



Policy Brief

Slowness of justice in Libya: what, why, and how to address it?

Slowness of justice as a top access to justice problem

As the legal maxim says, “justice delayed is justice denied”. This, as our research project on Access to Justice in Libya shows, unfortunately rings very true for the different categories of justice seekers in Libya. First, it applies to justice seekers who, for years, have been seeking remedies for injustices committed by the former regime until 2011, and by conflict parties since. Second, it applies to the average justice seeker with an ‘everyday problem’, such as disputes over employment, goods and services, ordinary crime, housing and land disputes, and marital disputes.

‘Slowness’, or ‘lack of timeliness’, is one of the worst aspects of justice seekers’ experience with institutions. This is confirmed by the project’s survey data as well as by the case studies.² It features as the justice problem according to a senior civil judge documenting his decades-long professional experience.³ It is also reflected in the official statistics of judicial institutions, such as courts and public lawyers, which reveal huge backlogs. But this does not only apply to judicial institutions, instead also affecting government and community-based institutions. The latter are sometimes praised by Libyans for their efficiency and speed. In reality, they perform only slightly better compared to other types of institutions.⁴ But the slow progress of journeys for justice can also – partially – stem from justice seekers themselves, as they often approach different institutions simultaneously, attempting one procedure whilst waiting for another to proceed.

The Access to Justice in Libya (A2JiL) research project

This research project was conducted from 2021 to 2026 by the Centre for Law and Society Studies (University of Benghazi) and the Van Vollenhoven Institute for Law, Governance, and Society (Leiden University).¹ Twenty-four case studies on various justice seekers and justice institutions were conducted across Libya, along with a Nationwide Survey involving thousands of residents about their justice experiences and perceptions. The research identified three top ‘access to justice problems’ as experienced by justice seekers: i) journeys for justice are often too slow; ii) the treatment of justice seekers is too often not humane; and iii) outcomes are often inadequate or absent. The team discussed the research results with Libyan practitioners, policymakers, and academics at numerous workshops, conferences, and policy dialogues. For detailed reports on our research results, please visit our website, <https://libyanlawandsociety.org>

Problems underlying the slowness of justice

The slowness of justice finds its roots in several underlying problems. The A2JiL research identifies nine of these. This policy brief, however, will not address all of them. We leave out the underlying problems related to Libya’s macro problems (6-9). Finding solutions for these is beyond the scope of our research project. We therefore recommend that the leadership of the justice sector focus on the underlying problems, which depend less on major, macro-level changes in the country (1-5).

Nine underlying problems

1. Lack of legal, material, and financial resources in judicial institutions
2. Lack of capacity in justice institutions, notably in judicial bodies
3. Inadequate and outdated legislation
4. Lack of legal awareness
5. Lack of leadership and coordination of judicial bodies
6. Political divisions of the Libyan state
7. Stagnation of Libya’s initiatives for transitional justice
8. The general state of government institutions
9. Grave social discrimination

1. Lack of legal, material, and financial resources in judicial institutions

While judicial institutions require a certain quantity of human, material, legal, and financial resources, judicial institutions face all sorts of shortcomings. These include a lack of office spaces, insufficient means of transportation, insufficient availability of computers and other tools, and, importantly, an insufficient quantity or maldistribution of human resources, namely judges, prosecutors, public lawyers, and their auxiliary staff.

2. Lack of capacity in justice institutions, notably in judicial bodies

This includes issues of legal education, pre-service training, the actual appointment and transfer through the judicial movement, in-service training,

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issues of specialisation, of standards of assessment, promotion, and disciplinary measures, of technical-legal knowledge and skills, writing skills, social and psychological skills, and planning and leadership skills.

3. 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 in the right to litigate and appeal in criminal, administrative, and constitutional cases.

4. Lack of legal awareness

Many people, especially the poor, lower-educated, and the less-well-connected, are less aware of their rights, and of the institutions and procedures available to them. In addition, while informing and assisting the public – vulnerable groups in particular – falls within the mandate of Public Lawyers, so far little has been done by that institution 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, which has also affected judicial institutions themselves.

5. Lack of leadership and coordination of judicial bodies

The institutional legacy of the Gaddafi regime includes the Supreme Council for the Judiciary, a body with supervisory powers over the courts, prosecution, and the directorates of public lawyers, government lawyers, and law. The composition of this Council has been contested and changed several times. The Minister of Justice, who previously chaired the Council, was excluded in 2011. However, he still shares with the Council the mandate to oversee the judicial bodies. The Minister oversees judicial bodies, including their administrative staff (clerks, bailiffs, judicial police), and controls essential resources such as salaries, facilities, and operational budgets. The coordination between the two has often been problematic, which has come to the detriment of the supervised judicial bodies, particularly the courts and the High Institute for the Judiciary, responsible for the initial training of recruits for the judicial bodies.

Tackling the slowness of justice and accelerating its process requires addressing the underlying problems mentioned above. To do this, our research identifies the following corresponding strategic objectives.⁵

1. Providing judicial institutions with sufficient legal, material, and budgetary resources

Legal, material, and budgetary resources will contribute to filling the capacity gaps of institutions. Among others, this could be achieved by developing a website with easy access to legal resources, investing in the automation of judicial processes, notification, and information retrieval, and implementing pay scales based on merit and performance for members of the judicial bodies, instead of the current uniform pay scale.

2. Capacity development for members of judicial institutions

Investing in education and training for all members of judicial institutions, for example, by updating the curriculum of the High Institute for the Judiciary and ensuring proper training accompanying and following the judicial movement, will contribute to more efficient and better-quality work across these institutions. This should be paired with more in-depth and comprehensive inspections by the Judicial Inspection Directorate, prioritising quality, instead of the current focus on quantity.

Given their central role in access to justice and the challenges they face, capacity-building efforts should target courts, public prosecutors, and public lawyers. For courts, emphasis should be placed on merit-based selection for judges—grounded in competence, experience, diligence, and integrity—and on institutionalising judicial specialisation.

Public prosecutors should focus on initiating, conducting, and discontinuing criminal proceedings, while investigative judges handle investigations, particularly in serious crimes. They should also be encouraged to resolve minor offences and designated misdemeanours through punitive orders imposing fines. Procedural immunities that require prior authorisation to investigate certain officials should be reviewed to prevent misuse and ensure accountability.

Public lawyers should strengthen their roles in legal guidance, mediation and reconciliation, and enforcement of judicial decisions. To manage resources effectively, free services should be limited to low-income and vulnerable individuals.

3. Amending and updating specific laws and provisions, as well as the overall legislative framework

Existing legislation should be updated to mirror current social and economic realities. This includes outdated procedural rules such as those adding distance days to litigation deadlines, obsolete monetary thresholds for District Court jurisdiction diminished by inflation, and evidentiary requirements demanding written proof for claims exceeding 10 Libyan dinars (less than 1.5 euro). Appeal and cassation legislative procedures are also hindered by unnecessary formalities. Moreover, despite the presence of specialised administrative chambers, there is no dedicated administrative procedure law tailored to the specific nature of administrative litigation.

4. Legal information

Public awareness of rights and obligations under Libyan law should be strengthened through secure, reliable, and user-friendly media, both digital and traditional. Efforts should also highlight the role of Public Lawyers and the services they provide, particularly in conciliation and mediation. Public Lawyers, in turn, should actively use these channels to deliver guidance and assistance more effectively.⁶

5. Clarification and harmonisation of roles and responsibilities among the leadership of the justice sector

The relationship between the executive, particularly the Ministry of Justice, and the judiciary and Supreme Judicial Council calls for a reassessment. An evaluative study should be undertaken to determine the most appropriate institutional and functional framework to safeguard judicial independence and ensure effective justice administration, drawing on Libya's experience as well as relevant comparative models and international best practices.

References

- Ibrahim, Suliman, Bruno Braak, and Jan Michiel Otto. 2022. *The Long and Winding Road: Justice Seeking and Access to Justice in Libya*.
- Ibrahim, Suliman, and Jan Michiel Otto. 2026. *Journeys for Justice in Libya and How to Facilitate Them: Research on People, Problems, Laws, Institutions, and Practices*. Leiden.
- Ibrahim, Suliman, Jan Michiel Otto, Mohamed Zahi Mogherbi, and Bruno Braak. 2026. *Tayssur al-'adālah fī Libiyā [Access to justice in Libya]*.
- Ma'rouf, Faraj. 2026. "Taysīr Ijra'āt Al-Taḳāḏī Wa-al-Ḥadd Min Buṭ' al-'adālah [Facilitating Litigation Procedures and Limiting the Slowness of Justice]. Forthcoming." In *Taqdīm Al-'adālah Fī Libiyā [Providing Justice in Libya]*. Benghazi.
- Teeuwen, Gieneke, Suliman Ibrahim, and Fathi Ali. 2025. *A Survey on Access to Justice in Libya: How People in Libya Deal with Justiciable Problems Encountered in Their Daily Lives*.
- Van Vollenhoven Institute. 2026. *Making justice more accessible in Libya: a proposal for a grounded and realistic National Strategy*. Leiden.
- Van Vollenhoven Institute. 2026. *Public lawyers in Libya: repeat, repeal, regress, or relaunch?* Leiden.

Endnotes

- 1 See phase 3 report (Teeuwen et al. 2025)
- 2 See phase 1 report on justice seekers (Ibrahim et al. 2022), and phase 2 report on justice providers (Ibrahim et al. 2026)
- 3 See Ma'rouf (2026)
- 4 See phase 3 report (Teeuwen et al. 2025)
- 5 The project report outlines policy suggestions for each strategic objective. In this policy brief, we have chosen a few to illustrate the objective. For the full list, see chapter 9 of the report (Ibrahim and Otto 2026). For a focus on the five 'actionable' strategic objectives and recommendations, see A2jil policy brief 'Making justice more accessible in Libya: a proposal for a grounded and realistic National Strategy' (2026).
- 6 For further details on public lawyers, see A2jil policy brief 'Public lawyers in Libya: repeat, repeal, regress, or relaunch?' (2026).