

Minutes of Misrata-Tawergha Agreement on the Return of the Displaced and Compensation of those Affected

Today, 31 August 2016 that coincides with 27 Thu Al-Qi'dah 1437 Hijri, in the Tunisian capital,

An agreement was reached between the two dialogue committees on the file of Misrata and Tawergha

Preface

Based on

The meetings of the Misrata Municipal Council and Tawergha Local Council;

The meetings of the committee that was established to reach an agreement and the outcomes that it achieved;

The statement of notables and tribal leaders of Tawergha tribes, the rest of the tribes who reside in Tawergha and the Tawergha interim care-taker council, dated 23 February 2012, which includes an apology to Misrata for all actions that are proven to have been committed by any of the Tawergha residents;

The road map dated 18 December 2015;

The security arrangements meeting held on 8 December 2015;

The desire of both parties to end and close the problem between Misrata and Tawergha;

The desire to achieve social peace, justice and reparation, establish the rule of law and contribute to preventing recurrence of past mistakes or propagating them to future generations;

The determination of everyone to find solutions to all obstacles that stand in the way of the implementation of the Agreement for the sake of peace and justice;

An agreement is concluded according to the following items:

Article 1

The Preface shall be considered an integral part of this Agreement.

Article 2

Both parties agree that all necessary efforts shall be made to achieve and consolidate reconciliation, peace and social harmony between Misrata and Tawergha and educate the individuals through workshops, media, religious platforms, meetings and various activities on the importance of achieving peace, healing the wounds and seeking to address all impacts of the conflict.

Both parties to the Agreement commit to work on putting an end to all media and non-media campaigns that spread sedition, ill will, incitement to hatred.

Article 3

Both parties to the Agreement agreed on the necessity of reparations as a right for those harmed in order to compensate for the violations they suffered and to achieve justice, reconciliation and safe return. Reparations also assist in achieving stability, security and social peace. It is a consensual mechanism to which communities resort to settle their disputes, and has been adopted in this Agreement.

Article 4: General Provisions

- 1- The duration of the below mentioned “Agreement period” is from 17 February 2011 to 11 August 2011.
- 2- This Agreement covers compensations for harm that concern the following categories, within the scope of the Agreement period only and based on the following monetary values:
 - A. Killed persons:** The compensation for killed persons shall be paid as a lump sum; it was estimated as follows:
 - i. Married persons: 100,000 LD (one hundred thousand Libyan Dinars)
 - ii. Single persons: 70,000 LD (seventy thousand Libyan Dinars)
 - B. Detainees:**
 - i. The compensation for each day in detention is estimated at 334.00 LD (three hundred and thirty four Libyan Dinars) and 10,000 LD (ten thousand Libyan Dinars) for each month paid as a lump sum.
 - ii. Persons detained for less than 15 days shall receive an amount of 5,000 LD (five thousand Libyan Dinars) only, paid as a lump sum.
 - iii. This Agreement does not cover the period beyond 11 August 2011 for persons whose detention continued or started after 11 August 2011. However, they shall have the right to submit to the future national reparations programme for the period subsequent to the Agreement.
 - C. Missing Persons:** The compensation amount for missing persons shall be paid as a lump sum; it was estimated as the following:
 - i. Married persons: 100,000 LD (one hundred thousand Libyan Dinars)
 - ii. Single persons: 70,000 LD (seventy thousand Libyan Dinars)
 - D. Reparations for Health Damages:** The Libyan State is obliged to issue health insurance card to treat those affected.
 - E. Compensation for Personal Property:** The Compensation for personal property shall be costed by documenting relevant damages and witness testimonies in front of a notary. This Agreement does not cover compensation for fixed assets (real estate). The Joint Committee shall accumulate the total value of compensations and adopt them in lists.
- 4- This Agreement does not cover compensations for damages that occurred during and after 2011, such as damages resulting from military strikes and armed conflict, which the Libyan state shall compensate in accordance with its legal procedures.

The Libyan State will be obliged to compensate for the categories of damages that are included in this Agreement, but fall outside the time-period it covers, through the general national reparations programme.
- 5- Those affected shall have the right to judicial recourse if they believe that their compensation is insufficient.
- 6- This Agreement and its articles shall be the basis for interpreting and identifying the commitments of both parties and shall be referred to in any disagreement between them.

Article 5: Establishment of a Fund

A fund shall be established to provide reparations and compensations for those affected by this file. It shall have legal personality and financial independence. The Libyan State shall issue a decree on its establishment. The fund shall deal with financial and administrative procedures of the Misrata-Tawergha file. It shall be financed through the Libyan State, donor countries, associations, international or local organizations. The work of the fund shall end after completion of compensation procedures and delivering the monies to all those affected.

Article 6: Justice

Justice shall be achieved for those accused of committing violations during the period of the Agreement through the judiciary according to official procedures. The Libyan State shall take all necessary legal procedures to prosecute the accused. Both parties call on the Libyan State and the Ministry of Justice to provide fair trials for the accused and detainees and to expedite the release of the innocent. Compensation application files shall be referred to the judiciary to suspend compensation requests of those accused in criminal cases relevant to the conflict during the period of the agreement until a decision is taken on the cases against them. Those who are not convicted shall receive their compensation in accordance with Article 5 of this Agreement.

Article 7: Security Arrangements

Necessary security arrangements must to be taken so as to ensure safe return. What was agreed in the aforementioned security arrangements meeting shall be the basis for this, provided that the arrangements are implemented by the ministries of Defense and Interior. A joint operations room between Misrata and Tawergha shall be established so as to coordinate the security arrangements. The two Ministries shall commit to identifying the numbers of personnel and provision of the necessary equipment and vehicles.

Article 8: Rehabilitation

The Libyan State shall form a committee to undertake provision of the basic requirements and components for the return and enable decent living conditions, clearance of mines and remnants of war, opening of roads, rehabilitation of some basic facilities such as hospitals and schools, connecting electricity grid, water supply and rehabilitation of homes in accordance with the following items:

1- Tawergha

- a) Re-open roads, clear mines and removal of remnants
- b) Connect the electricity grid and water network
- c) Rehabilitate schools
- d) Rehabilitate hospitals as well as health and administrative centers
- e) An amount of 6000 LD (six thousand Libyan Dinars) shall be disbursed to each homeowner as a lump sum to cover the rehabilitation expenses of their homes. This shall be unrelated to the right to compensation in respect of personal property or real estate.
- f) Construct mobile homes to the owners whose homes were destroyed and irreparable.
- g) Establish a family care center.

2- Misrata

- a) Re-open the roads and clear the mines at the municipal branch of Tommina.
- b) Connect the electricity and water networks at the municipal branch Tommina.
- c) Rehabilitate schools at the municipal branch Tommina
- d) Rehabilitate hospitals at the municipal branch Tommina
- e) Establish a family care center at the municipal branch Tommina.

Article 10: Implementation Mechanism

The Libyan State shall take all necessary measures and actions to implement the items of this Agreement. Priorities shall include the establishment of a special fund for this file. The Libyan State shall establish an independent committee comprising representatives of the Joint Committee so as to ensure transparency, credibility, fulfillment of the requirements of the victims and respect for the principles of human rights.

Article 11: Final Provisions

1. The Municipal Council of Misrata and the Local Council of Tawergha through the two dialogue committees shall be the legitimate representatives of both parties to this Agreement. They shall work to achieve, implement and follow up on all of its items.
2. This Agreement shall enter into force following its signature by the two dialogue committees and immediately after its adoption by the Municipal Council of Misrata and the Local Council of Tawergha and endorsement by the Libyan Government.
3. The two parties agree that the Municipal Council of Misrata and the Local Council of Tawergha shall work on resolving all administrative matters.
4. The Libyan Government shall be considered the guarantor and shall be responsible for facilitating the return process and payment of the compensations established in accordance with this Agreement.
5. The two parties call on the United Nations and all international institutions and supporting bodies to make every effort to support this Agreement and sponsor its implementation.

Article 12: Date of Return

Both parties agreed on the need to follow the steps below for a peaceful, voluntary and safe return as follows:

1. Adoption of the Agreement by the Municipal Council of Misrata and the Local Council of Tawergha on 20 September 2016.
2. Adoption of the Agreement by the Libyan Government on 28 September 2016.
3. Establishment of the Fund, formation of the Fund Committee, and deposit of money on 15 October 2016.

Upon completion of these points, Tawergha shall be open for the return.

Both parties shall hold the Libyan State fully responsible for fulfillment of this Agreement.

Signature of Head of the Misrata Dialogue Committee

Name/

Signature/

Date/

Adoption of Municipal Council of Misrata

Name/

Signature/

Date/

Signature of Head of the Tawergha Dialogue Committee

Name/

Signature/

Date/

Adoption of Local Council of Tawergha

Name/

Signature/

Date/

Endorsement of the Libyan State

Name/

Signature/

Date/