

Tanzania Detention Profile

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Tanzania has been host to one of the largest refugee populations in Africa and is an important transit country for migrants heading to South Africa. Conflicts in the Great Lakes region dramatically increased the number of refugees in Tanzania from 292,100 in 1992 to 883,300 in 1994 (Betts & Milner, pg. 22). By January 2011, the number of registered refugees in the country had dropped to just over 100,000 (UNHCR 2011).

In 2002, Tanzania entered a Tripartite agreement with the UN High Commissioner for Refugees (UNHCR) and the government of Burundi on the voluntary repatriation of Burundians. Some rights groups have criticised the repatriation effort as being involuntary and in violation of the 1951 [Refugee Convention](#) (AI 2009). However, one source in Tanzania told the [Global Detention Project](#) that although the government's promotion of repatriations has at times been "a bit aggressive," he would not "characterize" the program as "amounting to *refoulement*" (Rutinwa 2011b).

The government has also been criticized for its long-standing policy of "securitizing" refugee camps, which involves limiting the freedom of movement of refugees by charging those who leave camps with violations of provisions of the *Immigration Act* (Legal and Human Rights Centre 2007, pp. 79-80). The U.S. Committee for Refugees and Immigrants reported in 2008 that some 760 refugees had been arrested for criminal charges or for leaving designated areas without permission (USCRI 2008).

Tanzania does not have a dedicated immigration detention centre and instead uses local police stations to confine undocumented migrants until they can be deported (Rutinwa 2011a). The *Immigration Act* also provides criminal punishments for unauthorized entry or stay. In recent years, these criminal provisions, which can include long prison sentences, have reportedly not been systematically applied (Rutiwna 2011b).

Detention Policy

The 1995 *Immigration Act* provides both administrative and criminal remedies for people charged with violations of the act. Irregular migrants awaiting deportation can be held in administrative detention. The act does not specify a limit to the time a person can be held in this form of detention (*Immigration Act*, Art. 12 (2)). Non-citizens can also be charged with crimes for irregular entry or stay (*Immigration Act*, Art. 31 (2)).

According to Bonaventure Rutinwa, a refugee expert at the University of Dar es Salaam, "since 2007 the broad policy of the government has been not to charge [irregular migrants] but to hold them administratively pending deportation" (Rutinwa 2011b). When non-citizens are criminally charged, says Rutinwa, this is largely a result of the fact that there is no "mechanism for profiling ... who is and who is not an asylum seeker" (Rutinwa 2011b).

A suspected "prohibited migrant" may be arrested and brought before a magistrate (art. 12). Once ruled to be in an irregular situation, he/she can be placed in custody until deportation (art. 12 (2) (c)). Additionally, the act provides for the administrative detention of anyone whose entry or stay in Tanzania was unlawful; whose presence in Tanzania is considered to be "a danger to peace and good order"; or who is "for any other reason undesirable" (art. 14). When the prohibited migrant is waiting to be brought before a court the period of detention is not to exceed 28 days (art. 14 (5)).

Criminalization. Article 31 (1) of the *Immigration Act* provides that "any person who (i) unlawfully enters or is unlawfully present within Tanzania in contravention of the provision of this Act shall be guilty of an offence." The maximum penalty is 100.000 shillings (approx. 50 €) and/or 3 years imprisonment (art. 31 (2)).

The 1998 *Refugee Act* also provides for criminal penalties for asylum seekers and refugees who fail to comply with these

provisions. They can be incarcerated for a period not exceeding six months and/or punished with a fine not exceeding fifty thousand shillings (approx. 25 €) (*Refugee Act* art. 24 (1)).

Camp securitisation. Art. 17 of the *Refugee Act* provides that refugees and asylum seekers must live in areas designated by the minister responsible for refugee matters. Some observers have raised concerns over the impact of this “securitisation” policy, which in some cases may amount to deprivation of liberty. However, according to Rutinwa of the University of Dar es Salaam, Tanzania’s refugee camps have been securitized under the law since the introduction of the British *War Evacuees Orders* of 1947, which were intended “to restrict access to refugees from ‘enemy territories’ or citizens of states at war with Britain.” Tanzania’s subsequent *Refugee Acts*—in 1966 and 1998—originated in the provisions of the *War Evacuees Orders* (Rutinwa 2011b).

The real issue, says Rutinwa, is the varying application of securitisation provisions over the years. “From the 1960s to 1980s, the provisions were not rigorously enforced, and some settlements were set up more or less as normal villages. In the 1990s, the restrictions on movements were enforced more robustly due to genuine concern over increased insecurity in the refugee hosting regions caused by the presence of refugees. The current motive for the somewhat strict enforcement of these provisions with regard to the only remaining camp for Burundian refugees appears not to be related so much to securitisation of camps, but ‘encouragement’ of voluntary repatriation” (Rutinwa 2011b).

Repatriations. In 2002, Tanzania entered a Tripartite agreement with the UN High Commissioner for Refugees (UNHCR) and the government of Burundi on the voluntary repatriation of Burundians. Some rights groups have criticised the repatriation effort as being involuntary and in violation of the 1951 [Refugee Convention](#), in part because “no procedure is in place to assess the individual claims by refugees and asylum seekers of well-founded fears of persecution” (AI 2009). In mid-2010, for example, a Tanzanian activist forwarded a letter to the [Southern Refugee Legal Aid Network](#) email list claiming to have first-hand reports of refugees from Congo, Rwanda, and Burundi being forced to return to their countries from various camps and pleaded for pressure to be put on the Tanzanian government lest these refugees “be exposed to the danger of imprisonment, mistreatment, and possibly even death” (Tsiye 2010).

However, according to Rutinwa, although the government’s promotion of repatriations has at times been “a bit aggressive,” he would not “characterize” the program as “amounting to *refoulement*” (Rutinwa 2011b).

Detention Infrastructure

An expert in Tanzania told the Global Detention Project that the country does not have dedicated immigration detention centres (Rutinwa 2011a). According to this source, “Migrants who enter Tanzania irregularly are held in police holding facilities in the place of entry or arrest pending appearance in court or deportation. After presentation before the court, they can be committed by a court warrant to be held in remand prisons, pending trial. If convicted, they would go to normal jails to serve their terms” (Rutinwa 2011a).

A number of government and media reports over the past several years have mentioned cases of migrants being confined in detention centres, though the reports do not provide specific information about the facilities:

UNHCR’s 2011 Tanzania operations profile reports that “by early 2008, some 550 prisoners had been convicted of unlawful entry into Tanzania and some 1,300 illegal immigrants, mainly from the Horn of Africa, were detained pending deportation to their home countries. The majority of persons in mixed movements are intercepted and detained by the authorities, while in transit to southern Africa” (UNCHR 2011).

In April 2008, the Tanzanian Ministerial Task Force on Irregular Migration reported that in January of that year, 1,289 migrants from 12 different countries (a majority from Ethiopia) were being held in Tanzanian detention centres (Katy & Crisp 2011, pg. 12).

The *Ethiopian Review*, based in Washington D.C., reported that during the period 1-8 April 2008, 362 migrants from Ethiopia and Somalia were arrested for irregular entrance. It noted that 90 Ethiopians were sentenced to six-month sentences after failing to pay 50,000 shillings for illegal stay in the country and that deportation orders were to be executed as soon as they completed their prison sentences (Lugungulo 2008).

AllAfrica Global reported in February 2011 that on 15 February, 40 Ethiopians and two Somalis had been arrested by Tanzanian police for entering the country illegally (Msowoya 2011).

Mwisa “detention camp.” Several civil society organisations reported that an immigration-related detention centre was opened in 1996 in Mwisa, in the Karagwe district close to the Ugandan and Rwandan borders (IRIN 1996; AI 1997; Rutinwa 2002; Legal and Human Rights Centre 2009). The Tanzanian Legal and Human Rights Centre reported in 2008 that the Mwisa detention centre was closed in April 2007 (Legal and Human Rights Centre 2009).

There were numerous reports about the purported uses of the Mwisa detention facility during the mid-1990s. In December 1996, the Integrated Regional Information Network of the UN Office for the Coordination of Humanitarian Affairs reported that Hutu refugees who refused to return to Rwanda were being held at the camp in Mwisa (IRIN 1996). In 1997, Amnesty International also reported that refugees were being held at a “detention camp” in Mwisa. Amnesty reported that UNHCR had not been able to establish contact with the detainees at the camp (AI 1997).

According to a 2005 UNHCR report on refugee protection gaps in Tanzania, the Mwisa camp was set up under provisions in Tanzania’s refugee law that allow the country, in consultation with UNHCR, to hold combatants as well as any “asylum seeker or refugee [who] is acting in a manner prejudicial to peace and good order or is prejudicing the relations between the Government of Tanzania and any other Government.” According to this report, “the approach agreed between the Government and UNHCR is that when a person is suspected of being a combatant, UNHCR and the government must conduct a joint screening of that person to verify that fact. When both parties agree, the person is sent to Mwisa.” However, according to UNHCR, “There have been incidences where the government has transferred refugees to Mwisa without involving the UNHCR. However, UNHCR monitors the facility on monthly basis and when they discover such persons, they intervene on their behalf” (UNHCR 2005b).

Facts & Figures

As of January 2011, there were 113,180 registered refugees in Tanzania; 118,731 as of January 2010; 548,824 as of 2005; 680,862 as of 2000; and 883,300 as of 1994 (UNHCR 2011; UNCHR 2005; Betts & Milner 2006, pg. 21). Additionally, as of January 2011 there were 3,800 people in a refugee-like situation and 610 registered asylum seekers (UNHCR 2011).

According to Bonaventure Rutinwa, “1994-1996 is regarded as the peak period when about one million post-1990s refugees from the Great Lakes countries were supported by UNHCR in 13 different refugee camps in Tanzania.” In addition, during this period, “there were 220,000 Burundian refugees of the 1972 caseload who were hosted in three self-supporting settlements. ... The government also estimated that some other 200,000 refugees of different nationalities were self-settled throughout Tanzania. Thus, a figure of 1.4 million refugees would be a reasonable estimate” (Rutinwa 2011b).

According to UNHCR, as of January 2011, the countries of origin of most refugees in Tanzania were Burundi (56,800) and the Democratic Republic of Congo (56,100). There were also some 200 refugees from Somalia (UNHCR 2011).

According to information from Rutinwa, as of May 2011, “the total number of refugees in the remaining two camps is slightly under 100,000. However, there are some 24,000 Burundian refugees who are self-settled in the Kigoma region, and some 1,900 Somali refugees. Both of these ... have been in principle allowed to apply for naturalisation” (Rutinwa 2011b).

As with refugees, current asylum seeker numbers represent a significant decrease from previous years. In January 2010 there were 844; in 2000, there were 21,420 (UNHCR 2011; UNHCR 2005).

In 2005, 81,519 people were voluntarily repatriated from Tanzania. Similar numbers were reported for 2002, 2003, and 2004 (UNHCR 2005).

Tanzania Detention Profile

List of Detention Sites

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Name	Location	Status (Year)	Facility Type	Security	Authority	Management	Capacity	Reported Population	Segregation
Mwisa	Mwisa	Closed (2007)	Other	Secure					

Sources

(This is only a partial list. More detailed information is available upon request.)

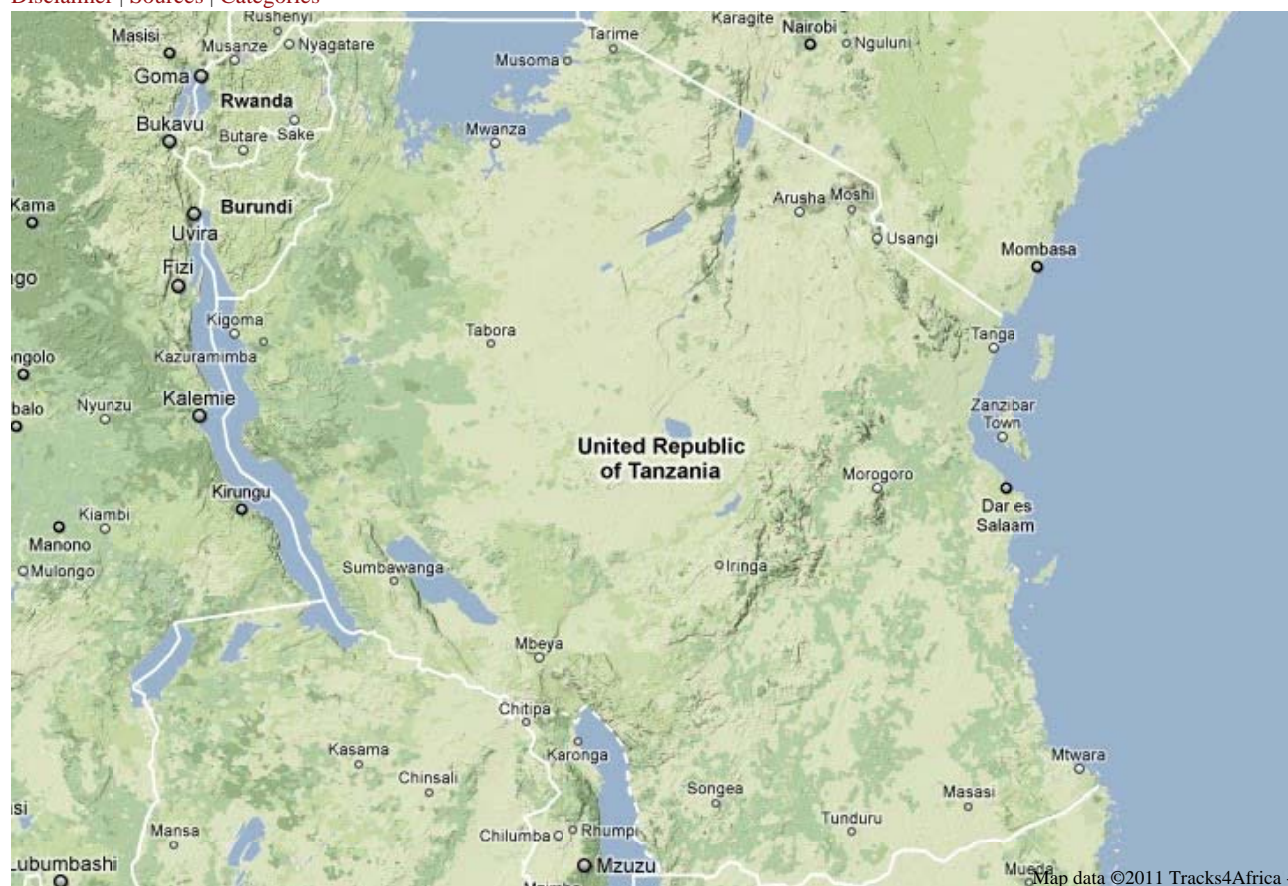
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Tanzania Detention Profile

Map of "In Use" Detention Sites

For more detailed information, see the complete List of Detention Sites.

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Country View

Sources

(This is only a partial list. More detailed information is available upon request.)

- Rutinwa, Bonaventure (University of Dar es Salaam). 2011a. Email correspondence with Michael Flynn (Global Detention Project). 8 March 2011. Geneva, Switzerland.

Country Links

- » [Government Agencies](#)
- » [International Organizations](#)
- » [NGOs and Research Institutions](#)

Government Agencies

Ministry of Home Affairs

<http://www.moha.go.tz/>

Refugee Settlement Department

http://www.moha.go.tz/index.php?option=com_content&view=article&id=46&Itemid=14

Immigration Department

http://www.moha.go.tz/index.php?option=com_content&view=article&id=8&Itemid=119

International Organizations

International Organization for Migration (IOM): Tanzania Main Office

<http://nairobi.iom.int/tanzania.htm>

UNCHR Tanzania Country Page

<http://www.unhcr.org/pages/49e45c736.html>

UNHCR Tanzania Office

http://www.untanzania.org/agencies_detail.asp?cid=11

NGOs and Research Institutions

National Organization for Legal Assistance

<http://www.nola.or.tz>

Tanzania Legal and Human Rights Centre

<http://www.humanrights.or.tz/>

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