws, prior amnesty, *res judicata*, or the statute of limitations will be admissible.
- 1.4 Implement the National Reconciliation and Transitional Justice Law, to ensure that all transitional justice grievances are addressed appropriately.

Institutional context

As explained above (see Chapter 2.3), the problematic condition that government institutions are in has a direct impact on the slowness of justice and the adequacy of remedies. To address these conditions, the **institutional development of Libya's public administration** (strategic objective 8) is of great importance.

Social context

To counteract the tendency towards grave social discrimination of 'the other', which divides people and poses many obstacles to access to justice, we propose strategic objective 9 to promote inclusive policies and practices in general, and to promote **increased inclusive access to justice institutions** in particular. Relevant suggestions are:

- 1.5 Ensure that the membership of Councils of Elders is inclusive and not restricted to specific regional or tribal groups.
- 1.6 Ensure that disparities in the level of influence of tribes or groups to which parties belong do not compromise the principle of equality.

2. Legislation

One of the underlying problems is **inadequate and outdated legislation** (underlying problem 3). Therefore, there is a need to **amend and update specific laws and provisions, as well as the overall legislative framework** (strategic objective 3). In this regard, we suggest doing the following:

- 2.1 Revise legislation to promote legal homogeneity, by addressing the inconsistencies arising from overdiversified references, excessive formalism, unclear jurisdictional distribution, and insufficient consideration of inflation.
- 2.2 Review the legislation enacted during the political divide, particularly the amendments made to the Constitutional Declaration, with the aim of identifying contradictions and their implications.
- 2.3 Develop executive regulations to ensure the effective implementation of laws.

Specific laws or legal provisions

In his paper on ‘Streamlining litigation procedures and reducing delays in the administration of justice’, Judge Faraj Ma’rouf (2026) made several important recommendations to amend the Code of Civil and Commercial Procedure in order to accelerate judicial proceedings. The recommendations include:

- 2.4 Review existing legislation to ensure conformity with contemporary social and economic conditions. For example, amend outdated procedural rules, including any provisions on adding distance days to litigation deadlines, obsolete monetary thresholds defining District Court jurisdiction due to inflation, and evidentiary requirements mandating written proof for claims exceeding 10 dinars. Such revisions are crucial to maintaining legal coherence, efficiency and proportionality in judicial proceedings.
- 2.5 Reduce the excessive formal requirements for challenging judgments through appeal and cassation.

3. Justice Seekers, their problems, and their journey for justice

Problems of transitional justice

For the **revitalisation of transitional justice** (strategic objective 7), see suggestions 1.3 and 1.4, but this also involves taking measures as follows:

- 3.1 Evaluate legislation (notably Law 4/1978, and Law 123/1970 and its affiliated Law 142/1970) limiting private real property ownership, and decide whether to retain, amend or repeal it.

People’s awareness

- 3.2 Enhance legal awareness by providing tailored legal information (strategic objective 4). [This is elaborated on below (a.o. in section 6 on public lawyers).]
- 3.3 Promote people’s awareness of their rights and obligations under Libyan law through all the available media, both electronic and traditional. These media should be safe, secure, simple to use and trustworthy.
- 3.4 Promote people’s awareness of the Public Lawyer system and the services it provides via various means, especially those related to conciliation and mediation.

Vulnerable groups

In line with **increased inclusive access to justice institutions** (strategic objective 9), targeted measures should be taken to support those who are identifiably members of vulnerable groups throughout the various stages of their ‘journeys of justice’. These groups include women, IDPs, migrants, ethnic minority groups, the poor, the less-educated and people with disabilities. Some concrete examples of this include:

- 3.5 Facilitate women’s access in terms of filing complaints at police stations, including by appointing more female police officers.
- 3.6 Raise awareness amongst members of Councils of Elders and other customary bodies regarding the human rights dimensions of dispute resolution procedures and outcomes, including the individual rights of victims, especially women and members of other vulnerable groups.
- 3.7 Implement gender-based and rights-based measures to guarantee that irregular female migrants can seek justice without fearing discrimination, detention or deportation. This involves creating a strict separation (or ‘firewall’) between judicial institutions and immigration authorities. This will enable women to report crimes and pursue legal remedies safely, as well as allowing confidential legal assistance, interpretation, and culturally sensitive information about their rights and procedures to be offered more consistently and appropriately.
- 3.8 Implement comprehensive measures to ensure full, equal and dignified access for people with disabilities to judicial institutions, including courts and police stations.

4. The justice system as a whole

By the justice system as a whole, we mean all of state and non-state institutions to which people bring their justiciable problems. The institutions belonging to the judicial bodies constitute an important part of this system, but it includes governmental institutions, quasi-judicial committees, legislative institutions, private sector institutions, and community-based institutions.

Two relevant strategic objectives here are the promotion of **capacity development** (strategic objective 2), which is further elaborated on below, in a range of concrete measures regarding education and training (see sections 5 to 8, below), and **clarifying and harmonising roles and responsibilities amongst the leadership of the justice sector** (strategic objective 5), which is also elaborated on below (see suggestion 4.2). These involve doing the following:

- 4.1 Undertake an evaluative study of the relationship between the executive authority (particularly the Ministry of Justice), the judiciary and the Supreme Judicial Council, with the aim of identifying the most appropriate institutional and functional arrangements for safeguarding judicial independence and promoting the effective administration of justice. The study should be grounded in an assessment of Libya's legal and institutional experience. It should also be informed by relevant comparative international models and best practices.
- 4.2 Launch a joint campaign amongst all the relevant institutions to establish the justice sector as a model of good governance, rather than succumbing to the prevailing poor governance in other areas.
- 4.3 Restore the unity of the Administrative Control Authority,¹⁰⁶ and review its governing laws and regulations to eliminate contradictions and address their consequences.
- 4.4 Establish regulations for the practice of arbitration to ensure that arbiters are competent in practising, and knowledgeable when applying, the relevant laws.
- 4.5 Disseminate a mobilising motto throughout the justice system to underpin and encourage change, such as '**Acceleration, Humanisation, Real Remedies!**' (see Chapter 8.2)

5. All judicial bodies and institutions

Resources

Strategic objective 1 is to **provide the judicial institutions with sufficient human, material, legal and budgetary resources**. This is elaborated on in various sections, below. 'Legal resources' include a comprehensive distribution of up-to-date legislation, Supreme Court rulings, and essential legal literature that is either paper-based or electronic. 'Material resources' include accessible premises, sufficient office spaces, computers and other office equipment, and means of transportation. Budgets should cover adequate salaries for members and auxiliary staff, as well as material and legal resources.

Legal resources

- 5.1 Develop a website offering free access to essential legal resources, including legislation and Supreme Court decisions.

Material resources

- 5.2 Implement automation of judicial processes, including case registration, notification and information retrieval, and provide the necessary legislative basis to institutionalise these digital procedures.

Financial resources

- 5.3 Establish remuneration for members of judicial bodies that reflects the scope and complexity of their duties, rather than relying on a uniform pay scale that equates all officials of the same rank across different judicial bodies and functions.

Inspection

- 5.4 Assess the appropriateness of requiring members of judicial bodies who have the rank of ‘counsellor’ (*mustashar*) to be periodically inspected, in a similar way to other lower-ranking members of judicial bodies.
- 5.5 Pay particular attention to aspects of quality (as opposed to quantity alone) when inspecting the performance of members of judicial bodies.
- 5.6 Develop clear guidelines to ensure that inspections are conducted with greater objectivity - by including provisions for the *inspector* to determine the work under review, rather than leaving the selection to the inspectee - and to guarantee that surprise inspections are truly unannounced and effectively carried out.
- 5.7 Implement the mandate of the Judicial Inspection Directorate to carry out administrative and clerical inspections of the performance and activities of judicial personnel.
- 5.8 Monitor the work of court-appointed external experts, such as liquidators.
- 5.9 Activate the committees responsible for inspecting the work of schedule experts and ensure that they continue to meet the requirements for registration on the official roster.

Judicial movement

- 5.10 Accompany judicial movement with adequate training, to qualify everyone who makes this move for the judicial body to which they are being transferred.
- 5.11 Ensure that judicial movement is not used as a disciplinary tool.
- 5.12 Ensure that judicial movement does not have an adverse impact on judges’ ability to specialise.
- 5.13 Promote women’s empowerment in the judicial system through increasing their proportional representation in leadership roles.
- 5.14 Strike a balance between appointing competent public lawyers, particularly women, as judges and public prosecutors, and maintaining a sufficient number of qualified personnel within the Public Lawyers Directorate.

Education

- 5.15 Review the policy of expanding legal education horizontally, and seek to improve the quality and outcomes of this education.
- 5.16 Implement Resolution No. 19 of 2019, regarding the ‘Reorganisation of the High Institute of the Judiciary’ fully, including the various training programmes it offers.
- 5.17 Review the High Institute of the Judiciary’s courses and teaching methods, to ensure that they align with law faculties, meet judicial needs, and include a focus on access to justice.

Training

- 5.18 Assign experienced and competent members of the receiving judicial body to train newly appointed members, as is already the informal practice of some judicial bodies.
- 5.19 Increase awareness amongst members of judicial bodies via training courses and other means, regarding their obligation to implement the international treaties ratified by Libya, and address any obstacles that may hinder this, e.g., by making the relevant documents accessible.
- 5.20 Enhance the training of court clerks so that they can perform their functions effectively, putting particular focus on the application of modern technological tools.

6. Public lawyers

Purpose and future

- 6.1 Direct public lawyers to fulfil their full mandate, i.e., to focus on: (a) representing clients in court; (b) providing guidance and assistance; (c) providing mediation and reconciliation facilities; and (d) supporting their clients regarding the enforcement of judicial rulings.
- 6.2 Encourage public lawyers to participate in constitutional litigation and remove any obstacles that may prevent their involvement.
- 6.3 Develop the promotion of legal awareness by targeting vulnerable groups as a core task of the directorate of public lawyers.
- 6.4 Expand socio-legal research to establish an appropriate knowledge base for critically evaluating the divergent perspectives on public lawyers.¹⁰⁷
- 6.5 Consider limiting free public lawyers' services to low-income individuals and other vulnerable groups.
- 6.6 Establish regulatory safeguards to prevent individuals, especially those who are financially comfortable, from relying on the services of public and private lawyers simultaneously.

Public image

- 6.7 Promote respect for and proper interaction with members of the Public Lawyers Directorate by the Public Prosecution and police.

Supervision and inspection

- 6.8 Urge the leaders of the Public Lawyers Directorate to have a greater focus on enhancing the quality of work produced by its members.
- 6.9 Evaluate the performance of public lawyers, not only in representing their clients before the courts but also in their other designated tasks, related to counselling, awareness and assisting citizens in resolving their disputes peacefully.

Training

- 6.10 Provide training for public lawyers on social, cultural and psychological aspects.
- 6.11 Conduct an empirical study where public lawyers function as 'family lawyers', i.e., trusted individuals who guide families and prevent potential legal issues from escalating.

Resources

- 6.12 Pay greater attention to providing appropriate office space, thereby ensuring the confidentiality and privacy of the relationship between public lawyers and their clients.

7. Courts

Mandate

- 7.1 Increase the (monetary) jurisdictional threshold of district courts to account for inflation.
- 7.2 Reconsider allocating specific jurisdictions, based on the type of case rather than its monetary value, between district courts and primary courts, to ensure clarity and facilitate more efficient case adjudication.
- 7.3 Apply the principle of two-tier litigation in felony cases and administrative cases to safeguard the rights of litigants.
- 7.4 Broaden constitutional oversight to encompass monitoring authorities that fail to meet legislative obligations (legislative omission).¹⁰⁸
- 7.5 Empower courts to refer constitutional questions that arise during case adjudication to the Supreme Court, instead of leaving that responsibility solely to litigants.

Access

- 7.6 Review fixed court fees to account for inflation, and thereby discourage the filing of frivolous or insubstantial cases.

Procedures

- 7.7 Promulgate a specialised administrative procedure law that is tailored to the needs of administrative litigation, instead of relying solely on the Civil and Commercial Procedure Code.
- 7.8 Simplify procedural formalities for filing constitutional appeals, including requirements for standing and personal interest, in proportion to their importance to a wider section of the public.
- 7.9 Follow the case preparation system for administrative disputes, and remove any obstacles that may impede its implementation.¹⁰⁹

Enforcement

- 7.10 Introduce new mechanisms for enforcing administrative rulings (such as coercive fines) and delay penalties, whilst lifting the restrictions on initiating criminal proceedings against officials who refuse to implement these rulings.

Appointment and specialisation of judges

- 7.11 Base the selection of judges amongst members of judicial institutions on competence, experience, diligence and seriousness, whilst avoiding nepotism and appointments made from outside judicial institutions, such as those of judicial assistants.
 - 7.12 Institutionalise judicial specialisation by assigning judges to specific case types (administrative, criminal, civil, personal status, etc.), by providing both initial and ongoing training for their respective chambers, and by minimising reassignment to chambers outside of their area of expertise.
 - 7.13 Ensure judicial stability by maintaining judges in their judicial positions and refraining from delegating or seconding them to non-judicial institutions
- s.

Resources

- 7.14 Assess the expansion of the courts to ensure that it is justified by clear objectives of access to justice and accompanied by the securing of the kinds of resources needed by the courts.

8. Public Prosecution

Mandate

- 8.1 Assign the investigation of criminal cases to investigative judges, rather than to the Public Prosecution.
- 8.2 Encourage the Public Prosecution to settle cases through a punitive order that imposes fines, for both minor offences and misdemeanours designated by the Minister of Justice.

Procedures

- 8.3 Encourage the Public Prosecution to limit pre-trial detention and (wherever possible) rely on alternatives instead, such as requiring the accused to report regularly to a guarantor at their place of residence until a judgment is issued. Also, require the Public Prosecution to provide reasons for detention orders, rather than restricting their reasoning solely to releasing orders.
- 8.4 Review procedural immunities, to ensure that they are limited to genuine needs and are not used to evade accountability.
- 8.5 Address, through training and awareness programs, the tendency of some members of the Public Prosecution to exercise their discretionary powers with excessive strictness in making charges, under the pretext of precaution, at the expense of individual rights and freedoms.
- 8.6 Raise awareness amongst the Public Prosecution and the police regarding the importance of permitting lawyers to be present during evidence collection and investigative proceedings.

Endnotes

- 1 See the Proposed Strategic Vision for the National Reconciliation Project (2022) on our website: <https://www.libyanlawandsociety.org/assets/legal-documents/Reconciliation-Vision-PC2-English.pdf>. For the full research report, please refer to Ibrahim et al. (2021). *The Role of Law in Libya's National Reconciliation (RoLLNaR)*.
- 2 CLSS is scheduled to publish a volume featuring case studies of justice seekers in Libya, and another volume with case studies of justice institutions. The latter includes several reflection papers on various aspects of Libya's justice system by senior jurists. Additionally, CLSS and VVI have published a joint report on the results of the A2JiL survey that is available in both Arabic and English (Teeuwen et al. 2025).
- 3 Regarding Libya's problems of state-building, see e.g., Ibrahim et al 2021 (RoLLNaR report), in which Prof. Mohamed Zahi Mogherbi distinguishes crises in state-building. For more recent analyses (in English) of contexts relevant to Libya, see for example Sawani (2025), Eaton (2025), and Claudia Gazzini's respective reports on the website of the International Crisis Group.

1. AI and our research on access to justice in Libya

- 4 "Political & institutional fragmentation, impunity & lack of accountability, fair trial violations, arbitrary detention, vulnerable groups affected", with brief explanations of each.
- 5 Amongst its sources, Gemini (Google's AI tool) mentions: 'Libya Accountability Updates: Expert insight from ASP22' published in 2024 by the Coalition for the International Criminal Court; 'Injustice by Design: Need for Comprehensive Justice Reform in Libya', a 2025 report published by Human Rights Watch; and a 2023 text on a website of the Leiden University Centre for the Study of Islam and Society (LUCIS).
- 6 See Ibrahim and Otto (2017), and Ibrahim (2016).
- 7 The most common name for these types of councils are councils of elders. In Phase 2 of the research, we dedicated a case study to a specific other council called a wisemen council, see Ali (2026). Throughout the report, however, we will continue to refer more generally to councils of elders.
- 8 See Access to Justice Practice Note, UNDP Democratic Governance Group, Bureau for development policy, New York 2004, p.6.
- 9 In Libya, legal standing requires a 'personal interest'. The Supreme Court has interpreted this narrowly. Moreover, only the parties to a dispute are allowed to call upon the Supreme Court for constitutional review of legislation. In the past, a court could ask the Supreme Court to conduct such reviews, but this route was later closed in order to limit requests regarding politically sensitive issues.
- 10 Esman's initial model of the Institution-Building Universe was later adapted by Jan Michiel Otto for research on local government institutions, and courts (Otto 1993, 122-124).
- 11 Ibrahim et al. (2022), p. 32.
- 12 Ibrahim, Al-Habib, et al. (2026), *Taqdīm al-'adālah fī Lībiyā [Advancing Justice in Libya]* (forthcoming).
- 13 Teeuwen et al. (2025)
- 14 Similar discussions were held about the suitability of other terms and their translations, such as justice seeker and justice provider/providing institution. Questions arose as follows: Do the seekers all *seek* justice? Should it not be 'grievance *holder*' instead? Do the providers all *provide* justice? Should we not just use 'justice institution'? We opted to use justice institution.
- 15 For phase 1, see Ibrahim et al. (2022); for phase 2, see Ibrahim et al. (forthcoming); for phase 3, see Teeuwen et al. (2025).

2. Contexts

- 16 The last national census in Libya was carried out in 2006. Today, the population size is difficult to reliably assess. The figures given here are rough assessments that we made after consulting several sources.

- 17 See Ecofin Agency (2024), ICT Development Index 2024: ranking of African countries. <https://www.ecofinagency.com/telecom/1607-45735-ict-development-index-2024-ranking-of-african-countries#:~:text=Libya%20leads%20the%20African%20continent,ranks%20third%20with%2084.7%20points> (accessed 1 February 2026).
- 18 Mostly, as some have been replaced by other codes, e.g. the Commercial Code in 2010.
- 19 For further information on the Abu Salim massacre and its legal and political fallout, please see our Phase 1 report (Ibrahim et al. 2021), and Abu Raas (forthcoming) Taysir al-'adālah li-ḍaḥāyā sijn 'Abū Salīm' [Access to Justice for Victims of Abu Salim Prison].
- 20 See Ibrahim et al. (2022), General Observation 10.
- 21 For an overview of all case studies, see Phase 1 report (Ibrahim et al. 2022). However, all cases were not exclusively transitional justice cases. Cases not directly connected to political conflict violence included the case studies on disinheritance of women, domestic violence, and oil pollution.
- 22 See Ibrahim et al. (2022), General Observation 11.
- 23 See UN Political and Peacebuilding Affairs (2023), 'Security Working Group for Libya co-chairs commend JMC 5+5 efforts, Chiefs of Staff work towards reunification of military institutions, emphasize importance of Libya's national unity and territorial integrity'. <https://dppa.un.org/en/security-working-group-libya-co-chairs-commend-jmc-55-efforts-chiefs-of-staff-work-towards> (accessed 20 January 2026).
- 24 For a poignant example, see Security Council (2025), December 2025 Monthly Forecast. <https://www.securitycouncilreport.org/monthly-forecast/2025-12/libya-64.php> (accessed 20 January 2026).
- 25 See for an overview 'Violence against Women and Challenges to Political Participation in Libya', Manara Magazine 2 May 2025, Cambridge, UK: MENAF. <https://manaramagazine.org/2025/05/violence-against-women-and-challenges-to-political-participation-in-libya/#> (accessed 20 January 2026).
- 26 Assad (2025), Attorney General: Correctional institutions are largely under militias' control, 24 April 2025. <https://libyaobserver.ly/news/attorney-general-correctional-institutions-are-largely-under-militias-control> (accessed 25 January 2026).
- 27 UNSMIL (2025), UNSMIL alarmed by wave of arbitrary arrests across Libya, 22 March 2025. <https://unsmil.unmissions.org/en/unsmil-alarmed-wave-arbitrary-arrests-across-libya> (accessed 17 January 2026).
- 28 Lassoued (2025), 'Poverty plagues Libya with third of population deprived of country's wealth', The Arab Weekly, 12 February 2025. <https://thearabweekly.com/poverty-plagues-libya-third-population-deprived-countrys-wealth> (accessed 14 January 2026).
- 29 Libya is, e.g., investing in upgrading its airports and seaports, hoping to increase trade, travel and tourism.
- 30 Political and Peacebuilding Affairs (2025), Special Representative of the Secretary-General Hanna S. Tetteh in-person remarks to the Security Council on the situation in Libya as delivered, 17 April 2025. <https://dppa.dfs.un.org/en/special-representative-of-secretary-general-hanna-s-tetteh-person-remarks-to-security-council> (accessed 14 January 2026).
- 31 Reuters (2025), Libyan agency calls for halt to public sector appointments amid rising wage bill, 15 January 2025. <https://www.reuters.com/world/africa/libyan-agency-calls-halt-public-sector-appointments-amid-rising-wage-bill-2025-01-15/> (accessed 14 January 2026).
- 32 Harchaoui and Powers (2024), Libya's public employment crisis. The critical need to shift from patronage to performance. Friedrich Ebert Stiftung. <https://library.fes.de/pdf-files/bueros/libyen/21577.pdf> (accessed 17 January 2026).
- 33 See for example Middle East Monitor (2025), Libya: one of the most corrupt countries, yet still celebrates Anti-Corruption Day!, 18 December 2025. <https://www.middleeastmonitor.com/20251218-libya-one-of-the-most-corrupt-countries-yet-still-celebrates-anti-corruption-day/> (accessed 17 January 2026).
- 34 The World Bank's World development report on governance and the law has made this abundantly clear (World Bank Group 2017).

- 35 In the 2011 struggle, sexual violence was used against women as a weapon in Libya, but also against men. See for example Guignard (2020), *Sexual violence in war: weapon, method, strategy or practice?*, p.7. <https://igg-geo.org/wp-content/uploads/2021/04/Sexual-violence-in-war-weapon-method-strategy-or-practice.pdf> (accessed 20 January 2026).
- 36 Law No. 74 of 1975 regulated local Popular Committees' jurisdiction to resolve citizen disputes through conciliation or arbitration. Submission to these committees used to be a prerequisite for civil and commercial claims and claims related to legally mandated maintenance within the district court jurisdiction (this requirement was later abolished by Law No. 4 of 2010).

3. Justice seekers and their 'journeys for justice'

- 37 A justiciable problem is a problem in everyday life which has a legal dimension, or which could potentially be resolved through legal means. Different terms are used across the socio-legal access to justice literature, making differences in the emphasis on either the law as a system ('justiciable problem') or the law as a person's experience ('everyday legal problem', 'civil justice problem').
- 38 For locations of case studies, see Annex A.
- 39 See Ibrahim et al. (2022), pp. 27-29.
- 40 Initially this research project also envisaged surveys among the members and staff of justice institutions but those had to be canceled due to budgetary constraints.
- 41 In the context of the Nationwide Survey, this chapter sometimes uses the term 'problem under review'. When respondents had experienced several problems, the most extensively discussed problem was their oldest problem in the last five years. See Phase 3 report (Teeuwen et al. 2025) for more details on this methodological approach. .
- 42 See Ibrahim et al. (2022), General Observation 15.
- 43 In Libya this is particularly striking in murder cases, in which the crime is first attributed to the perpetrator, but then also to the family or tribe to which the perpetrator belongs. Those seeking justice can be pressured by relatives to find alternative solutions to maintain social peace between groups, which may come at the expense of the rights and interests of individual justice seekers (Mogherbi 2025).
- 44 This includes problems that began over five years ago but persisted since then, or at least within the last five years.
- 45 For further details on the problems experienced by women in particular, see Chapter 7.
- 46 People over 45 only represent 12% of justice seekers.
- 47 People with mid-level education represent 48% of justice seekers. People with limited or no education represent only 14% of all justice seekers.
- 48 People with limited income represent 36% of justice seekers.
- 49 See Ibrahim et al. (2022), General Observation 8a.
- 50 See Annex B3.3a for the full list of problem types experienced by justice seekers.
- 51 See Ibrahim et al. (2022), General Observation 6.
- 52 See Ibrahim et al. (2022), General Observation 16.
- 53 Tribal support has been generally important for militias in the south. In other regions, militias are supported via, e.g., their cities or regions.
- 54 See Ibrahim et al. (2022), General Observation 12 and 13.
- 55 See Ibrahim et al. (2022), General Observation 18.
- 56 See Ibrahim et al. (2022), General Observation 22. However, the case studies also show that one's decision to seek justice often depends on their family and tribe, and their so-called 'social weight', or social influence. The family or tribe of justice seekers often prioritise maintaining peace with other groups and, to that end, may exert pressure on the justice seeker to refrain from taking action through official channels, and

instead turn to mediation and reconciliation through a community-based institution. Social pressures affect not only those seeking justice, but also those who provide it. Justice institutions, such as the police or prosecutors, sometimes refrain from prosecuting a person of social weight for fear of reprisals, or only with the permission of his or her group (Mogherbi 2025).

- 57 See Ibrahim et al. (2022), General Observation 14.
- 58 See Ibrahim et al. (2022), General Observation 22.
- 59 See Chapter 5 for more details on Public Lawyers.
- 60 The FFRC was created under the transitional justice law of 17/2012 (Law No. (17) of 2012 on national reconciliation and transitional justice), and operated for one year. Later, Law No. 29 of 2013 on transitional justice replaced Law 17/2012, and mandated the reconstruction of the FFRC. However, to this date, this reconstruction has not been carried out. As a consequence, ordinary justice mechanisms (such as courts) have had to deal with transitional justice cases. See Ibrahim et al. (2022), General Observation 22. See 4.4 for further details.
- 61 People who did not complete an education, and people in the East, reported much more frequently that they did not know about any of the available institutions (Teeuwen et al. 2025).
- 62 Not all segments of the Libyan population suffered from the lack of awareness and information equally. Some segments suffered more than others. The most salient segment in this regard is illiterate people with 42% of them suffered from the lack of awareness and information. People in the eastern region of Libya suffered the most comparing with other regions as 31% of them reported facing this problem. Another segment is very poor people, as almost 30% of them suffered from the lack of awareness and information which prevent them from bring their problems to any party for adjudication, negotiation, mediation or conciliation. The last segment of the Libyan population that suffered disproportionately more than others is young people between 18- and 24-year-old as 24% of them reported facing this problem.
- 63 See Ibrahim et al. (2022), General Observation 25.
- 64 *Wasta* remains important throughout the journey for justice, in order to ensure its progress. See Ibrahim et al. (2022), General Observation 19. For case specific case studies, see for example Abu Salim, Law 4, and pollution in Oases: Ibrahim et al. 2025 for case study summaries. For full (Arabic) case studies, see Ibrahim et al (2026). *Taysir al-'adālah fi Lībiyā min manẓūr al-su 'āt ilayhā, taqrīr wa-awraq baḥṭhiyah* [Access to Justice in Libya from the perspective of justice seekers: Report and research papers].
- 65 See Ibrahim et al. (2022), General Observation 17.
- 66 Religious authorities notably include the Tripoli-based Dar el-Ifta (Office for Fatwa) and the East-based High Committee for Fatwa. Both institutions are as much state- as community-based.
- 67 See Ibrahim et al. (2022), General Observation 3.
- 68 See Ibrahim et al. (2022), General Observation 4.
- 69 It is worth noting that not all justice seekers acted in accordance with the law, or in a moral manner. In order to achieve remedy for their problems, some engaged in illegal actions or immoral behaviours. See Ibrahim et al. (2022), General Observation 20.
- 70 Including a judicial, quasi-judicial or formal procedure, a customary or religious authority, mediation, or the police, prosecution, or security agency. In total, in 16.6% of the problems under review, a decision or intervention by a (quasi-)judicial or formal institution resulted in a resolution. Another 16% was resolved by agreement between parties, one of the parties independently doing what the other party wanted, or moving away from the problem. A smaller percentage, 9%, was solved by involving customary or religious authorities, or using mediation. Involvement of the police, prosecution, or security agencies lead to resolution in 7.5% of the oldest problems that were resolved. In 4.3% of cases, a decision or intervention by another authority led to resolution (Teeuwen et al. 2025).

- 71 When looking at regional distribution, 54% of respondents in West believe that the role of the tribe is very important in conflict resolution, against 72% in the East, and 53% in the South, reflecting the important role of the tribe in the East.
- 72 On average, 35% of justice seekers considered their problem to have been resolved in a timely manner, 46% considered the outcome to be fair, and 80% reported that the outcome was enforced (see Annex B3.3j for breakdowns per sub-categories).

4. The justice system as a whole

- 73 The Libya Dawn (*Fajr Libya*) coalition comprised mostly Islamist-leaning militias from Misrata and other western cities. Operation Dignity (*Karama*) forces consisted of a coalition of military units, armed groups and tribal fighters.
- 74 A mandatory will is a legal mechanism to provide for grandchildren whose parent(s) died before their own parent(s) (the grandparent/s). As the grandchild (according to Sharia) will not inherit, to protect them the law assumes that their grandfather left them a will (even if he did not).
- 75 For example, whether or not an act constitutes a crime (apostasy is criminal in the west, but not the east), its severity (killing by vehicle is a felony in the west, but it is a misdemeanour in the east), and whether or not a law remains enforceable (Law No. 4 of 1978 on real property was abolished in the west but remains in force in the east) may depend entirely on the location of the court.
- 76 The board is composed of: a judge with the rank of counsellor, who is appointed by the General Assembly of the relevant Court of Appeal as chair; a judge appointed by the General Assembly of the Primary Court, who is located within the seat of the Court of Appeal; and, a member of one of the judicial bodies, who is appointed by the Minister of Justice. Disciplinary proceedings are instituted via a decision of the head of the competent judicial body (Articles 106–117 of Law No. 6 of 2006).
- 77 Each judicial body comprises the whole apparatus of judges, or of public prosecutors, the whole Directorate of Public Lawyers, the whole Directorate of Government Lawyers, or all judicial inspectors. Each of these judicial bodies has branch offices at regional and local levels. There, we find the judicial institutions that we have actually studied, for example, a district court in Sabha, a primary court in Ajdabiya, or a branch office of public lawyers in Tripoli.
- 78 It may also represent companies that are wholly or predominantly owned by the State.
- 79 The report of the Government Lawyers Directorate for 2021-2022, annexed to the Judicial Bodies Inspection Directorate Report for the year 2021–2022, included the former’s complaint that “some of its prominent and competent members are transferred to other judicial bodies without taking the directorate’s opinion into consideration, which has resulted in the transfer of many qualified personnel from the directorate and the depletion of its competent elements” (Judicial Inspection Directorate 2022).
- 80 *Qisas* is a principle of redistributive justice in Islamic law, stipulating that crimes against an individual or a family require fair and proportionate punishment.

5. Public lawyers

- 81 See Law No. 4 of 1981 Establishing the Department of People’s Legal Defence, Article 1. <https://security-legislation.ly/latest-laws/law-no-4-of-1981-establishing-the-department-of-peoples-legal-defence/> (accessed 20 January 2026).
- 82 Law 4/1981., Article 10.
- 83 Law 4/1981, Article 11.
- 84 Law 4/1981, Article 5.
- 85 Law 4/1981, Article 5.
- 86 For example, according to official figures issued by the Public Lawyers’ Directorate, a total of 48,594 cases were registered in 2020. Of these, 10,695 cases were resolved, whilst 37,899 remained pending.

The official data therefore indicate a performance rate of approximately 21%. In the same year, the number of public lawyers stood at 1,092. Accordingly, each public lawyer resolved an average of 9.7 cases. This figure does not take into account the ‘pending’ cases in which substantial effort may have been expended, but which remained unresolved, for instance because they were still pending before the courts (Judicial Inspection Directorate 2021).

- 87 One possible explanation for the low performance, that was observed in Tripoli during the 2020–2021 period, is the suspension of judicial activity for three months by the Supreme Judicial Council, due to the COVID-19 pandemic. However, performance did not improve substantially in the subsequent year either.
- 88 Law 4/1981, Article 11.
- 89 After years of serious and intensive deliberations, the Constitution Drafting Assembly (CDA) approved a draft constitution in 2017. Article 131, concerning judicial bodies, provides that: “*The Directorate of Government Lawyers, the Directorate of Public Lawyers, and the Directorate of Law are judicial bodies regulated by law, which shall determine their jurisdictions.*” As for Article 132, concerning advocacy, it provides: “*Advocacy is a partner in the realisation of justice. Lawyers shall enjoy legal guarantees that enable them to perform their duties in contributing to the establishment of justice, and the defense of rights and freedoms, as regulated by law.*” The term ‘advocacy’, as mentioned in Article 132, refers to both private and public lawyers
- 90 Statistics issued by the Information and Documentation Unit at the Ministry of Justice, dated 6 November 2025.
- 91 Article 25 of the Judicial Inspection Regulations (issued by the Supreme Judicial Council Resolution No. 124/2021) stipulates the expected performance rate of each public lawyer to be twenty (20) cases per month, or two hundred (200) cases per year.

6. Courts

- 92 The House of Representatives passed a law establishing a Supreme Constitutional Court based in Benghazi. Consequently, the Supreme Court’s jurisdiction has been restricted to hearing appeals against decisions from courts of merits, excluding constitutional cases (Law No. 5 of 2023 on the Establishment of the Supreme Constitutional Court, 29/3/2023, Official Gazette 2023, Issue No. 5). Although the Supreme Court declared this law unconstitutional, the Supreme Constitutional Court has begun operating.
- 93 The explanatory memorandum to the Judicial Fees Law No. 77 of 1958 articulates the policy rationale underlying the imposition of court fees. According to the memorandum, this policy is governed by two principal considerations. First, judicial fees should be limited and reasonable, so as not to prevent litigants from paying them in a manner that would impede access to their rights. Second, fees should not be reduced excessively, lest the door to litigation be opened too widely to anyone inclined to litigate, thereby encouraging vexatious litigants to harass their opponents and drag them before the courts after paying only nominal fees. This law was subsequently amended and ultimately repealed in 2003 by Law No. 2 of 2003 on Judicial Fees, but the latter has not been revised, despite significant deterioration in the purchasing power of the Libyan currency over the past two decades.
- 94 Law No. 18 of 1989 on Amending Certain Provisions of the Law of Civil and Commercial Procedure (22/8/1989).
- 95 Whereas one thousand dinars was equivalent to approximately 3,000 US dollars in 1960, by 2025 it amounted to less than 130 US dollars.
- 96 Judicial institutions were defined in the survey as including courts, public prosecutions and quasi-judicial committees.
- 97 Legal Agenda (2024). *taṭawūru rawātibi alquḍāti fī lībyā: ḥawāl aḡrāri wanafādḥi alzīyādāti alāḡākhīrāti* [The evolution of judges’ salaries in Libya: questions about the approval and implementation of the latest increase] (accessed 20 January 2026).

7. Women's experiences in seeking and delivering justice

- 98 Whilst the case study and its reference focused on irregular female migrants, it is crucial to recognise that the majority of migrants in Libya, regardless of their gender, face significant obstacles to accessing justice. These challenges are further compounded by the ongoing implementation of the Libya–Italy Memorandum of Understanding on 2 February 2017. This agreement has been widely criticised by international observers. See for example, <https://justiceinconflict.org/2019/09/12/lost-justice-across-the-libyan-desert-shores-and-depths-of-central-mediterranean>
- 99 Legal Agenda (2013). Da'wā li-i'lān 'adam dustūriyat tawallī al-mar'ah al-qaḍā' fi Lībiyā: Taḥīr al-qaḍā' min inhāthihā. Tam al-istirjā' min Al-Mufakkira Al-Qānūniyya [Case for declaring the unconstitutionality of women holding judicial positions in Libya: Purging the judiciary of its female members] (accessed 10 January 2026).
- 100 Acts like adultery that are seen as damaging the family's reputation.

8. From research to analysis – and action?

- 101 Institutional unity within the judiciary is reflected in the unified authority of the Supreme Council for the Judiciary, the body responsible for overseeing judicial affairs. This unity, however, has come under threat following a ruling issued by the Supreme Court of Libya on 28 January 2026, which declared the legal provisions forming the basis for the Council's current composition to be unconstitutional. The ruling effectively mandated a return to the previous structure, under which the Council is chaired by the President of the Supreme Court. The sitting chair of the Council rejected the ruling, arguing (amongst other reasons) that the establishment of a Supreme Constitutional Court in Benghazi had transferred constitutional review jurisdiction away from the Supreme Court, thereby depriving it of the authority to issue such a decision. Despite these objections, the Supreme Court proceeded to enforce its ruling, and its president began exercising powers as Chair of the Supreme Council for the Judiciary, in accordance with the restored framework. As a result, there are now effectively two competing claims to the council's leadership. It is anticipated that this situation could lead to the emergence of two parallel judicial governance bodies: one operating from Tripoli, and another headed by the former chair and potentially based in Sirte. For the latest developments, see: Libya Alahrar TV. (2026, February 18). مقر المجلس الأعلى للقضاء.. بورزيرة يعلن استلامه، والقوي يصفه بالاعتداء [Supreme Council for the Judiciary headquarters: Bourzeira announces taking control, and Al-Qawi describes it as an assault]. <https://libyaalahrar.tv/2026/02/18/%D9%85%D9%82%D8%B1-%D8%A7%D9%84%D9%85%D8%AC%D9%84%D8%B3-%D8%A7%D9%84%D8%A3%D8%B9%D9%84%D9%89-%D9%84%D9%84%D9%82%D8%B6%D8%A7%D8%A1-%D8%A8%D9%88%D8%B1%D8%B2%D9%8A%D8%B1%D8%A9-%D9%8A%D8%B9%D9%84%D9%86/>
- 102 The survey data tell us that community-based institutions, which are sometimes praised for their efficiency and speed, perform only slightly better compared to other types of institutions.
- 103 Such reports have caught worldwide attention, and have led to prosecution of human traffickers in Libya, and even in the Netherlands. See Reuters (2026) Human trafficker who tortured migrants in Libya jailed for 20 years in Netherlands. <https://www.reuters.com/world/africa/human-trafficker-who-tortured-migrants-libya-jailed-20-years-netherlands-2026-01-27/>. (Accessed 31 January 2026).
- 104 We have been puzzled by survey data showing positive perceptions by a majority (55%) of justice seekers regarding the treatment they have received at justice institutions. We are still analysing data to learn more about the other 45%, to get a broad and balanced view. It is possible that these 45% contain members of vulnerable groups, who are likely to suffer more inhumane treatment compared to other people.
- 105 Of those who received an outcome, 68% said that it completely solved their problem. Notably, this applied to those with a higher level of education (78%) and those with a higher income (76%). Less positive responses came from justice seekers with no or a lower level of education (17%), those with a lower level of income (54%), and those from the South (52%). See also footnote 103.

9. Suggestions for a National Strategy on Access to Justice

- 106 The Administrative Control Authority is a government body with the mandate to adjudicate disputes between civil servants and the government. One of its branch offices was the subject of a case study that was conducted as part of this research project (see Al-Mismary 2026).
- 107 Such research should include comparison between branches of the Public Lawyers Directorate, and with private practice, as well as a qualitative assessment of the cases handled by public lawyers and systematic surveys of public lawyer members, to examine institutional organisation, professional experiences, operational challenges and potential reform measures.
- 108 For example, Law 29/2013 on Transitional Justice remained unenforceable because the legislative assemblies - the National General Congress and subsequently the House of Representatives - declined to issue the executive regulations required for its implementation. Currently, this assembly cannot be sued for this 'legislative omission'.
- 109 This case preparation system is an elaborate procedure of submitting and exchanging documents, that is meant to accelerate the adjudication process.

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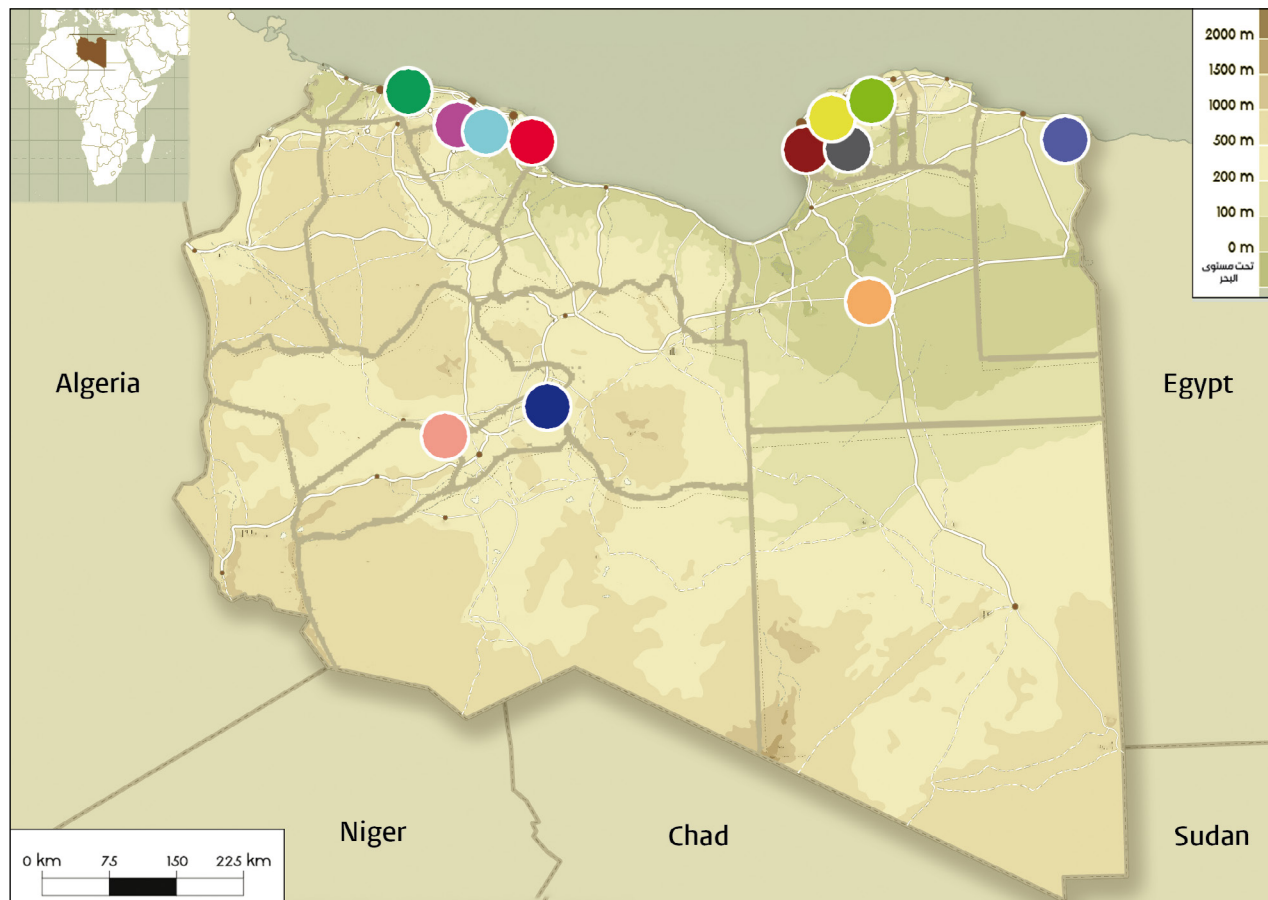
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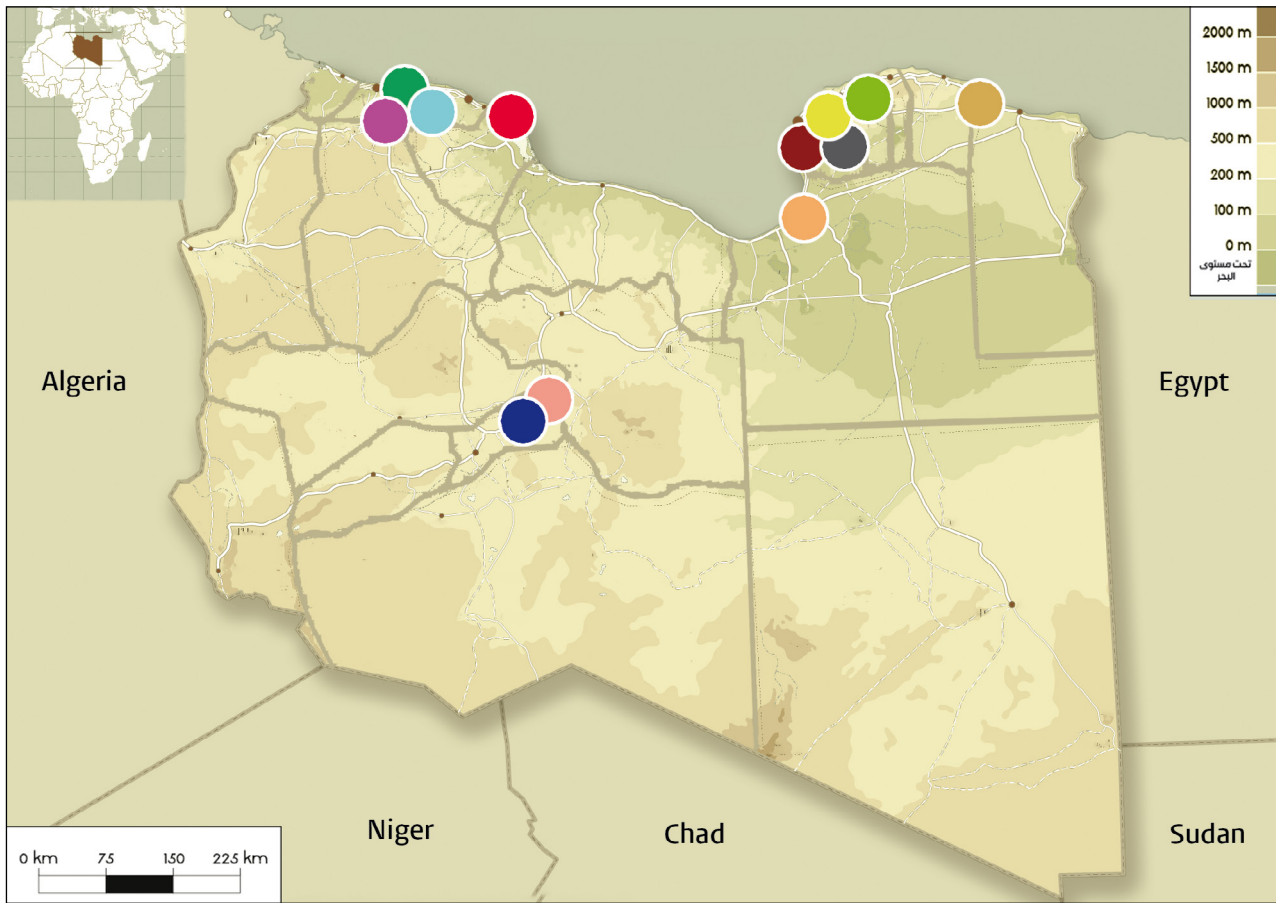
Annex A. Maps

Annex A1.3a. Distribution of case studies related to justice seekers



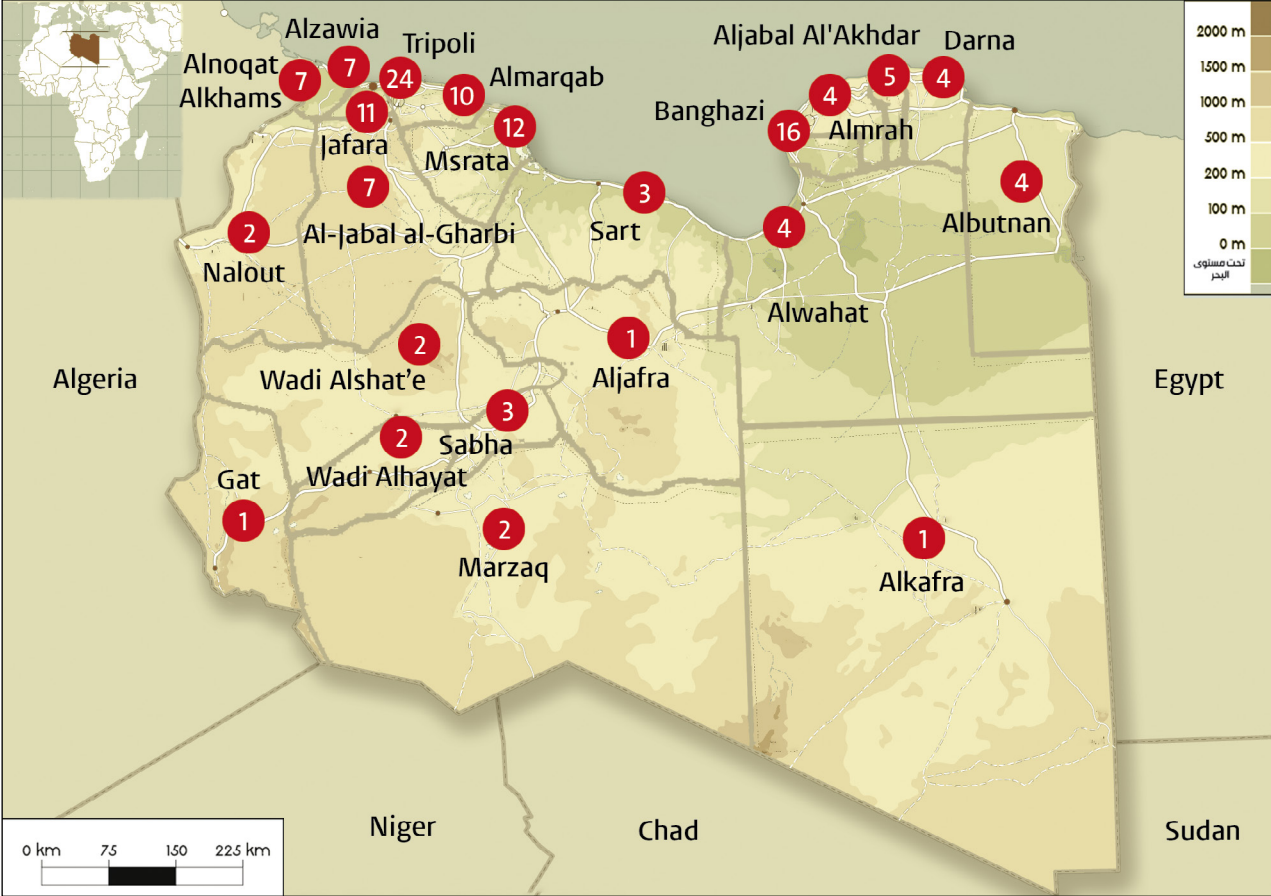
- Victims of murder by armed group members - Bani Walid
- Abu Salim prison victims families
- Kidnapping for ransom victims - Sabha
- Former owners of land dispossessed via law 123/1970 - al Marj
- Victims of oil pollution near the oases of Alwihat
- Survivors of spousal violence - Benghazi
- Former owners of land dispossessed via law no. 4/1978 - Tobruk
- Irregular female migrants - Benghazi
- Wives of missing persons - Bani Walid
- Women deprived of inheritance near Benghazi
- Victims of Tuareg and Tebu 2014 conflict in the Ubari
- Tawerghan's IDPs

Annex A1.3b. Distribution of case studies related to justice institutions



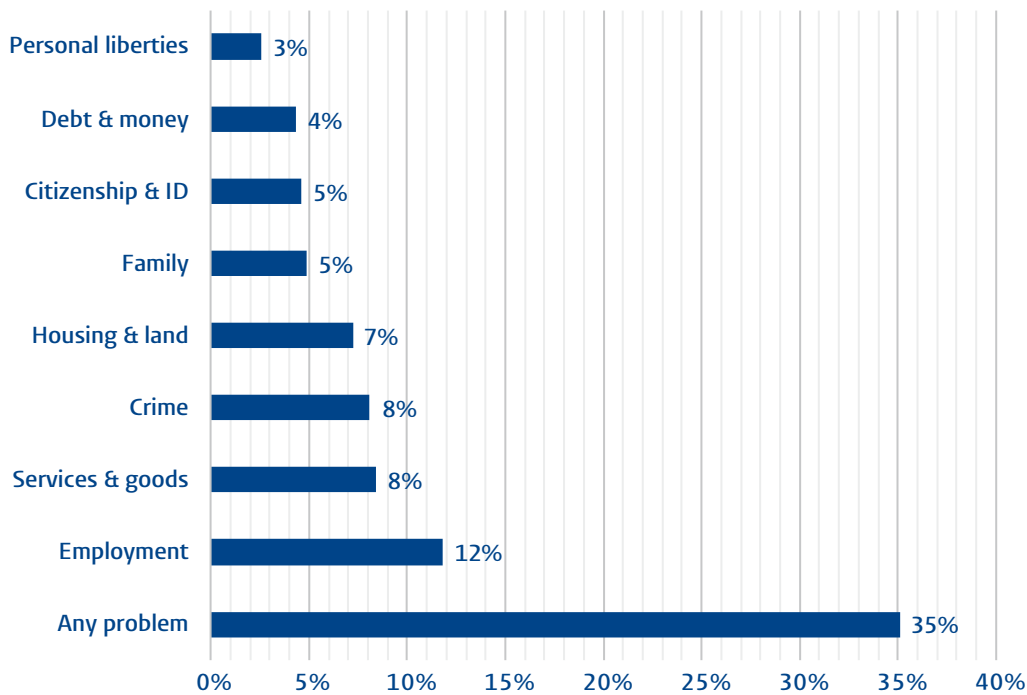
- | | |
|--|--|
| ● Public lawyers directorate - Benghazi | ● Public prosecution - Sabha |
| ● Public lawyers directorate - Tripoli | ● Shahat council of elders |
| ● Supreme court - constitutional chamber - Tripoli | ● Ajdabiya primary court |
| ● Public prosecution - Benghazi | ● Benghazi court of appeal criminal chamber |
| ● Tripoli court of appeal | ● West Zlitan primary court |
| ● Sabha district court | ● Administrative control authority - Benghazi |

Annex A1.3c. Numerical distribution of the samples of the nationwide survey on access to justice in Libya



Annex B. Tables and graphs

Annex B3.3a. Percentage of respondents with one or more problem, per problem category



Source: Table taken from Phase 3 report (Teeuwen et al. 2025).

Annex B3.3b. Variations in problem types across regions

Problem category	Libya	West	East	South
Employment	24.2%	22.7%	31.9%	9.9%
Property	14.4%	14.7%	14.5%	11.2%
Citizenship & ID	9.3%	9.6%	7.5%	13.9%
Transactions	23.8%	20.8%	31.5%	28.6%
Family	9.9%	11.1%	5.2%	15.0%
Personal liberties	3.4%	4.0%	1.2%	5.4%
Crimes	15.0%	17.2%	8.2%	16.1%
Total	100%	100%	100%	100%

Note: The category 'transactions' merges the categories of 'goods & services', and 'debt & money' from the survey.

Annex B3.3c. Relative distribution of justice seekers' opponents

Opponent type	% of total
Family member	16%
Other relative	5%
Neighbour	4%
Friend	3%
Other individual	12%
Employer	7%
Colleague	1%
Public company	9%
Private company	1%
Foreign company	0%
Public servant/authority	20%
Police	2%
Others/do not know/no answer	19%
Total	100%

Annex B3.3d. Relative distribution of justice seekers' opponents (summarised from B3.3c)

Opponent category (summarised)	% of total
Justice seeker's close circle	28%
Public authority (incl. police)	22%
Others/do not know/no answer	20%
Other individual	12%
Companies	10%
Employer	7%
Total	100%

Annex B3.3e. Average type of opponent per problem type

	Employment	Property	Citizenship & services	Goods	Debt & money	Family	Personal liberties	Crime
JS's close circle	7%	30%	10%	9%	69%	84%	13%	47%
Employer	28%	2%	1%	1%	1%	0%	3%	0%
Other individual	3%	19%	3%	5%	11%	6%	13%	38%
Companies	20%	4%	5%	21%	14%	0%	0%	1%
Public authority*	26%	12%	74%	31%	2%	1%	33%	3%
Others	16%	33%	7%	33%	2%	8%	40%	11%
Total	100%	100%	100%	100%	100%	100%	100%	100%

Note: Noteworthy high results are highlighted in blue. *Including police.

Annex B3.3f. Ratings by justice seekers of how 'worthwhile' their engagement was with different justice institutions

	All institutions	Judicial	Governmental	Community-based
Absolutely worthwhile	41%	44%	37%	50%
Somewhat worthwhile	32%	31%	36%	35%
Not really worthwhile	11%	14%	11%	7%
Absolutely not worthwhile	15%	11%	16%	8%
Total worthwhile	74%	75%	72%	85%

Note: Noteworthy low results are highlighted in orange, noteworthy high results are highlighted in blue.

Annex B3.3g. Ratings by justice seekers of how ‘worthwhile’ their engagement was with justice institutions according to problem type

	Employment	Property	Citizenship & ID	Transactions	Family	Personal liberties	Crime
Absolutely worthwhile	34%	34%	40%	40%	40%	52%	60%
Somewhat worthwhile	34%	36%	24%	32%	38%	24%	35%
Not really worthwhile	10%	11%	17%	13%	10%	15%	3%
Absolutely not worthwhile	23%	19%	19%	16%	12%	8%	2%
Total worthwhile	67%	70%	64%	72%	78%	77%	95%

Note: Noteworthy low results are highlighted in orange, noteworthy high results are highlighted in blue.

Annex B3.3h. Percentage of justice seekers ‘agreeing’ or ‘strongly agreeing’ that had been treated a certain way – by institution type

	All justice institutions	Judicial	Governmental	Community-based
Listened to	80%	84%	84%	92%
Shown understanding	85%	93%	85%	94%
Treated fairly	80%	77%	86%	93%
Treated politely	88%	94%	88%	94%
Treated impartially	75%	77%	76%	76%
Treated like others	77%	76%	81%	85%
Competent	83%	95%	88%	87%
Timely	64%	62%	63%	67%
Accurate	81%	87%	85%	89%
Communicative	81%	89%	79%	92%
Opinion allowed	86%	88%	90%	94%

Note: Noteworthy high results have been highlighted in blue.

Annex B3.3i. Percentage of justice seekers ‘agreeing’ or ‘strongly agreeing’ that they had been treated a certain way – by to problem type

	Employment	Property	Citizenship	Transaction	Family	Personal	Crime
Listened to	74%	87%	67%	77%	92%	67%	87%
Shown understanding	82%	81%	75%	83%	93%	68%	94%
Treated fairly	72%	76%	87%	78%	86%	54%	93%
Treated politely	81%	83%	88%	90%	99%	62%	93%
Treated impartially	63%	72%	81%	76%	78%	63%	86%
Treated like others	64%	84%	74%	77%	81%	79%	89%
Competent	76%	83%	83%	76%	95%	85%	90%
Timely	61%	61%	62%	68%	58%	64%	75%
Accurate	76%	83%	81%	75%	90%	80%	86%
Communicative	72%	83%	74%	77%	93%	68%	94%
Opinion allowed	84%	83%	83%	89%	90%	68%	89%

Note: Noteworthy low results are highlighted in orange, noteworthy high results are highlighted in blue. The category ‘transactions’ merges the categories of ‘goods & services’, and ‘debt & money’ from the survey.

Annex B3.3j – Percentage of justice seekers per sub-category answering ‘yes’ to the below questions regarding their problem under review when taken to a judicial institution (e.g. court)

Justice seeker by sub-category	Did the problem lead to a judgement, decision or agreement?	Was the problem resolved?	Was it resolved in a timely manner?	Was the outcome fair?	Was the outcome enforced?
<i>Gender</i>					
Male	53%	68%	37%	48%	79%
Female	37%	68%	32%	43%	82%
<i>Education</i>					
None	25%	17%	49%	38%	87%
Primary	47%	51%	36%	42%	71%
Secondary	50%	67%	34%	44%	80%
Bachelor/higher	41%	78%	36%	50%	82%
<i>Income</i>					
Covers needs; can save	59%	76%	41%	48%	78%
Covers needs, cannot save	41%	66%	33%	43%	83%
Facing some difficulties	39%	73%	29%	47%	77%
Facing great difficulties	50%	54%	40%	56%	79%
<i>Location</i>					
West	49%	69%	37%	46%	82%
East	41%	69%	31%	53%	71%
South	35%	52%	20%	27%	80%
Total average	45%	68%	35%	46%	80%

Note: Numbers highlighted in red are lower than average results within the sub-category (gender, education, income, region); blue highlighted are higher than average results for these sub-categories.

Notes

Colophon

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Libyan flag flying over a building in Benghazi. Reproduced under a Creative Commons license, courtesy of Flickr.com.

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