

PRACTICAL RECOMMENDATIONS FOR ADVOCACY AND LITIGATION EFFORTS

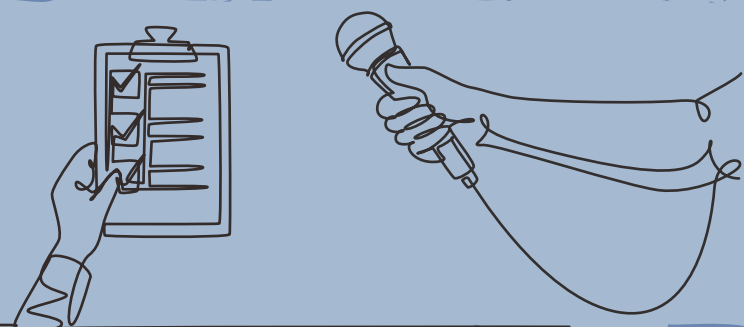
The following practical recommendations are useful for civil society actors, advocates and litigators working on the Cyprus-Lebanon-Syria pushbacks context.

Documentation and evidence collection

Lack of or insufficient evidence is a common issue in litigation:

Focus on cases with possibility to obtain additional evidence.

Document in bulk, as many cases as possible, with as much detail and description as possible may help give some gravity to the testimonies.



Engage with UN mechanisms

This includes filing complaints before the UN treaty bodies or the UN Special Rapporteurs. The latter is especially helpful in Lebanon as recourse to legal avenues is limited.

This recourse may place pressure on the states, as well as establish documentation of the violations and strengthen advocacy efforts.

Think outside the box! Do not limit your complaint to the obvious relevant Special Rapporteur or Treaty Body, engage with others that might also be relevant, such as the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment or the Committee on the Rights of the Child.

When filing complaints before UN treaty bodies and the ECtHR:

Make sure to review the relevant case law to understand the Court stance on certain issues, its reasoning as well as strategies that may be helpful to replicate.

Make sure that you exhaust all domestic remedies. Otherwise, you need a strong argumentation for not exhausting domestic remedies or else the complaint will be rejected.

Prepare for possible cases in advance. Ensure that you have a general draft complaint and some relevant supporting documents, on hand and ready for personalisation. Ensure that you have contacts in the country of asylum (Cyprus), country of residence (Lebanon) and country of origin (Syria) that you are able to coordinate with swiftly and effectively in the case of pushbacks.

Limited monitoring and documentation efforts by civil society organisations

Strengthen databases on pushbacks, boat movements, chain refoulement and related human rights violations, through increased situation monitoring, data collection and analysis.

Cooperate with other CSOs, international organizations, UN agencies, media, diplomats, donors and other relevant stakeholders to exchange data and information on the issue of pushbacks, in order to improve advocacy and litigation efforts.

Increased funding and support to national CSOs that specialise in monitoring and documenting pushbacks, boat movements and related human rights violations.

Provide training to national CSOs on documentation, advocacy and litigation, particularly to enable them in identifying legal issues during and post-pushback, collecting the necessary evidence that is also credible, and strategically engaging with the existing legal avenues.

Engage with the Committee of Ministers

- Communicate updates on Cyprus' legislation or implementation of ECtHR decisions which the Committee of Ministers may in turn communicate with Cyprus.

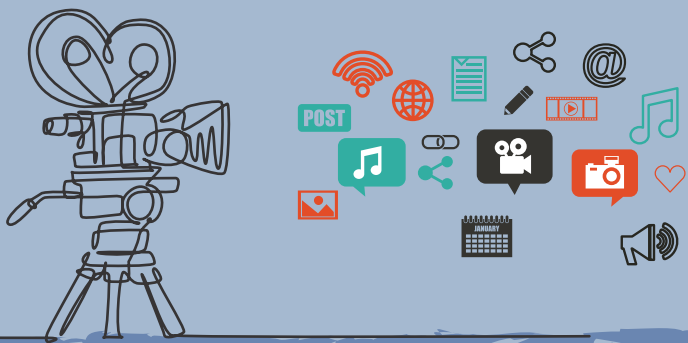
Do not overlook domestic efforts

It may be useful to engage with certain issues on the domestic level. For instance, in some cases, it may be valuable to rely on national laws for argumentation, such as the Code of Conduct of the internal security forces or military forces. It may also be useful to engage with the national mechanisms to prevent violations or hold the perpetrators accountable, such as the Ministry of Interior or of Defence, responsible for the acts of these forces.



Incorporate documentations into outputs

This may include situation reports, research papers, policy briefs and papers and statements. These outputs are important to advocacy and litigation efforts, as they may be used in meetings with stakeholders, such as state representatives, EU parliament or donors. They may also be used as supporting documents before the UN and EU mechanisms.



Meet with stakeholders

Correspond or meet with relevant stakeholders to share information, recommendations, and observations. These meetings are helpful to gain insight on the issues, as well as place pressure on the State, whether Lebanon or Cyprus.

Stakeholders may include donors, embassies and other foreign state representatives, government officials and institutions, non-governmental institutions, UN agencies or EU parliament and institutions.

Utilise the media

Incorporate documented cases of violations into media material, including reports, videos, and podcasts to bring attention of the public and the media to these violations, which may in turn place pressure on the relevant states.

Ensure flow of information by communicating with trusted media outlets and sharing updates and documented information as relevant (and as safe for all parties concerned, especially the victims, with their knowledge and consent). The media can place well-needed pressure on States in cases of violations.

Train journalists on the relevant legal matters that will allow them to accurately identify and cover issues, particularly with regards to the criteria for the establishment of state jurisdiction and control on the boats.

Start small

Advocacy efforts revolving around non-refoulement in Lebanon and Cyprus may sometimes fall short. CSOs and individuals could alternatively advocate on issues that impact non-refoulement, such as the issue of residency in Lebanon, the 2019 Higher Defense Council decision to deport Syrians who enter Lebanon surreptitiously after April 2019, the issue of restricted access to detainees for legal representatives, and many others.