



Stakeholder report
United Nations Human Rights Council
Universal Periodic Review – 2019
Libya

Rights of Migrants, asylum seekers and refugees – Submitted by the Independent Organization for Human Rights

1. Key Concerns

- Libya still criminalizes all undocumented and irregular entry into its territories
- Despite the differences in the number of detainees and their nationalities in Libya's eastern, western, and southern detention centers, there is a general pattern of similarity in their situation, the conditions under which they live, and the violations against them. The situation of the detention centers is still far from international human rights standards.
- There are also no clear procedures pertaining to people who enter Libya legally, but whose official residency period has expired. All these people suffer the same destiny, which is detainment in detention centres. All are considered "illegal immigrants".

2. Introduction

This report is submitted by the Independent Organization for Human Rights, which is a Libyan non-governmental organization that seeks to respect and protect human rights and is based in Misrata.¹ Since the beginning of 2019, the Independent

¹ Facebook Page:

<https://www.facebook.com/%D8%A7%D9%84%D9%85%D9%86%D8%B8%D9%85%D8%A9-%D8%A7%D9%84%D9%85%D8%B3%D8%AA%D9%82%D9%84%D8%A9-%D9%84%D8%AD%D9%82%D9%88%D9%82-%D8%A7%D9%84%D8%A5%D9%86%D8%B3%D8%A7%D9%86-Independent-Organization-for-Human-Rights-505589449467770/>

Organization for Human Rights (**the Organization**) has been following up the cases of irregular immigration and asylum-seeking in Libya. The Organization reviews the application of the recommendations that Libya accepted on immigration refuge and asylum-seeking in the 2015 UPR. It is disappointing to observe that the situation of immigrants, refugees and asylum-seekers is becoming more complicated, and that their destiny is becoming more uncertain. Immigrants and asylum-seekers, whether those forcibly detained in Government of National Accord (GNA) detention centers in Tripoli or those in detention centers handled by the parallel government in Al-Baidaa (east of Libya), have lived in the same unchanging conditions for several years.

The International Organization for Migration (IOM) estimated that, as of 2019, there are 655,144 migrants in Libya, 8% of them are children. However, only 7000 of the previous number are inside detention centers. Immigrants and asylum-seekers who live in several Libyan cities outside detention centers, participating in the labor market, significantly outnumber those in detention centers.

It is worth noting that there is no one united official authority responsible for operating these detention centers in Libya. Every center's operations are based on the affiliation of those who control it, even though all centers should ideally report to the Ministry of the Interior. For instance, the Directorate for Combatting Illegal Migration (DCIM) in Tripoli had issued a decision to shut down over 13 detention centers. However, some of these centers were reopened in violation of this decision. Some of the detention centers were reopened as security and investigation centers, continuing to detain immigrants and asylum-seekers for long periods of time. This is an indication that DCIM does not control all the detention centers.

3. The Legal Status of Immigrants and Asylum-Seekers in Libya

Clashing parties and governments in the east and the west of Libya continue to detain immigrants and asylum-seekers. These detainees have not had legal trials based on Libyan immigration law and have not been accused of any specific crimes. They are detained indefinitely until they are sent back to their homelands through the IOM's voluntary humanitarian return program,² or until Libyan authorities forcibly deport them by land through Egypt or Tunisia. Moreover, Libyan laws still criminalise illegal entry, stay, or exit of Libyan territory and punishes these acts by imprisonment until deportation.³ There is no consideration of individual cases or special needs. This law even applies to unaccompanied children whereby any child aged 9 years or above is detained with adults and is considered as an illegal immigrant. There is no immigration system in Libya, which has not approved the 1951 Convention Relating to the Status of Refugees and does not formally recognize the United Nations High Commissioner for Refugees (UNHCR).

² <https://www.iom.int/news/iom-voluntary-humanitarian-return-assistance-migrants-continues-amid-conflict-tripoli>

³ Law No 19 of 2010 Regarding Illegal Immigration.

4. The Libyan East:

International organizations offering humanitarian aid in detention centers in the Libyan east have not provided many details on the conditions in these centers; however, activist interest in these centers has recently been on the rise. Below are the names of these eastern detention centers and the cities where they are located.

Number	Detention Center Name	Affiliation	Location	Person in Charge
1	Bab Al Zaytoun	Ministry of the Interior- Government of the East of Libya	Bab Al Zaytoun- Tobroq	Colonel Ibrahim Lareed Mohammad Lareed
2	Al Baida'	Ministry of the Interior- Government of the East of Libya	Al Baida' City	Lieutenant Rida Ahoureesh
3	Shehat	Ministry of the Interior- Government of the East of Libya	Shehat City	Lieutenant Ramzi Ramadan Atiyya
4	Al Marj	Ministry of the Interior- Government of the East of Libya	Al Marj City	Major Idrees Saleh
5	Talmitha	Ministry of the Interior- Government of the East of Libya	Toukra	Lieutenant Hamad Al-Zrouk
6	Qenfouda	Ministry of the Interior- Government of the East of Libya	Benghazi	Lieutenant Ashraf Hussein Houwaidi
7	Ajdabia	Ministry of the Interior- Government of the East of Libya	Ajdabia City	Colonel Omar Younes

8	Talmitha-Coast	Ministry of the Interior-Government of the East of Libya	Talmitha	Major Wanees Bakkar
9	Derna	Ministry of the Interior-Government of the East of Libya	Derna	Colonel Mansour Saeed Mansour
10	Shehat-Women's	Ministry of the Interior-Government of the East of Libya	Shehat	Lieutenant Ramzi Ramadan Atiyya
11	Al Qobba	Ministry of the Interior-Government of the East of Libya	Al-Qobba city	Major Wanees Al-Hijazi

All these detention centers are under the control of DCIM's branch in Al Baida' city, which is affiliated to the east-based interim government.

- Head of the DCIM department in the Eastern Zone: Idriss Mohammad Al-Kateb
- Army Rank: Major General
- Date of Appointment: August, 2018
- Headquarters: Al Baida' City

Bab Al-Zaytouna is one of the major centers reached by immigrants who manage to flee from smugglers and human traffickers controlling the outskirts of the city Tobroq. The locations of smugglers and kidnapped immigrants in Tobroq remain unknown mainly because of the deliberate secrecy that surrounds much of what goes on in this city. We had the chance to follow up with many of these immigrants, some of whom had already left Libya after their short detention period. They reported that this short detention period was a clear proof of the types of treatment and violations. These immigrants reported being tortured and extorted by traffickers from Libya as well as other countries. Immigrants were asked to call their own families and ask for a ransom in return for their release. Moreover, shockingly, military forces would take some of these immigrants outside the Bab Al-Zaytouna detention center, force them to do unpaid labor, offer them some food and cigarettes, and return them to the detention center at the end of the day.

Eastern Zone Immigration Department (2018) statistics: Shehat Detention Center- Published online

Nationality	Total	Deported	Injured	Indicted	Released	Men	Women
Egypt	1618	593	37	56	932	1591	27
Eritrea	66	66	2	None	None	58	8 w 3 child
Ethiopia	14	14	1	None	None	10	4
Chad	218	70	23	9	116	207	11
Sudan	369	208	31	11	119	360	9
Nigeria	73	41	6	3	23	66	7
Gambia	33	20	3	2	8	30	3
Mali	16	10	2	None	4		
Niger	11	11	None	None	None		
Syria	71	3	3	2	36		
Bangladesh	18	11	4	None	3		

Finally, detention in Eastern Libya centers does not last for a long period of time usually because most immigrants and asylum-seekers prefer to go to the Western region in case their goal is to reach Europe by sea. Egyptian and Sudanese detainees constitute the highest percentage in detention centers; they are usually released into the labor market or selected by employers who visit the detention center to hire laborers. In most cases, the Eastern DCIM deports them by land to the Egyptian border.

5. Conditions in Western Zone Detention Centers Controlled by the internationally-recognized Government of National Accord

After the start of the ongoing war around Tripoli, many detention centers faced dangerous threats. Immigrants and asylum seekers in Ain Zarah detention center, located near the line of fire west of the Tripoli, were transferred in trucks either to Al Sikka “Assembly and Departure Point” in central Tripoli or to Al-Sab’a detention center located in Al-Fernaj in Tripoli. However, over 3000 immigrants continued to be held in detention centers in the war zone. The response of IOM and UNHCR to this crisis was disappointing. These organizations evacuated immigrants and transferred them to Shuhada’ Al-Naser detention center, which had been marked for closure under a decision by the Libyan government. In June 2018, the UN Security Council issued a decision pertaining to the people who oversaw the security of this center. Despite all these decisions, detainees were transferred to this detention center. The situation of other detention centers in Tripoli was also critical. Tajoura’ detention center was subject to aerial bombing on June 3, 2019. 50 people were killed, and the fate of many others remains unknown.

Detention Centers in Central Zone

Detention Centers in Central Zone Controlled by the GNA

Detention Center Name	Sert	Al Karareem	Zleiten	Al Khams	Al Khams
Location	Sert	Misrata	Zleiten	Al Khams	Souk Al Khamees
Person in Charge	Ghaith Nasr	Ismail Shanab	Ali Al Taleb	Mohamad Al Drouqi	Moustafa Qamrah
Affiliation	Anti Illegal Immigration Unit-Tripoli	Anti Illegal Immigration Unit-Tripoli	Anti Illegal Immigration Unit-Tripoli	Anti Illegal Immigration Unit-Tripoli	Anti Illegal Immigration Unit-Tripoli

The situation in the central region is similar to that in western parts of Libya. Souq Al-Khamis detention center, in which asylum-seekers from Eritrea have been held for one year approximately, has a very bad reputation. Over 120 detainees live in dire condition of overcrowding, very poor health and psychological circumstances, as well as lack of ventilation and sanitary products and facilities. Minors are not separated from adults.

There was a considerable delay in UNHCR's response to their asylum-seeking file, and they were unable to communicate with the UNHCR for over four months. Afterwards, the UNHCR contacted the detainees only to request the serial numbers of their registration files. Four of these detainees attempted suicide because of despair and lack of hope. The detention center contains one inoperable latrine, despite intervention by an international organization to maintain this latrine. In fact, testimonies by the detainees revealed that it was the detainees themselves who fixed this latrine, hired by a local Libyan contractor who is apparently affiliated with the international organization. The detainees have been held for one year and three months, deprived of their liberty, and imprisoned inside Souq Al-Khamis detention center controlled by DCIM. As at June 30, 2019, the number of detainees in this center has risen to over 180 men, women, and children.

Testimonies from detainees reveal that many of them were sexually harassed by gunmen who enter the detention center late at night. Under the cover of a late night security check, gunmen offered financial bargains for the sexual exploitation of the detainees entering and exiting the latrines. On August 1, 2019, the Minister of the Interior (GNA) issued a decision to shut down three detention centers: two in the central region and one in Tripoli. It was decided that Al-Karareem detention center in

Misrata and Al-Khams detention center be closed down. However, Souq Al-Khamis detention center was not shut down despite its bad reputation and despite all the warnings and appeals.

6. Who offers Food Supplies to Immigrants and Asylum-Seekers?

The quantity and quality of the meals differ vastly from one center to another. For the past three years, the same repetitive meals have been offered to men, women, and children, including those of who are sick. It is usually the same pasta or rice meal offered sometimes for both lunch and dinner. Sometimes, especially when kitchens are located outside the detention centers, detainees are offered a meal once per day, usually in the afternoon.

Detention center authorities reported malnutrition among detainees, insufficient food supply, and receiving only one meal per day. They attributed this to the fact that the government is not paying caterers, which obliges them sometimes to pay for detainees' meals out of their own pocket. Médecins Sans Frontières (MSF), reported repeatedly that detainees suffer from malnutrition because of the insufficient supply of food and water in detention centers.⁴

7. Detention Centers in the Western Mountain and in the Libyan South

The situation is even worse in remote areas inflicted by division, fragmentation, and armed conflict taking place frequently in the south. Detention centers in the south of Libya do not receive any attention. Detainees are not provided by even their most basic needs for one single day. The two detention centers in Al Kufra city, the detention center in Sibha, and the detention center in Al-Qatroun all have very old and unsteady building structures. On the other hand, Thaher Al-Jabal detention center, close to the city of Zintan, also has a very bad reputation. Detainees in this center, six of whom died because of tuberculosis, suffer from very bad living conditions Gharyan (Bourshada) detention center in the city of Gharyan has similar unchanging bad condition. Despite of that, it is still receiving immigrants and asylum seekers.

Throughout all these years, all the changing governments in the east and the west of Libya proved to be incapable of dealing with the case of immigrants and asylum-seekers in Libya, to the extent that this case became an alibi for political bargaining and a reason for each party to put the blame on the other, including international authorities. The European Union has taken a stand when it comes to this case file. For instance, Italy took advantage of this situation in order to sign agreements that would keep immigrants and asylum-seekers away from the coasts of Rome, providing the

⁴ <https://www.msf.org/alarmed-rates-malnutrition-and-inhumane-conditions-tripoli-detention-centre-libya>

Libyan coastguard with training and equipment for this purpose, despite the fact that Libya is not safe for its own citizens.

8. Recommendations

8.1 Libyan Authorities in the East and the West

- The Ministry of the Interior should observe its legal obligations towards unaccompanied children and to do its best to separate them from adults. It should assist those of them who are asylum-seekers by facilitating their communication with international organizations, as stipulated by international agreements that Libya approved and is bound to comply with.
- The DCIM should provide security officers at women and children's detention centers with rigorous legal and human rights training that would enable them to carry out their operations professionally and to protect women's and children's privacy under the critical existing circumstances.
- We commend the decision of the GNA Minister of the Interior, issued on November 10, 2018, to establish the "Office of Child and Family Protection". If active and unconstrained, this office will play a significant role in improving the conditions of immigrant and asylum-seeking women and children.
- We encourage authorities in the east, the west, and the south to coordinate among each other in order to address the humanitarian cases pertaining to immigrants and asylum-seekers, especially reuniting family members who have been separated into different regions because of the existing conflict.

8.2 Libyan Non-Governmental Organizations and Activist Communities

- Women's and children's rights organizations in Libya should direct their efforts partially towards women and children in detention centers, and to try to find ways to alleviate their suffering.
- Legal organizations and lawyers concerned with the immigration case file should pressure governmental authorities into separating children from adults and reiterating relevant laws and regulations, as well as reminding authorities of regional and international agreements that Libya had approved.

8.3 United Nations Support Mission and International Organizations Working in Libya

- It is important for international organizations to build a comprehensive joint advocacy strategy with Libyan authorities. This strategy should be realistic and immediately applicable, especially concerning separating children (especially those unaccompanied) from adults throughout their presence in Libya. International organizations should have a clear action plan in which tasks are divided in the victims' best interest.
- The United Nations Mission in Libya should coordinate with Libyan authorities regarding the case file of illegal immigration in Libya, starting with

the Libyan east. A periodic assessment should be carried out in each geographical region. Ruling authorities in the east and the west should allow human rights personnel to visit all detention centers.

- International Organizations, such as IOM and UNHCR should develop an accurate mechanism for selecting their local staff in Libya. There should be constant follow-up and capacity building of these staff members in order to upgrade their competence in legal and human rights. It is important for them to receive constant training and to attend workshops pertaining to human rights.

End of Report