

Routes to Justice for migrants in Libya

Access to justice

Repeated attacks, assassinations and targeting of judges, lawyers, and witnesses by armed groups has ground the criminal justice system to a halt. This has made it extremely difficult for migrants to find appropriate avenues to pursue accountability in the country. **Routes to Justice** will assist migrants with accessing justice outside of Libya. They will be able to file cases and submissions before international and regional courts and human rights mechanisms, and before domestic courts (where possible) under the principle of universal jurisdiction.

Libya remains the main transit country for migrants attempting to reach Europe through the Central Mediterranean route. In February 2018, the International Organization for Migration (IOM) recorded 704,142 migrants in Libya, 63% coming from Sub-Saharan Africa, 29% from North Africa and 8% from the Middle East and Asia.¹ Many of the migrants are fleeing armed conflict, persecution and extreme poverty and are often subjected to slavery, forced labour, extortion, torture and rape. The plight of migrants in Libya was thrust into the spotlight in November 2017 with CNN's exposé of migrant slave auctions in the country.² With the criminal justice system in Libya at a standstill, human rights violations and slave auctions continue. Whilst perpetrators evade accountability at the national level in Libya, opportunities are available to bring perpetrators to account internationally.

Our network of over 70 human rights activists, civil society organisations and Libyan lawyers will document and identify potential cases across Libya. The cases identified will focus on grave human rights violations experienced by migrants. We will initiate at least cases before international mechanisms, such as the African Commission on Human and Peoples' Rights (ACHPR), the UN Working Group on Arbitrary Detention (WGAD) and UN Special Rapporteurs during the project period. In addition, LFJL will submit communications and evidence of human rights abuses suffered by migrants to the International Criminal Court (ICC). The intention is that evidence provided by LFJL will facilitate the announcement of new arrest warrants by the ICC that address migrant-related crimes in Libya.

Impact, sustainability and organisational development

Routes to Justice will contribute to ending the impunity enjoyed by perpetrators of human rights violations in Libya who have profited from the country's instability. For victims, the project will ensure the violations they have suffered are acknowledged. On a national scale, the project will facilitate accountability and prosecutions to deter traffickers and armed actors from continuing to commit violations. It is hoped that the increased risk of prosecution for traffickers at the international level will act as a deterrence not just in Libya but across the region, supporting its stabilisation.

Litigation is a long and slow process and securing a prosecution or reparations can take many years. We manage victims' expectations carefully and realistically. In 2014, LFJL began a three-year project on the elimination of torture, in partnership with REDRESS. We trained and worked with our network of local lawyers and activists to select and file four cases to the ACHPR, the WGAD and the Special Rapporteur on Torture. Although the cases have not yet been adjudicated, both the victims and the lawyers within our network described feeling empowered by these efforts. One of the lawyers in our network stated that the training "opened doors for me at a time when I was feeling depressed and hopeless as an activist and lawyer. Now I have answers for families of survivors that I work with." Achieving justice is more than just securing a prosecution. For lawyers it is providing victims with access to justice. For victims, it is about recovery and finding normality again. To support victims in this process, we will provide them with access to psychological and physiological support through partners, such as Dignity,³ REDRESS⁴ and the Al Nadeem Centre⁵, which we worked with previously on providing rehabilitation for victims of torture.

We take a holistic approach to our work in order to maximise impact and improve the sustainability of our projects. Outputs of **Routes to Justice and Accountability**, which falls under LFJL's strategic litigation programme, will be incorporated in LFJL's advocacy and transitional justice programmes to maximise the project's impact. Supported by the Coalition of Libyan Civil Society Organisations, LFJL's advocacy programme will present anonymised outcomes of the project at the ACHPR and the UN Human Rights Council. This will encourage the Libyan state and the international community to adopt policies that protect human rights in Libya, preventing

¹ International Organisation for Migration, *Displacement Tracking Matrix (DTM) "Libya's Migrant Report: Round 17, January - February 2018, Flow Monitoring"*. <<https://drive.google.com/file/d/1mKip8Bm3RkaJFHbwSiOiyIPLeShZIPys/view>>

² CNN, "People for sale: Where lives are auctioned for \$400" by Nima Elbagir, Raja Razek, Alex Platt and Bryony Jones <<https://edition.cnn.com/2017/11/14/africa/libya-migrant-auctions/index.html>>

³ <https://dignityinstitute.org/what-we-do/rehabilitation/>

⁴ <https://redress.org/our-work/>

⁵ <https://www.alnadeem.org/en>

future abuses. LFJL's transitional justice programme will ensure that the legal briefs and supporting evidence are added to its Human Rights Archive⁶. This ensures that the case files are available to future transitional justice mechanisms in Libya, such as a truth and reconciliation commission, providing an alternative form of accountability for victims.

About Lawyers for Justice in Libya

Lawyers for Justice in Libya is a charity and non-governmental organisation defending and promoting human rights in Libya. Since its establishment, LFJL has been engaged in litigation activities to support victims of human rights violations in Libya. We are a small team of eight staff with expertise in international human rights law; the law of armed conflict and humanitarian law; international criminal law and tribunals; international arbitration and transitional justice working between Tripoli and London. We maintain a growing network of talented Libyan lawyers and activists, currently in excess of 70 individuals and organisations, who work on the ground across all regions in Libya. We also regularly work with national, regional and international organisations including the ICC; the Office of the United Nations High Commissioner for Human Rights; the United Nations Support Mission in Libya; REDRESS; Amnesty International; and Human Rights Watch.

⁶ Under its Human Rights Archive project, LFJL created a digital archive of evidence related to human rights violations in Libya. The archive has documented human rights violations which date from February 2011 to October 2017 and span the coast from Ras Jdir to Derna. See the link for more information:

<http://www.libyanjustice.org/news/news/post/323-archiving-human-rights-in-libya-one-year-of-shira>