Report of the Seminar on Challenges and priorities of Transitional Justice policies in the Libyan and Tunisian cases
Gammarth, Tunisia, 18 February 2015
1. Background
On 18 February 2015, No Peace Without Justice (NPWJ) organised, in collaboration with FAI, a Libyan organisation working on the protection and promotion of Women's Rights, and the International Organisation for Cooperation and Emergency Aid (IOCEA), the seminar “Transitional Justice policies and the role of civil society in justice and accountability. A comparative perspective: challenges and priorities in the Libyan and Tunisian cases”.

Around four years ago, both Tunisia and Libya saw the fall of repressive regimes that had gripped their countries for decades. However, while Tunisia has recently celebrated the successful conclusion of their long transitional process with presidential and parliamentary elections, Libya is now witnessing the most violent and turbulent period of its recent history. The purpose of this event was to provide a comparative perspective on the key challenges related to the implementation of Transitional Justice policies in Libya and Tunisia and to highlight the upcoming priorities that the two countries will face in the discourse over justice and accountability from civil society’s perspective. In particular, the discussions focused on civil society’s engagement and contribution to transitional justice in Tunisia, the evolution of transitional justice in Libya and how the Tunisian experience can support and strengthen the work of the Libyan civil society community.

The activity was the second event of its type held in Tunisia and it was very successful, confirming the great importance that the sharing of experiences, best practices and lessons learned on transitional justice and accountability from Tunisia may have for Libya. This activity aimed to contribute to that essential exchange of ideas end experiences by providing opportunities for cross-fertilisation and exchange of information.

2. Seminar Summary
2.a Participation
The seminar brought together 24 Libyan and Tunisian lawyers, journalists, human rights advocates and civil society representatives to share lessons learned and best practices on Transitional Justice, reinforcing their respective capacities to work on these issues.

2.b The Seminar
Opening session
The seminar had built upon the conclusions of the two-day “Seminar on commonalities and differences of the Transitional Justice processes in Libya and Tunisia”, organised by No Peace Without Justice (NPWJ) with the support of the Kawakibi Democracy Transition Center (KADEM) in November 2014. Giulia Cappellazzi, NPWJ’s Libya Program Coordinator, opened the workshop and gave a brief presentation of the work undertaken by NPWJ and the support it lends to the process of transitional justice in Libya. She also highlighted Kadem’s role, in partnership with NPWJ, in raising civil society’s awareness about transitional justice in Tunisia. Ms Cappellazzi welcomed the guests and presented the topics and aims of the seminar. In particular, she focused on civil society’s engagement and contribution to transitional justice in Tunisia, the evolution of transitional justice in Libya and how the Tunisian experience can support and strengthen the work of Libyan civil society activists.

First Session
The first session consisted in a panel discussion, brief presentation of the keynote speaker and a short comment by a discussant, who presented the same core topic in their respective countries. Mouna Tabei, Transitional Justice expert, presented civil society’s engagement and contribution to Transitional Justice in Tunisia, providing an analysis of the concept, principles and mechanisms of Transitional Justice in general and, specifically, in the Tunisian context. By presenting the concept of Transitional Justice as a set of measures to achieve accountability and provide reparations for victims, Ms Tabei discussed the objectives of transitional justice and the important results achieved through a successful implementation of this process, particularly ensuring democratic transition, truth-seeking and accountability. Ms Tabei highlighted the role that Tunisian civil society played during the Jasmine revolution, which has proved to be a critical player in the lead-up to the elections, fostering vibrant discussions on transitional justice and engaging at the social and political level to
help develop reconciliation and transitional justice mechanisms that represented the backbone of the success of the Tunisian revolution.

Bushra Hassan Al Houni, Libyan Civil Society Representative, commented on the presentation of Ms Tabei and, starting from the Tunisian example, highlighted the challenges that Libya is facing in its transition.

Kheari Abo Shagoor, Head of the Libyan Center to Support Democracy and Human Rights in Tunisia, presented the evolution of Transitional Justice in Libya and the Transitional Justice Law in its process of truth-seeking, reparation, accountability and institutional reform.

Abo Shagoor analysed the current political and institutional obstacles in Libya and highlighted the fact that Transitional Justice is to be considered as a means to remedy violations of the past and as a set of judicial and non-judicial mechanisms and processes through which society seeks to address the heritage of past violations and to guarantee accountability, justice and reconciliation.

Asma Gharbi, lawyer, commented on the challenges presented and analysed by Mr Shagoor, also highlighting the opportunities offered by the Libyan Transitional Justice Law (Law 29/2013). Ms Gharbi drew a comparison between transitional justice legislation in Libya and Tunisia, emphasising the fact that a transitional justice law should be based on a participatory approach that involves all components of civil society, which actually took place in Tunisia.

The panel discussion was followed by a question and answer session, where both Libyan and Tunisian participants engaged in interactive discussion on the topics presented. In this way, the seminar represented a venue to debate the key challenges that Libya and Tunisia faced in the transitional justice process and the upcoming priorities that the two countries will face from civil society’s perspective.

Second Session

During the second session, Libyan and Tunisian participants presented their work as human rights activists, the work that their organisations are carrying out and their achievements working on Transitional Justice issues. After the presentations, which also constituted an opportunity to share with the other participants the challenges faced when working on such issues, the brainstorming continued in working groups. Participants divided into two groups and were given a practical exercise on the topics: Analysing Transitional Justice: the key challenges faced in Tunisia and Libya by those working in this area; and Localising Transitional Justice: interventions and upcoming priorities in Libya and Tunisia from the civil society community’s perspective.

Third Session

A final plenary session was devoted to presentations of the discussions of the working groups and to the formulation of an outcome for each issue area discussed. Among the priorities highlighted by the working groups was the need for Libyan civil society organisations to have a long term strategy and to adapt to the current circumstances, where the situation in Libya undermines the possibility of having a fixed presence in the country. Therefore, it is important to be able to create and strengthen a new network of Libyan Human Rights activists and civil society organisations based in Tunisia, as well as to become more involved in discussions with the Tunisian counterparts. Another priority was the importance of the independence of the media, in order to ensure that information provided is objective, reliable and unbiased. All the reports were discussed in terms of their strengths and weaknesses.

Conclusions

The challenges faced by Tunisia during their transitional process, as well as the successes and the failed attempts in other post-revolutionary Arab countries, can be instructive for countries, like Libya, that are still struggling to find a path to establish transitional justice mechanisms that can support the building of democratic and open political institutions. Even if transitional justice mechanisms need to be adapted and adjusted to local conditions and respond to the needs of citizens on the ground, it is critical to ensure that the lessons learned in different places are made available and shared with those that need them most.
Annex

Agenda

Transitional Justice policies and the role of civil society in justice and accountability

A comparative perspective: challenges and priorities in the Libyan and Tunisian cases

Hotel El Mouradi Gammarth, Tunis, 18 February 2015

9h30 Registration
10h00 Opening and Welcome Remarks
10h15 Introduction of Participants

First Session: Panel Discussion
Moderator: Mr Seraj Alezzabi, Trial Monitoring Network, NPWJ

A first session devoted to presentations includes a presentation of the speaker and a comment by a discussant, who will also present the same core topic in the respective country.

10h30-11h15 Civil Society's Engagement and Contribution to Transitional Justice in Tunisia (How transitional justice benefits civil society: while civil society can play a significant role in transitional justice processes, it can also be strengthened by transitional justice, the Tunisian case).
Presenter: Ms Mouna Tabei, Transitional Justice Expert
Discussant: Ms Bushra Hassan, Libyan Civil Society Representative

11h15 Questions and Answers Session
11h30 Coffee Break

11h45-12h30 The evolution of Transitional Justice in Libya and the Transitional Justice Law in its process of truth seeking, reparation, accountability and institutional reform (How to build a holistic transitional justice process analysing the current political and institutional obstacles, the Libyan case).
Presenter: Mr Kheari Abo Shagoor, Head of the Libyan Center to Support Democracy and Human Rights in Tunisia
Discussant: Ms Asma Gharbi, Lawyer

12h30 Questions and Answers Session
12h45 Lunch Break

Second Session: Working groups
Moderator: Mr Seraj Alezzabi, Trial Monitoring Network, NPWJ

Participants will present the work of their organisation or their own achievements working on Transitional Justice issues.

15h15 The brainstorming continues in working groups on the upcoming priorities as well as the key challenges faced in Tunisia and Libya. Participants will be given a practical exercise on the following topics:
1) Analysing Transitional Justice: the Key Challenges Faced by Those Working in This Area
The key challenges faced in Tunisia and Libya
2) Localizing Transitional Justice: Interventions and Upcoming Priorities in the Civil Society Community’s Perspective
Interventions and upcoming priorities in Tunisia and Libya
Led by: Presenters and discussants
16h30 Coffee Break

Third Session: Plenary
Moderator: Mr Seraj Alezzabi, Trial Monitoring Network, NPWJ

The final plenary session is devoted to presentations of the discussions of the working groups.

16h45 – 18h00 Outcomes of working groups
Led by: Rapporteurs of the working groups
Working groups will present the results of their discussions, receiving feedback from other participants.
18h00 Conclusions

18h30 Dinner