

## **Minutes of Misrata-Tawagha Agreement on the Return of Displaced Persons and Compensation for those Affected**

On 31 August 2016, corresponding to 27 Zuhair 1437, in the Tunisian capital, an agreement was made between the two Misrata and Tawagha Dialogue Committees.

### **Preface**

Based on the meetings between the City Council of Misrata and the Local Council of Tawagha and on the meetings and results of the committee formed for reaching an agreement. [Also based] on the statement and sheikhs of the people of the tribes of Tawagha, the tribes that inhabit them and the Provisional Facilitation Council of the city of Tawagha - dated 23 February 2012 - which includes an apology to Misrata for all proved forgetful actions on any of the inhabitants of Tawagha. [Also based] on the road map dated 18 December 2015, on the meeting of the Deferred Security Arrangements held on 8 December 2015 and on the will of the two sides to put an end to the problems between Misrata and Tawagha. [Also based on] the will to have social peace, justice, re-establishment of a state of law and to cooperate in preventing the mistakes of the past or transferring it to coming generations and the insistence of everyone on finding solutions to all obstacles making it difficult to implement the agreement into peace and justice.

On this basis, an agreement was concluded according to the following principles:

### **First matter**

The introductory principle is regarded as inseparable to this agreement.

### **Second matter**

The two sides agree to make all necessary efforts to realise and consolidate reconciliation, peace and social harmony between Misrata and Tawagha. [They also agreed] to raise awareness among people through workshops, the media, religious forums, meetings and different activities, about the importance of realising peace, healing the wounded and seeking to treat all the effects of the conflict.

The two sides of this agreement commit to work on ending all media campaigns and media coverage that broadcast killings, hatred, the embitterment of souls and encouragement of hatred.

### **Third matter**

The two sides of the agreement have agreed to the necessity of reparations as a right to compensation for the violations suffered, as well as justice, reconciliation and the return of security. They also help in realising stability, security and social peace. This is a consensual mechanism to which societies are guided for solving the differences between them. It is also what has been followed in the agreement.

**Fourth matter: General rulings**

- 1- The period of the agreement referred to below is between 17 February 2011 and 11 August 2011.
- 2- This agreement covers compensation for damages related to the following affected people, and only within [the domain of] the period of the agreement, according to the following financial values:
  - (A) The deceased: The amount that is due to be paid for death as a single payment. Its value is as follows:
    - '1' Married 100,000 DL, meaning one hundred thousand Libyan Dinar.
    - '2' Unmarried 70,000 DL, meaning seventy thousand Libyan Dinar.
  - (B) The detainees:
    - '1' The due value for each detainee is 334 DL (three hundred and thirty four Libyan Dinar) for every day detained, meaning 10 ten thousand Libyan Dinar every month. It will be paid as a single payment.
    - '2' A single payment of the value of nothing else but (5) five thousand Libyan Dinar will be paid to those who were detainees for a period between a day and 15 days.
    - '3' Those who continued to be detained or who were detained after 11 August 2011, are not included in this agreement. They are entitled to be included in the Future National Programme for reparations in the period following the agreement.
  - (C) Missing persons: The amount that is due to be paid for a missing person as a single payment. Its value is as follows:
    - '1' Married 100,000 DL, one hundred thousand Libyan Dinar.
    - '2' Unmarried 70,000 DL, seventy thousand Libyan Dinar
  - (D) Reparation of health damages: The Libyan State commits to issue a health insurance card for treatment of the injured within and outside of Libya.
  - (E) Compensation for transportation: A special compensation for transportation has been specified for limiting the relevant damage by testimony of the witnesses in the official Libyan circles. This agreement does not include compensation for fixed assets (real estates). The Joint Committee will calculate the financial value of the compensations in their statements.

4- This agreement has nothing to do with what will be compensated for damage suffered throughout the rest of 2011 and beyond, including damages as a consequence of military bombing, armed conflict, and what the Libyan State gives compensation for according to the legal steps.

As such, the Libyan State commits to compensate for the damage this agreement compensates for outside the time period included in the General National Programme for Reparation.

5- The injured have the right to resort to the judiciary if they find their compensation insufficient.

6- This agreement and what is said in its principles are regarded as the foundation for explaining and specifying the obligations of the two sides subject to it in the case of any differences between them.

#### **Fifth matter: Creation of a fund**

A fund will be established for reparation and for providing compensation to those affected by this issue. It will have a legal status and independent financial power. A decision will be issued by the Libyan State to implement it. This fund presides over the follow up of the financial and administrative steps in the issue of Misrata and Tawagha. It is funded by the Libyan State, donor countries, local and international associations and organisations. The operation of this fund ends after the completion of the compensation steps and the reimbursement of all the affected.

#### **Sixth matter: Justice**

The investigation of justice regarding the ones accused of committing violations during the period of the agreement will go through the judiciary by the following official steps. It is for the Libyan State to take all the necessary legal steps to bring the accused to justice. The two sides request the Libyan State and the Ministry of Justice to conduct a fair trial for the accused and the detainees, as well as to accelerate the release of the innocents among them. The files of the compensation requests will be presented to the judicial system to solidify the assessment of the accused's special compensation requests on criminal cases related to the conflict during the period of the agreement until lawsuits were issued towards them. Anyone who is not found guilty will be paid a compensation according to the ruling of the fifth point in this agreement.

#### **Seventh matter: Security arrangements**

In order to realise a safe return, the necessary security arrangements must be taken. What the agreement says about this is considered in a security arrangement meeting mentioned above. That is the foundation and therefore the two Ministries of Defence and Interior will take the measures. A shared Misrata-Tawagha operations room will be created to coordinate the security arrangements. The two Ministries commit to specifying the number of people and providing the necessary equipment.

#### **Eighth matter: Reconstruction**

The Libyan State will form a committee for provision of essential requirements and items for reconstruction, enabling to live a decent life, clearing mines and remnants of war, opening the roads, reinstating essential facilities like hospitals and schools, connecting an electricity network, connecting water and repairing houses according to the following principles:

- 1- Tawagha
  - (A) The roads will be re-opened, mines will be cleared and garbage will be transported.
  - (B) An electricity and water network will be connected.
  - (C) The schools will be repaired.
  - (D) The hospitals, health and administrative centres will be repaired.

- (E) An amount of (6) six thousand Libyan dinar will be paid to every house owner as one single payment to cover the expenses of rebuilding his house. This has no relation with the right to compensation related to properties.
  - (F) Mobile houses will be established for the owners of the destroyed houses which cannot be repaired.
  - (G) Family care centres will be established.
- 2- Misrata
- (A) The roads will be re-opened and mines will be cleared by mobilising the Municipal Branch.
  - (B) An electricity and water network will be connected by mobilising the Municipal Branch.
  - (C) The schools will be repaired by mobilising the Municipal Branch.
  - (D) The hospitals will be repaired by mobilising the Municipal Branch.
  - (E) Family care centres will be established by mobilising the Municipal Branch.

#### **Tenth matter: Implementation mechanisms**

The Libyan State takes all necessary measures and steps to implement the principles of this agreement. It is among its priorities to create a special fund for this issue. The Libyan State has established an independent committee in which two representatives of the shared committee participate, in order to ensure that transparency, credibility and the requirements of victims as well as the respect for human rights are achieved.

#### **Eleventh matter: Concluding rulings**

- 1- The City Council of Misrata and the Local Council of Tawagha are considered as the two committees of the dialogue. They are the two representatives of the two sides in this agreement. They are working towards its realisation and implementation and towards following up on everything stated in it.
- 2- This agreement is valid once it has been signed by the two committees of the dialogue, adopted by the City Council of Misrata and the Local Council of Tawagha and authenticated by the Libyan Government.
- 3- The two sides have agreed that the City Council of Misrata and the Local Council of Tawagha are working on a comprehensive solution on [urgent]<sup>1</sup> issues.
- 4- The Libyan Government is regarded as the lender and guarantor for facilitating the rebuilding process and paying the value of the relevant compensations according to this agreement.
- 5- The two sides invite the United Nations, all international institutions and supporting bodies to make all efforts to support this agreement and to oversee its implementation.

#### **Twelfth matter: Return date**

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<sup>1</sup> Unclear

The two sides have agreed on the necessity to take the following steps in order to realise a voluntary and peaceful return of security. These are as follows:

- 1- The agreement will be approved by the City Council of Misrata and the Local Council of Tawagha on 20 September 2016.
- 2- The agreement will be approved by the Libyan Government on 28 September 2016.
- 3- The fund will be established, the Fund Committee will be formed and money will be deposited to it on 15 October 2016.

Tawagha is open to return [Illegible] the completion of these principles.

The two sides give the Libyan State the full responsibility for realising this agreement.

**Signature of the President of the Dialogue Committee of Misrata**

Name/ [Illegible]

Signature/ [Illegible]

Date/ [Illegible]

**Signature of the President of the Dialogue Committee of Tawagha**

Name/ [Illegible]

Signature/ [Illegible]

Date/ [Illegible]

**Approval of the City Council of Misrata**

Name/

Signature/

Date/

**Approval of the Local Council of Tawagha**

Name/

Signature/

Date/

**Ratification of the Libyan State**

Name/

Signature/

Date/

Source: Libya Mustaqbal. 'Text of Reconciliation Agreement between Misrata and Taghawa', 31 August 2016, <https://bit.ly/2v0CtYo> [accessed November 4, 2017]