



Support to Transitional Justice at Local and National Levels in Libya Project – Annual Report to the Italian Republic Reporting Period

31 August 2016 - May 2017



May 2017

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Situational Background

The *Support to Transitional Justice and Reconciliation at the Local and National Levels in Libya* aims to facilitate dialogue between different parties in localized disputes and to work with the parties to identify a way to develop capacities for conflict resolution, establish transitional processes to deal with past violations and develop plans to enhance community security. The project supports key actors at the local and national levels to a) continue dialogue processes on transitional justice and return of IDPs; b) develop strategies and plans to support transitional justice measures; c) support inclusive community safety and security planning. The project will begin with the Misrata and Tawergha dialogue and will aim to replicate the approach in other communities

The project, which is jointly being implemented by UNDP and UNSMIL, is organised around three outputs:

Output 1: Local and national level dialogue process on transitional justice and return of IDPs facilitated

This output area will focus on enabling the key parties to the disputes from displaced communities to continue the dialogue process on transitional justice and return of IDPs. For the case of Misrata and Tawergha, this will mean ensuring that an operational plan is devised based on the roadmap of December 2015. UNDP and UNSMIL will also provide technical support to establish baselines through community level assessments on perceptions of safety and security including confidence in the conditions of return.

Specific lessons will be drawn from the experiences of Misrata and Tawergha to help inform other similar dialogue processes. For the case of Mashashya and the Gwalish, who are interested in undertaking a similar process, the project can support the process to develop agreements to facilitate a reduction in violence and a return of the IDPs to their communities.

Output 2: Key stakeholders in Libya are better able to develop transitional justice plans at sub-national and national levels

UNDP and UNSMIL will provide technical support to developing a transitional justice strategy at the local level for the displaced communities. As outlined in the road map, the transitional justice strategy will need to consider mechanisms for documentation and fact finding of past human rights violations, reparations for victims, and establishing accountability mechanisms. As a means of further confidence building, the situation

of detainees and missing persons will also be addressed through capacity building of justice sector actors as well as supporting systems to expedite processing of cases. Technical experts on transitional justice and reparations will be deployed to advise in the process and to bring in international experiences of how similar processes have worked in other places and situations. The experiences of establishing these mechanisms at the local level can also help inform national mechanisms for transitional justice. UNDP and UNSMIL will also identify means through which to support conflict-affected populations with legal and psychosocial support, including through civil society and other third party mechanisms.

Output 3: Local communities are better able promote safety and security for returning populations

In order for communities to feel safe enough to return to their homes, some level of security planning must be in place at the local level. UNDP, in partnership with UNSMIL, can support the development of inclusive local security plans, identify safety and security priorities for communities that need to be addressed before they can return to their communities. Extensive consultations will need to be held at the local levels including on how to provide security for the communities.

This project is jointly financed by the Italian Republic and Federal Republic of Germany. The Italian Republic supports the Transitional Justice project under the cost sharing agreement dated 31 August 2017 in the amount of EUR 1,000,000. The Italian funding under this cost sharing agreement will be used throughout the second half of 2017 and in the course of 2018 to advance the Misrata-Tawergha transitional justice process as well as to replicate this approach to other communities in conflict such as the Mashshasha-Zintan, who indicated their interest in a similar process facilitated by UNDP/UNSMIL.

The Political Context

Following the signing of the Libyan Political Agreement, localized fighting in Libya has continued whilst the Presidency Council has been establishing itself as the only legitimate government in Libya. Opportunities for addressing some of the localized conflicts between specific disputing parties, however, have recently led to local ceasefire agreements and willingness to resolve disputes through dialogue processes. Some communities, especially those who have been displaced from their communities, have come together, after several rounds of talks and confidence building efforts, to explore how to take forward reconciliation and peace building initiatives.

One such process has taken place between the Tawerghans and the Misratans, with the facilitation and support of UNSMIL. In December 2015, the Joint Committee for the Misrata and Tawergha dialogues reached a comprehensive agreement, a roadmap outlining general principles on moving forward to “overcome the legacy of the past in a fair way and contribute to the building of a Libya based on the rule of law, justice and human rights.” The roadmap is based on past agreements which recognized “the right of the people of

Tawergha to return to their land". Upon this basis, the Joint Committee called for addressing key issues such as a) reparation of victims, b) accountability of detainees and missing persons, c) safe returns, d) reconciliation. Similar processes are also starting to emerge in other localities in Libya.

While there has been some delay in fully recognizing and endorsing the Government of National Accord, there continues to be space at the sub-national level to take forward localized reconciliation efforts as evidenced by the commitment by Misrata and Tawergha on implementing the joint roadmap. In order to build on this momentum and support these local reconciliation efforts, UNSMIL and UNDP are well placed to support the Misrata and Tawergha dialogue process elaborating the process and mechanism through which communities can be better equipped to deal with the past, and for internally displaced people to feel safe to return to their homes without fear to their security. Similar process can also be supported in other communities. The Mashashya and the Gwalish, for example are other communities which are prepared to enter into discussion to reduce tensions between communities and facilitate the complete return of IDPs.

Key Results and Achievements

Output 1: Local and national level dialogue process on transitional justice and return of IDPs facilitated

UNDP and UNSMIL continued to support the Misrata-Tawergha Dialogue. A milestone was reached when a detailed agreement was signed between the two communities in August 2016 to implement the Road Map agreement of December 2015 for reparations and returns of Internally Displaced Persons (IDPs). The Transitional Justice Project (TSJ-Project) supported the necessary follow-up of this process through facilitating the dialogue by providing technical expertise, substantial advice and logistical support. In March 2017 the process faced a slight set-back, when the August 2016 implementation plan was altered by the parties in dialogue, raising concerns of its consistence with international law and standards. In direct response, the TSJ-Project has engaged the PC and the Committee on the areas which are not in line with international standards proposing concrete solutions for the next step of the process. The PC has responded by raising some of these issues with the committee members, as part of their ongoing discussions regarding implementation of the agreement. The TSJ-Project will continue to engage on bringing the implementation of the agreement in line with relevant international standards, including through broadening out the dialogue process throughout the second half of 2017. To this end, it will support the Misrata-Tawergha communities in structuring and contextualizing their dialogue by conveying transitional justice knowledge and insight to the communities to

ensure a continued human rights compliant transitional justice process aimed at the prompt, dignified, safe and unconditional return of Tawerghans to their home.

Output 2: Key stakeholders in Libya are better able to develop transitional justice plans at sub-national and national levels

In December 2016, the TSJ-Project supported two dedicated workshops by providing logistical support and key international substantive expertise facilitating the discussion between Misrata-Tawergha for setting up an interim reparation program on local level. Moreover, throughout the second half of 2017, the project will extend its operational action and will deliver dedicated support for establishing or supporting a psychosocial support centre in Misrata and for the Tawergha community in the spirit of a symbolic reparation project: international expertise will be mobilised for a thorough need assessment and micro grants with generous support of Italy to invest in local initiatives..

The backlog of cases of detainees and missing persons remains of serious concerns. Having said this, in the course of 2017 the Transitional Justice Project will further enhance its support to confidence building measures in line with international standards and the rule of law at the local level (Misrata-Tawergha) addressing the backlog of cases of detainees and missing persons through facilitating a peer-to-peer dialogue between prosecutors, judges and international experts.

The Misrata-Tawergha transitional justice process has notably inspired other communities as the Mashashiya-Zintan to take up similar processes. UNSMIL/UNDP held several meetings in 2016 to facilitate the ongoing negotiation process between Mashashiya-Zintan. In April 2017, following the unilateral return of some Mashashiya to their homes, the communities in conflict finally signed an agreement on their transitional justice process to come in terms with the past. The TSJ-Project will actively support the communities in this process through facilitating and structuring their dialogue, mobilizing substantive international expertise with the overall objective of consolidating and expanding the return of displaced persons in the course of the second half of 2017.

Output 3: Local communities are better able to promote safety and security for returning populations

The TSJ-Project supported a dedicated meeting of UNSMIL with the Misrata Committee in January 2017. The aim of the meeting was to facilitate the finalisation of the non-technical assessment on landmine and/or explosives objects in the Tawergha area, which had been blocked since early 2016. Thanks to this facilitation, the non-technical assessment was finally conducted in March 2017. Building on this assessment the TSJ Project will in the second half of 2017 support the development of a detailed plan to increase the level of confidence of the IDPs from the Tawergha community for returning; the TSJ-Project will similarly look to building levels of confidence for IDP return in the Mashashiya-Zintan track throughout the second half of 2017.

A. Risks

There are risks for the Transitional Justice Project as for any other project that could hinder or prevent. The below table reflects the updated situation in summary as of May 2017.

#	Description	Type	Impact & Probability Updated as of May 2017	Risk mitigation measures
1	Project Manager has been recruited; project team in course of being completed; project faces difficulties in identifying technical experts, who cannot be identified	Organizational	P=2; I=3 improved	UNDP utilizes fast-track recruitment processes in line with UNDP rules and regulations; existing UNDP and UNSMIL staff will provide backstopping until project team recruited; UNDP and UNSMIL will identify required expertise in advance through internal and external rosters
2	Limited resource mobilization to cover all activities	Financial	P = 2; I=4 unchanged	UNDP and UNSMIL engage continually with the donor community to secure funds; activities prioritized based on available resources
3	Limited access to Libya	Political	P =5; I = 2 unchanged	UNDP and UNSMIL utilise remote management mechanisms; UNDP also includes local staff in Libya and third party contracting arrangements
4	Deterioration of the security situation	Political	P=3; I=3 unchanged	UNDP and UNSMIL will monitor the security situation carefully and make recommendations to the project board to adjust the activities accordingly
5	Lack of agreement among parties on mechanisms and implementation of roadmap and transitional justice process	Political	P=3; I=3 unchanged	UNDP and UNSMIL will monitor the security situation carefully and make recommendations to the project board to adjust the activities accordingly
6	Raised expectations which may not be able to meet on establishing a transitional justice mechanism in a short time frame	Strategic	P=2; I=3 unchanged	UNDP and UNSMIL to work closely with the parties and other stakeholders to manage expectations, especially on what is achievable in a short time frame
7	Project activities could overlap with other UNDP programming and other UN activities	Strategic	P=2; I=3 unchanged	Project team involved in coordination mechanisms including internal coordination with ongoing UNDP and UNSMIL activities in the areas covered by the project, particularly those related to justice and human rights

Way forward:

The Transitional Justice Project has proven very useful in defusing tension and promoting confidence building measures by generating virtuous cycles of improved reconciliation and resolution of inter-communal dispute through transitional mechanisms. For example, there has been a noticeable drop in arrests, detention and torture of Tawerghans by Misrata armed groups and releases of Tawerghans held arbitrarily in Misrata. Misratan officials have handed over hundreds of files of university students to Tawergha officials enabling them to continue their education and members of the Tawergha community were able to visit their city for the first time since their displacement. The project will continue to support the reconciliation process between Misrata and Tawergha during the second half of 2017 through facilitating the necessary dialogue to further advance the process by also mobilizing substantive expertise to the respective transitional justice elements to be implemented. To this end the dedicated support of a psycho-social support centre in Misrata and for the Tawergha community in the spirit of a symbolic reparation project will form an important part of the operational actions to be taken.

The Mashashiya-Zintan communities, inspired by Misrata/Tawergha process, expressed their will to enter a similar transitional justice process, demonstrating that the TSJ-Project provides successful experiences, on which other processes can build upon. The recent positive development in this case will provide a solid basis to build upon and to extend the TSJ-Project to the support of other communities' transitional justice processes throughout the second half of 2017.

B. FINANCIAL INFORMATION

Revenue VS Expenses Summary Information from August 2016 to May 31, 2017

Amount in USD

I. Receipts

First Cash Transfer	<u>1,114,827</u>
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II. Expenses:

Direct Project Cost (DPC)- Personnel	26,196
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Equipment and Fixture	4,574
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Direct Project cost (DPC)-General Operating Expenses	13,106
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Sub Total	<u>43,876</u>
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General Management Support (GMS) Fee	<u>3,505</u>
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Total Expenses	<u>47,381</u>
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III. Remaining Balance (I-II)	<u>1,067,446</u>
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Notes:

i) Revenue received in currency other than USD is converted to USD using UN- Operational Rate of Exchange applied at of receiving.

ii) The above expense reports don't include the commitments, prepayments and UNDP Assets including Inventory for the same year-end.

iii) The above Summary Revenue vs expense information are prepared as interim report. The UNDP Bureau of Management, OFRM will provide the certified financial statements as stipulated on cost sharing agreement Article II, sub article 2b.