

LIBYA HUMANITARIAN COUNTRY TEAM

Request for Action: Provision of Food Assistance in Detention Centres

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I Context

The clashes that have erupted in the South of Tripoli between forces of the Government of National Accord (GNA) and the Libyan National Army (LNA) have negatively impacted the lives and safety of the civilian population including Libyan nationals as well as refugees and migrants in and around Tripoli with many families stranded in the middle of armed confrontations, hundreds of families and displaced and a growing number of civilian casualties.

Among the vulnerable population affected by the recent outbreak of conflict are many migrants and refugees detained in detention centres (DCs) close to the conflict lines in Tripoli. The conditions of detention have long been a point of concern for all humanitarian actors with basic international minimum standards of detention often not being met and exposing migrants and refugees to serious human rights violations. Conditions in many DCs fall much below international standards plagued by frequent shortages of food and other essential services. The quality of food provided by the DCIM also continues to be a point of concern for the Food Security Sector (FSS). Various Humanitarian actors have also had challenges accessing various DCs and those who manage to access them continue to face challenges to conduct post service delivery monitoring of their assistance.

The FSS is concerned by the worsening conditions of food delivery in DCs. Various reasons may have contributed to these persistent challenges, including but not limited to:

- Contractors refusing to continue food delivery to DCs managed by the Directorate for Combatting Illegal Migration (DCIM) due to outstanding payments and contractual disputes,
- Ongoing clashes affecting access to the various DCs and not allowing service providers to safely access the DC and fulfil their contractual obligation, or
- DCs falling under other parties to the conflict and DCIM is no longer able to coordinate food delivery within the DC.

The FSS has received various reports that migrants and refugees in various DCs have not been able to receive enough food on a daily basis, in part due to the ongoing clashes.

The provision of food and water is considered essential to the survival of those in detention.

The FSS, as part of the larger humanitarian action coordination in Libya, continues to call for the ending of automatic and arbitrary detention of refugees and migrants as a prerequisite to adhere to basic standards of international human rights law. Detention is not an appropriate or effective response, nor a solution to the

management of mixed flows in Libya. The FSS, based on discussions within sector and on recommendations made by the Migrants & Refugees Platform, has agreed to continue coordinating and advocating for direct food support to the DCs recognized by the sectors to be in dire condition, which are at times exacerbated by the current ongoing hostilities. The following guidelines lines are aligned to all existing oversight mechanisms such as the HRDDP for relevant humanitarian actors.

The FSS would like to call on the support of the Humanitarian Coordinator for the following:

1. HC in collaboration with the FSS sector & MRP coordinators to engage with the Ministry of Interior to notify the Ministry of the urgent food needs at the identified DCs below (See Annex 1). The human rights obligations of the MOI towards the safety of detainees under the responsibility of the Ministry, and their duty to provide food and water, among other essential services to all detainees, needs to be reiterated.
2. HC in collaboration with the FSS sector & MRP coordinators to advocate for the facilitation of unfettered access to the identified DCs to enable FSS partners to support them with food provision during an emergency period, subject to the considerations below.
3. In each case of emergency delivery of food to a detention center under this policy, the DSRSG/RC/HC shall write to the Ministry of Interior, detailing the violations that require the emergency aid, demanding immediate rectification, and indicating a public statement may follow.

II Conditions for the Exceptional Provision of Direct Food Assistance to DCs affected by ongoing conflict

The following considerations shall apply to the provision of exceptional direct food assistance to DC(s).

1. The FSS and the Protection Sector shall assess whether to provide direct food assistance to DC(s) according to one or more of the following considerations:
 - a. Whether the DC is located close to the conflict area and delivery of food has been affected:
 - i. Due to the service providers not being able access the area, or
 - ii. Due to a new party controlling the conflict area and service providers refusing delivery or being denied access to the DC.
 - b. The safety of detainees is not considered to be at risk due to the ongoing conflict. When the safety of detainees is threatened due to conflict, the MRP will request the HCT to call for the immediate relocation of those in detention to other locations not affected by conflict.
 - c. DC has received a high number of new arrivals evacuated from other DCs due to the conflict and is temporarily unable to respond to the needs in time.
 - d. Whether a written request for support has been shared by the MOI and/or DCIM for the exceptional support with a clear justification (in accordance with the considerations in this document) and for a limited duration.
 - e. Whether the inability of the DC authorities to deliver food has been independently verified by the FSS partners.
 - f. Such other factors deemed necessary and relevant by the FSS and the Protection Sector.

- g. The safety of Humanitarian actors has been coordinated by the Humanitarian Access Working Group.
2. The quality and quantity of the food assistance will be determined by the FSS members present in those DCs, following existing international guidelines on nutrition, and will form part of this document as Annex 1.
3. The exceptional delivery of food aid is limited to such time period as shall be agreed to by the FSS & the HCT, and based on discussions and letters shared by the DC authorities. The FSS, in collaboration with the Protection Sector, can also determine that the exceptional conditions have lapsed.
4. The FSS partners active in the DCs have unfettered access to the said DCs to assess conditions therein, to distribute food, and to undertake post-distribution monitoring. The exceptional delivery of food during the emergency period will be directly linked to the provision of full access to the DC and detainees, and any restrictions on the ability to monitor food distribution will lead to the discontinuation of the support.
5. Any verified diversion of food assistance will lead to the discontinuation of the food assistance in the concerned DC.
6. Any reports of human rights violations, incidents of PSEA or other types of exploitation will lead to the suspension or discontinuation of assistance.
7. The MOI and DCIM shall agree prior to the provision of support that this direct food aid is provided due to the present exceptional conditions, and that they shall take up their responsibilities once the FSS, in collaboration with the Protection Sector, have in their own discretion determined that the conditions of emergency have subsided.

III Advocacy with partners

1. The FSS, considering the exceptional conditions that have arisen due to the recent conflict, recommends that the HCT urge the various donors to support humanitarian actors respond to the increased food needs, and to bridge the supply gap caused by the current conflict in conflict-affected DCs.¹
2. This document and its approach to food assistance in DC shall comply with the upcoming common unified policy paper on the provision of assistance in DCs, addressing minimum conditions of access, being coordinated by the Migrants and Refugees Platform.

IV Exit Strategy

1. The FSS in collaboration with the Protection & other sectors will regularly monitor conditions in the said locations and DC's to make a determination on the continuation or lifting of the exemption so that the DCIM take over its responsibilities.

The exit strategy shall be agreed to in writing with the Ministry of Interior and DCIM, with a clear modality of proposed actions, as well as a timeline prior to any intervention.

¹ The FSS has already asked for \$400,000 for food assistance in Detention Centers in the latest flash appeal.

Annex 1.

Current Situation of DCs of particular concern affected by the current conflict situation

Currently there are 12 DCs in Tripoli² and 18 in the rest of Libya, bringing the total number of DCs managed by the DCIM to 27.

This Annex shall be updated not less than weekly to reflect current conditions.

The below table shows the DCs of particular concern as of due to proximity to conflict affected areas.

Detention centres in Tripoli

Update as of 30 May

Total refugees and migrants exposed to or at risk of clashes: **3,514**

Detention Centre (FSS Partner on the ground)	Security Situation	# of refugees & migrants	Conditions, latest interventions & Future Plans
Abu Salim (IOM, UNHCR, MSF, IMC)	6.5 Km of clashes	Over 500 and all are single adult male Persons of Concern (PoCs) to UNHCR.	<ul style="list-style-type: none"> Food is not provided by DCIM since Sept 2018 and PoCs depend on their own means to purchase food outside. Those who has no financial means to access food items are depending on the others' support. Coping mechanisms of individual detainees has significantly deteriorate and is of high concern Kitchen equipment available but not installed. PoCs use their own make-shift kitchen set-ups in the cells. Latest intervention: Future plans:

² Three DCs are currently emptied following relocation of detainees due to DCs proximity to the clash areas. The DCIM has not indicated whether or not these DCs can be considered closed.

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<p>Al Sabaa (IOM, UNHCR, & MSF)</p>	<p>In proximity of clashes (7.5km from frontline, but beside an active military base that has been repeatedly targeted by airstrikes)</p>	<p>620 individuals including 372 PoCs</p>	<ul style="list-style-type: none"> No food provided by DCIM since October 2018. Food is reportedly bought by the guards after collecting money from detainees. Many detainees claim that they are only receiving one meal a day as the DC management is rationing the food. There are also reports of varying access to food amongst the population and some people going without food for days at a time. UNHCR has completed the evacuation of 44 indiv. Kitchen equipment available Latest intervention, MSF provided food for one week. (Ended 13 May 2019.) UNICEF provided HEB and micronutrient powder for 48 kids in April Future plans: CEFA; willing to supply food "After Eid"
<p>Tajoura (IOM, UNHCR, Cesvi, UNICEF & MSF)</p>	<p>Security situation is of concern. (9.5km from frontlines, but in an active military base)</p>	<p>564 individuals including 544 PoCs</p>	<ul style="list-style-type: none"> DC management is considering moving some detainees to another DC due to dire food situation , but other DCs have comparable food situation and are very reluctant to accept, plus the remaining population are still faced with the lack of food. Detainees were given a phone by DC management and told the detainees that the DC will not be providing food anymore, people need to sort it themselves via money transfers in. According to the latest inter-sectorial mission on 14 May; the management has stated that there's a shortage of food supplies, and catering company started reducing quantity and quality for the last months, and have completely stopped for over a month. The supplies of basic food. UNHCR relocated 88 indiv to GDF beginning of May. Kitchen equipment available Latest intervention – MSF provided dry ingredients for the first week of May for one week <p>Future plans: TDH is considering providing food rations in June (still working with donors to re-allocate and access funds)</p>
<p>Janzour (IOM, UNHCR, MSF, UNICEF)</p>	<p>12 Km from Clashes</p>	<p>290 individuals including</p>	<ul style="list-style-type: none"> Food is of concern as the catering company stopped providing food since the beginning of the clashes, although some food is being provided, better than some of the other DCs, but still insufficient quantity and quality. Latest intervention: Future plans:
<p>Tariq al Sika (IOM , UNHCR, IRC, DRC)</p>	<p>No clashes</p>	<p>582 individuals including 411 PoCs</p>	<ul style="list-style-type: none"> Food is of concern. Latest intervention: UNICEF provided HEB and micronutrient powder for 183 kids & 14 women in April

			<ul style="list-style-type: none"> • Future plans CEFA; willing to supply food “After Eid”
Gharyan	<ul style="list-style-type: none"> • LNA controlled area; guards and management are present only a couple of hours a day. Gates are not even locked. Direct risk for the people as they are located on the front line. Three weeks ago, anti-aircraft artillery installed next to the DC . Gharyan is a zone of clashes and therefore not easy to access. 	30 persons including all are PoCs	<ul style="list-style-type: none"> • All detainees considered as sick, including high rates of TB, and in need of medical daily supervision and 24/7 referral capacity. Latest intervention: Until recently the DC had no food and water provided. But this week food has been provided but insufficient. • Future plans:
Az Zawya Al Nasr	No clashes	791 individuals including 601 PoCs	<ul style="list-style-type: none"> • Food situation to be monitored as there is increase in population relocated from Qasr Ben Gashir and Abu Eissa DCs. • DC Management depends on the stocked food items donated by private donors. There is no variety of food items – only pasta and rice. • Some detainees purchase food items by their own means from the small shop setting run by some detainees inside the DC. • Future plans: TDH is considering providing food in June (still working with donors to re-allocate and access funds)
Az Zawya Abu Issa	No clashes	Empty	<ul style="list-style-type: none"> • The DC manager transferred most of the detainees to el Nasr DC and released the rest of them due to the lack of food services. • Latest intervention: UNICEF provided HEB and micronutrient powder for 15 kids in April • Future plans:

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Zwara IOM, UNHCR)	No clashes	137 including 85 PoCs to UNHCR	<ul style="list-style-type: none"> • Food pasta & rice provided three times a day. • <u>Latest intervention:</u> • <u>Future plans:</u>
Zintan (UNICEF, IOM IMC)	No clashes	748 individuals including 738 of them are PoC and mostly registered with UNHCR.	<ul style="list-style-type: none"> • Food is provided but quality & quantity are not consistent. • <u>Latest intervention:</u> accordingly to IMC on 27 May; DCIM provided daily meals: Couscous, rice and pasta with bread. Some migrants and refugees sometimes make their own bread in the main camp area if provided with flour • IOM reached 3500 with food April 12th (1 meal for 5 days) • <u>Future plans:</u> UNICEF willing and able to provide HEB & food rations • UNHCR is planning to relocate 155 individuals in the coming days

- The FSS considers the following DCs in Tripoli to be at risk of food shortages due to clashes:
 - Four DCs at high risk (Al Sabaa, Janzour, Tajoura & Abu Sallim)
 - Four DCs at medium Risk (Tarik Sikka, Gharyan, Azzwy Al Nasr & Zwara)
 - Zintan is away from clashes, yet DC management reacted with punishment actions due to latest DC break, hence the dire situation.
- Please note that *Qasir bani Qashir*, Abu Issa & *Ain Zara* DCs **are currently Empty**
- **GDF is not a DC yet migrants & refugees are relocated from DCs to the GDF on their way out of Libya. GDF has a capacity to hold 1000 migrants & refugees, UNHCR provides food on daily basis through a catering service, & WFP prepositioned food for 500 migrants & refugees.**