



Immigration Detention in Tunisia

Global Detention Project

July 2014

The Global Detention Project (GDP) is a research initiative that tracks the use of detention in response to global migration. Based at the Graduate Institute's Global Migration Centre in Geneva, Switzerland, the GDP's aims include: (1) providing researchers, advocates, and journalists with a measurable and regularly updated baseline for analysing the growth and evolution of detention practices and policies; (2) encouraging scholarship in this field of immigration studies; and (3) facilitating accountability and transparency in the treatment of detainees.

“Immigration Detention in Tunisia”
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Introduction

In August 2013, the Tunisian navy reportedly “rescued” two vessels presumably en route to Europe that were carrying hundreds of refugees and undocumented migrants, many of whom had initially fled the conflict in neighbouring Libya and had previously been housed at the then-recently closed Choucha refugee camp in Tunisia. Of the nearly 300 people removed from the ships, at least 40 were taken to the detention centre of Ben Guerdane. In a press release, a Tunisian human rights group protested its government’s failure to provide residence permits to the refugees, which left them little recourse but to attempt the dangerous crossing to Europe (Romdhane 2013).

Long a country of emigration, Tunisia has become a destination and transit country for migrants and asylum seekers, particularly in the wake of the Libyan uprising in 2011 and the ensuing armed conflict there. Although it is a signatory to the 1951 Refugee Convention and adopted a new Constitution guaranteeing political asylum in January 2014, Tunisia remains without an asylum system as the country awaits adoption of a law on asylum and protection.

This protection vacuum became the focus of criticism from Tunisian and European civil society groups when the European Union (EU) concluded a “Mobility Partnership” with Tunisia in March 2014, paving the way for the establishment of a readmission agreement. Such an agreement could lead to sharp increases in the number of detained non-citizens in the country as the EU begins returning both Tunisians and third-country foreign nationals who transited Tunisia before arriving in Europe. (Similar concerns have been raised in other countries with which the EU has concluded readmission agreements, including [Ukraine](#) and [Turkey](#).)

Approximately one million people, including some 200,000 non-Libyan foreigners, entered Tunisia from Libya during a six-month period in 2011. This large-scale movement of people coincided with the popular uprising that ousted Tunisian President Ben Ali, which spurred a sudden outflow of nearly 30,000 Tunisian migrants, who arrived in Italy—130 kilometres from Tunisian coasts—in January 2011. An accelerated repatriation agreement signed between Italy and Tunisia at the time curbed Tunisian emigration to the European Union (EU) by 92 percent in 2012 (Frontex 2013). The text of the agreement, however, remains unpublished, reflecting what observers say has been the failure of the Jasmine Revolution to break the tradition of secrecy surrounding detention centres for unauthorized migrants in Tunisia (SRHRM 2013).

As far back as 1998, Italy and Tunisia had established an agreement on the readmission of Tunisians and third-country nationals that included Italian funding for the creation of detention centres (*centri di permanenza*) in Tunisia. According to some reports, since then, the country’s detention estate has grown to include over a dozen dedicated immigration detention facilities, of which only the Al Wardia (or El Ouardia) “reception and orientation centre” in Tunis is widely known as well as a recently re-opened facility in Ben Guerdane, in south-eastern Tunisia.

Despite the continued secrecy surrounding immigration detention in the country, the interim government that replaced the regime of President Ben Ali made some notable changes, including ending a 20-year ban on visits by human rights groups to that country's prisons. However, this development was short-lived and visits to places of detention reportedly remain rare, with the exception of those made by the International Committee of the Red Cross, which is authorized to carry out confidential visitations to all facilities holding humanitarian detainees (ICRC 2012 and 2013).

Detention Policy

Key norms. Tunisia does not have specific provisions in the law providing for administrative immigration-related detention, despite the fact that this form of detention is frequently used (Boubakri 2010b). On the other hand, unauthorized entry, stay, and exit are criminalized and sanctioned with prison and fines. Norms regulating entry and stay of foreign nationals are provided in *Organic Law 68-7* (8 March 1968), concerning the situation of foreigners; as well as in *Organic Law 1975-40* (14 May 1975), concerning passports and travel documents, which has been amended on numerous occasions (including by *Organic Law 1998-77*, *Organic Law 2004-6*, and *Organic Law 1008-13*). Additional relevant laws include *Order 1968-198* (22 June 1968) regulating the entry and stay of foreigners in Tunisia.

In January 2014, Tunisia adopted a new constitution ([Constitution of the Tunisian Republic](#)), which provides a number of relevant protections. It requires that the length of detention be defined by law and contains safeguards against arbitrary detention applicable to “every person” (Art. 29). It also guarantees the right to leave the country for “every citizen” (Art. 24) and to return to the country (Art. 25). However, current legal provisions constrain this right and criminalize “irregular exit” and subsequent return of Tunisian nationals. Under the constitution “International agreements approved and ratified by the Chamber of the People’s Deputies shall be superior to laws but inferior to the Constitution (Art. 20).” According to a United Nations (UN) human rights expert, this wording might threaten the application of international human rights treaties to which Tunisia is a party (SRHRM 2013).

Criminal Sanctions and Expulsion. Tunisian law provides criminal sanctions for irregular entry, stay and exit. Article 23 of *Organic Law 68-7* provides for fines and imprisonment for up to a year for any non-national who enters or exits Tunisia without proper authorization or documentation, or overstays his/her visa or residence permit. Article 34 of *Organic Law 1975-40* as amended by *Organic Law 2004-6* states that travellers—including Tunisia nationals—must enter or exit Tunisian territory at border crossing points designated by the Ministry of Interior and the Ministry of Finance (see also Art. 4 of *Organic Law 68-7*). Any foreign national who violates these provisions can be expelled from the country and subject to criminal sanctions provided in *Organic Law 68-7*. Article 34 of *Organic Law 1975-40*, provides for exceptions for situations covered by the [1951 Refugee Convention](#). The only two possibilities for regular stay and protection against detention and expulsion are residence permits for students and those granted refugee status by the UN High Commissioner for Refugees (Migreurop/OEE-France 2013).

The issuing of residence permits, which is the responsibility of the Interior Ministry, has often faced delays, leaving non-citizens vulnerable to sanctions. Thousands of students from sub-Saharan countries are required to renew these permits at the start of each academic year in September. According to the president of the Association for African Students and Interns in Tunisia (AESAT), in 2013 the cards were not delivered on time “without an explanation” and students risked expulsion and fines (Abrougui 2014).

Similar to other southern and eastern Mediterranean countries (including Morocco, Egypt, and Turkey), Tunisian law provides penalties for the unauthorized exit of both nationals and non-nationals (including after “forced returns” from EU member countries). However, the official procedure for detaining people apprehended while attempting unauthorized exit is reportedly unclear (SRHRM 2013). Sanctions may be doubled for re-offenders, which can result in one year imprisonment.

Article 24 of *Organic Law 68-7* provides for fines and imprisonment of six months to three years for any foreigner using false documents or providing inaccurate information.

Article 50 of *Organic Law 1975-40* provides for the expulsion of foreigners who have been criminally prosecuted upon the completion of their prison sentences (similar provisions are provided in domestic law in France—“double peine”, i.e. double punishment—as well as in Switzerland and the United Kingdom). This provision does not contain details about the expulsion procedure or guarantees for the deported person. This implies that no right of recourse against the deportation is provided for.

Length of detention. Although there does not appear to be a specific provision for administrative immigration-related detention in Tunisian law, non-citizens in an irregular situation can be held in custody for various lengths of time depending on their specific situation.

There are reports of people being detained for weeks for reasons related to their status. Thus, for instance, the IOM reported in a 2013 publication on human trafficking in Tunisia that they interviewed three men at the Reception and Orientation Center for migrants in Tunis, who claimed to have been kept in detention for weeks. According to the report, “Two were from Pakistan and one from Cape Verde. The Pakistanis said they entered the Tunisian territory with a 15 day visa with a (fictional) work contract, both obtained for 800 dollars. They were held for several weeks and had no way to pay it back” (IOM/RT 2013).

According to the UN Special Rapporteur on the Human Rights of Migrants, “many migrants are imprisoned in pre-trial detention for extensive periods, often up to a year, without even knowing the charges against them. During this period, migrant detainees are often not given access to a lawyer, are unable to make phone calls to family members and are not put in contact with their consular authorities. The Special Rapporteur then learned that often migrants are eventually released without charges, asked to pay a D1,000 fine, and then deported” (SRHRM 2013).

Re-entry ban. Foreigners deported after serving immigration related sentences cannot re-enter Tunisia for a period of 10 years if the deportation was caused by the commission of a non-criminal offence. The interdiction becomes a life ban if the punishment was pronounced for a criminal offence (art. 50 of the Organic Law concerning passports and travel documents, n. 1975-40, 14 March 1975).

Detaining authorities. According to *Organic Law 68-7* the Ministry of Interior is responsible for designating the authorities in charge of expulsion orders (Art. 20). Article

34 of *Organic Law 1975-40* provides that the police is in charge of expulsions. There are no legal regulations concerning custodial authorities (Boubakri 2011b).

In 2012, a new migration department was created in the Ministry of Social Affairs through a Secretary of State position in charge of immigration and Tunisians abroad. The UN Special Rapporteur on the Human Rights of Migrants observed “that given the complex and multifaceted nature of migration policy, it will be important for the department to liaise with all other key actors within Government about the rights of non-citizens, particularly during this critical transitional period” (SRHMR 2013). In the meantime, the Ministry of Interior continues to play a key role on border management, including providing oversight of the reception and orientation centres and prisons. It is also responsible for law enforcement (SRHRM 2013).

Procedural Standards. The January 2014 Constitution provides that every detained person has the right to information about their grounds for detention and legal assistance (Art. 29). It also provides that detainees be able to communicate with relatives (Art.23).

In practice, migrants in detention are often not given access to a lawyer, cannot phone family members, and are not put in contact with their consular authorities (SRHRM 2013).

The Special Rapporteur on the Human Rights of Migrants recommended that “the detention of migrants should always be justified, periodically reviewed by an independent tribunal, and limited to the minimum time necessary; children and families should not be detained; places of detention should be visited regularly by credible and appropriately funded civilian oversight mechanisms; migrants should not be criminalized for an irregular crossing or attempt” (SHRM 2013).

Migrant workers. Tunisia is the only country in North Africa that has not ratified the [Migrant Workers Convention](#). The Convention includes safeguards on immigration related detention and expulsions.

Women and minors. Women and men are reportedly held separately. Some minors, including unaccompanied minors, are held at the Al Wardia detention Centre, separate from other detainees. In one instance, a minor charged with crossing the border into Tunisia illegally was sentenced to nine days prison, which he served in a juvenile facility, after which he was transferred to Al Wardia, prior to deportation. While there he was not in touch with his family and did not meet his consular authorities until he self-harmed in order to get the attention of the staff (SRHRM 2013).

Refugees and asylum seekers. Tunisia has ratified both the 1951 Refugee Convention and its 1967 Protocol. The January 2014 Constitution guarantees political asylum. However, pending adoption of a draft law on asylum, Tunisia remains without a protection framework. UNHCR has an ongoing “technical dialogue” with the Tunisian government aimed at establishing national regulations regarding asylum and refugee law (EC/HRU 2014, SRHRM 2013).

The Libyan crisis triggered a massive mixed migration movement to Tunisia. About one million people, including 200,000 non-Libyan foreigners, entered Tunisia from Libya during a six-month period in 2011. Most of these people were able to voluntarily return to their country of origin while about 4,700 persons requested UNHCR's protection and assistance in Tunisia (UNHCR 2013). It was the first time in 50 years that Tunisia hosted refugees (Harzalli 2013).

In June 2013, UNHCR shuttered the last remaining refugee camp in Tunisia, the Choucha transit camp, which was located on an arid strip of land between the town of Ben Guerdane and the border with Libya. Some 400 people who had received refugee status remained in the camp at the time of closure, which prompted the government to announce it would supply them with residence permits. Six months later, however, the refugees were still waiting to receive the permits, leaving them without access to basic services and vulnerable to arrest (AEI 2014).

In addition to the recognized refugees, there remained several hundred rejected asylum seekers after the closure of the Choucha camp, who were in a very vulnerable situation. Many of these people attempted to cross the Mediterranean to Europe, before being apprehended by the Tunisian navy. At least 40 of these people—including 12 women—were taken to the detention centre of Ben Guerdane (Romdhane 2013).

The situation of sub-Saharan refugees in Tunisia is particularly acute. According to Human Rights Watch, upon arrival in Tunisia, these refugees do not receive proper care. They also face endemic “anti-black racism” (Harzalli 2013).

According to the European Commission, as of 8 November 2013, there were 1,146 persons of concern to UNHCR in Tunisia (CE/HRU 2014).

International and national monitoring. The International Committee of the Red Cross (ICRC) has been allowed access to all prison and detention facilities since 2005 (Planes-Boissac, Véronique 2010, ICRC 2011). Under the terms of the agreement signed with the Tunisian authorities, and in accordance with the ICRC's customary working procedures, ICRC delegates must be permitted access to all persons held in all places of detention in the country, to make regular and repeated visits, and to hold private interviews with detainees of their choice. In 2012 ICRC delegates visited 17,900 detainees during 66 visits to 27 places of detention, including “migrant-reception centres”. The humanitarian agency reports that when visiting detainees, delegates devote special attention to minors, women and foreign nationals and that visits to foreign detainees have provided an opportunity for them to get in touch with their families at home or to inform their consular representatives of their situation through the ICRC. After each visit, ICRC delegates share their conclusions and recommendations with the authorities, which remain confidential (ICRC 2013, 2012).

After the ouster of President Ben Ali, the interim government ended a 20-year ban on visits by human rights groups to that country's prisons when it responded favourably to a request from Human Rights Watch (HRW), which was given access to two prisons (the

Mornaguia and Bourj er-Roumi prisons). Commenting on the interim government's decision, a HRW representative said: "Tunisia's transitional government has taken a critical step toward transparency in opening prisons to outside observers who can share their findings publicly. ... It should now resolve to improve the treatment of prisoners, which was one of the darkest aspects of the human rights picture under President Ben Ali" (HRW 2011).

However, this opening was short-lived and there have been few recent reports of rights groups or media being granted access to incarceration facilities, including immigration detention centres, except on rare occasions, as for instance a 2013 visit by the International Organisation for Migration to complete a study on trafficking (IOM/RT 2013).

One notable exception was the June 2012 country visit by the UN Special Rapporteur on the Human Rights of Migrants, François Crépeau, who visited several places of migrant detention, including prisons, one "reception centre," and the Choucha refugee camp (SHRHM). He called for transparency at all places of migrant detention and access for independent monitors, including non-governmental organisations and UNHCR. He also urged the adoption of regulations concerning procedural safeguards and conditions of detention, called for the release of migrants who cannot pay for their own deportation, and recommended that unaccompanied minors and families with children should not be detained (SHRHM 2013).

Since the Special Rapporteur's visit, there have been reports that the Ministry of Justice granted civil society groups access to prisons, with 24-hour advance notice, and that an order was adopted that would authorize civil society to visit all places of detention (USSD 2013, Migreurop/OEE-France 2013). It is unclear if this order has been implemented.

Tunisia acceded to the Optional Protocol to the Convention on the Prevention of Torture (OPCAT) in June 2011 and agreed to establish a new specialised institution to perform the functions of National Preventive Mechanism (NPM). NPMs are independent institutions mandated to carry out unannounced visits to places of detention. [Organic Law N° 2013-43](#) establishing the NPM was published in the Official Gazette of Tunisia in October 2013. The draft law was negotiated in a participatory process involving experts from civil society and the public administration and drawing on international best practices. Article 2 includes "immigrant centres" in the list of places of detention.

Tunisia is the first country in North Africa and the Middle East region to create a National Preventive Mechanism. In November 2013, the parliament of Tunisia launched a public [call for candidates](#) for membership in the NPM, published in the Official Gazette N° 92 of 19 November 2013 and open until 15 December 2013 (APT 2013).

Non-custodial measures. The Ministry of Interior can assign a residence to foreigners under expulsion orders who are unable to leave Tunisia and who must regularly report to the local police station or the National Guard until they can leave the country (Art. 19 of *Organic Law 68-7*). Failure to arrive at a residence assigned by the Ministry of Interior

within the prescribed deadline, or leaving the residence without authorisation, can lead to prosecution and up to three years imprisonment (Article 27 of *Organic Law 68-7*).

EU-Tunisia relations. Tunisia has signed bilateral agreements linked to readmission with several European countries, including France (2009), Italy (1998, 2011), and Switzerland (2012, not yet into force) (RDP 2014). [A Mobility Partnership agreement](#) was signed on 3 March 2014 with the EU and ten EU members (Belgium, Denmark, Germany, Spain, France, Italy, Poland, Portugal, Sweden and the United Kingdom).

The 1998 agreement with Italy set conditions for the readmission of Tunisian and third-country nationals and included Italian funding for the creation of detention centres (*centri di accoglienza/permanenza*) in Tunisia (Legislative Decree 19.10.1998 n ° 280) (Vassalo Paleologo 2009). An “accelerated repatriation agreement” was signed between both countries in April 2011 aimed at curbing a sharp spike in emigration after the uprising in Tunisia. While the agreement has remained confidential, media reports indicate that it included temporary residency permits for Tunisian nationals who had already arrived in Italy, accelerated direct repatriation for newly arriving Tunisian nationals, and increased cooperation between Italian and Tunisia police (Frenzen 2011).

The 2014 Mobility Partnership agreement paves the way for a full-fledged readmission agreement (paragraph 9). Ultimately, when a readmission agreement is signed, foreigners who have transited through Tunisia prior to entering EU territory are likely to be placed in detention if sent back to Tunisia, as happens in other countries with whom the EU has established such agreements, including [Ukraine](#) and [Turkey](#). As discussed earlier, irregular entry and exit remains criminalized, including for Tunisian nationals. If forcibly returned to their country by EU members states Tunisian nationals can be charged with “irregular” exit and placed in detention in violation of the right of any person to leave his or her own country (SRHRM 2013).

The agreement foresees Tunisia’s cooperation with EU agencies through the 2013 maritime surveillance programme “Seahorse Mediterraneo,” developed in collaboration with Spain, Italy, France, Malta, Portugal, Cyprus, Greece and Libya. Algeria, Tunisia, and Egypt are also expected sign on (EMHRN 2013). However, according to the European Commission, “FRONTEX has outstanding negotiation mandates for concluding working arrangements with Egypt, Libya, Tunisia and Morocco, but until now attempts to launch such negotiations have been in vain” (EC 2014).

The Mobility Partnership agreement triggered a barrage of criticism. Tunisian civil society organisations and European and international human rights networks denounced the lack of transparency in the negotiation process. They warned that with irregular migration criminalized and no asylum legislation, the agreement puts states at risk of violating international commitments and breaching fundamental rights, in particular the principle of non-refoulement, the right to seek asylum, and the right to leave a country, including one’s own (UGTT et al. 2014). In France, which hosts half of the 1.2 million Tunisians living abroad (OTE 2012), a joint action by French and France-based Tunisian civil society organisations, the French *Syndicat de la Magistrature* (a judges’ trade union), and seven political parties denounced EU’s “intense pressure and economic

assistance blackmail” against the Tunisian Government and policies that strengthen fortress Europe through a buffer zone of neighbouring countries (GISTI 2014).

The EU publicly recognized “the concerns expressed by the Tunisian civil society” and “reiterated its commitment to respond in a responsible, comprehensive and balanced way to all aspects of migration, without security obsession, while providing a coordinated framework of cooperation with ten Member States which are committed alongside Tunisia to making this partnership a success” (EuroMed 2014).

In a 2014 study, Jean-Pierre Cassarino writes that “the migration policy options of the Government of Tunisia have been codified by repeated interactions with the European Union (EU) and its Member States,” which have resulted in “the gradual consolidation of a hierarchy of priorities where the drive for operability and security predominates.” He concludes that despite “the radical transformations that took place in Tunisia in early 2011, the same hierarchy of priorities continues to exist.” On the other hand, he argues that the country’s empowered civil society sector will increasingly challenge these priorities (Cassarino 2014).

EU financial assistance. Under the EU European Neighbourhood Instrument (ENI), assistance to Tunisia has almost doubled since 2011, reaching €485 million by 2013 (ENPI 2014). However, the Global Detention Project has been unable to find publicly available information on the amount of aid apportioned to migration-related spending. The 1998 readmission agreement with Italy included 500 million lira (circa 258 000 euros) expressly for the creation in Tunisia of migrant detention facilities (centri di permanenza) for persons readmitted under the agreement (Scambio di Note tra l'Italia e la Tunisia concernente l'ingresso e la riammissione delle persone in posizione irregolare, Roma, 6 agosto 1998). According to one Italian academic, since this agreement was established, Tunisia has established many “forced detention” centres, well beyond the modest contribution initially announced by the Italian government (Vassalo Paleologo 2009). Under the 2011 agreement, Italy was to provide ten new and refurbished patrol boats and one hundred off-road vehicles to Tunisia (Tazzioli 2011). According to Frontex in 2012 the Italian Ministry of Interior gave Tunisia two patrol boats “to support the fight against clandestine Migration from Tunisia to Italy” and a third boat was due early 2013 (Frontex 2013).

Detention Infrastructure

Tunisia has been extremely secretive about its criminal and administrative detention estate for migrants, both before and since the Jasmine Revolution of 2011. In 2009, the non-governmental network Migreurop and the independent Algerian newspaper El Watan published reports claiming that the country had 13 dedicated immigration detention facilities: one in Tunis, another in Gabes, and 11 additional facilities, the majority of which are “located in places that no one else has ever been able to reach and document,” wrote one academic (Migreurop 2009; Benouaret 2009, Vassalo Paleologo 2009). A human rights advocate in a Tunisian NGO confirmed at the end of 2013 that up until 2011 (before the start of Jasmine Revolution), there were 10 to 12 immigration detention facilities for migrants (Migreurop/OEE-France 2013).

In 2010, El Watan reported that some 300 Algerian detainees were languishing in these 13 detention centres, which according to the newspaper had been financed by the Italian government (Benouaret 2010). Since then, no figures have been reported about the number and nationalities of persons detained, except for isolated media reports on specific incidents.

The Global Detention Project has been able to confirm the location of only two detention facilities, the Al Wardia Centre (also spelled out “Ouardia”), in the outskirts of Tunis and operated by the Interior Ministry (Boubabkri 2011), and a recently re-opened facility in Ben Guerdane, south-eastern Tunisia.

The Al Wardia centre comprises nine rooms with a maximum capacity of 100 beds (SRHRM 2013). In addition to undocumented migrants, other foreigners who have completed prison sentences are also held there prior to expulsion.

A joint IOM/Tunisian government baseline study on trafficking in persons in Tunisia found that “In 2012, 129 foreign women were received in this centre in Tunis [likely the Al Wardia detention centre] but none was identified as a victim of trafficking by the Ministry of Interior” (IOM/RT 2013). (It is unclear if these women were held as irregular migrants or accused of a crime like prostitution.)

The Ben Guerdane facility, located in the Medenine governorate close to the border with Libya, was re-opened on 12 April 2014 after refurbishment of rooms and sanitary equipment. It is described as a “detention and accommodation centre” (centre de detention et d'accueil) in some reports and as an “accommodation and orientation centre” (centre d'accueil et d'orientation) for “clandestine migrants” in others (FTDES 2013, Pana 2014, Mosaïquefm. 2014). According to UNHCR, the centre counts on cooperation between UNHCR and the Tunisian Red Crescent and works in coordination with the ministries of Interior and Foreign Affairs National Guard and army for rescue operations of migrants at sea. The facility has a capacity of 100 beds. It includes three units for men and four units for women. Most “residents” are African (Pana 2014, Mosaïquefm 2014). It is unclear if this facility is secure (i.e. persons are not free to leave).

According to Tunisian civil society, police stations are used in cities in the North of the country, including in Tunis and further down the Mediterranean coast in Sfax, to hold foreigners for up to 10 days, without access to legal counsel and assistance, under provisions of the Code of Criminal Procedure. Tunisia has 27 prisons, including 19 preventive detention centres. Prisons and “dépôts” (pre-trial detention facilities) are used for persons sentenced for irregular entry, stay and exit and detention centres (centres de rétention) are used prior to expulsion. Border police premises, such as the one on 18 January Street in Tunis, and airport and maritime border police stations are also used for immigration-related detention (Migreurop/OEE-France 2013, OHCHR-Tunisia 2014).

On 9 February 2014, the Tunisian police intervened to break up a sit-in protest organized by persons from Niger, Chad, and Sudan in front of the European Union delegation in Tunis. They apprehended 20 people, all of whom were detained in Al-Wardia. They were part of a group of 200 migrants who fled the war in Libya in 2011 but who had not been recognized as refugees by UNHCR and had lived for three years in the Choucha camp (Amisnet 2014).

In another instance, Gambia’s Interior Minister told the Daily Observer in April 2014 that 53 young Gambians were apprehended by the Tunisian authorities for “illegal entry” and were detained prior to expulsion. The Minister regretted that Gambian government efforts to discourage irregular migration failed to curb it and explained that the Gambian diplomatic representation in Morocco was working in collaboration with IOM to facilitate the return of the detainees (African Manager 2014).

Detention conditions. Although little is known about the conditions of Tunisia’s immigration detention centres, the country’s prisons—where according to civil society some immigration related detention takes place—have repeatedly been denounced for their poor standards. According to a report released by a UN human rights agency in April 2014, prison overcrowding is at more than 150 percent capacity, with increased risks of violence between inmates and reduced ability of prison guards to control the situation. There is also a lack of ventilation and lighting, which encourages the spread of contagious diseases, particularly scabies and psychological problems (OHCHR-Tunisia 2014). The European Commission, reporting on implementation of its European Neighbourhood Policy, states that there have been cases of ill-treatment of detainees (EC/HRU 2014).

In its 2013 Country Report on Human Rights Practices, the U.S. State Department reported that prison and detention centre conditions were poor and quoted then-prisons director Habib Sboui blaming “past mistakes” for the “catastrophic” state of the prison system. Prisons are understaffed and lack adequate equipment to deal with the number of inmates (USSD 2013).

In contrast, during a visit to Al Wardia detention centre in 2012 the UN Special Rapporteur found it in “reasonable condition.” He reported that detainees were free to move during the day in designated areas, migrants were allowed to cook in a large kitchen area, a permanent social worker from the Ministry of Social Affairs was present.

The centre was not overcrowded and detainees confirmed that there were no reports of ill-treatment (SRHRM 2013).

Previously, in 2008, the UN Human Rights Committee found that Tunisia's policing and detention policies were not in conformity with Article 9 of the [International Covenant on Civil and Political Rights](#) and expressed concern about the reports of poor standards in its prisons (HCR 2008).

Facts & Figures

Human rights advocates and media sources have claimed that Tunisia has operated as many as 12-13 immigration detention facilities for migrants in Tunisia (Migreurop/OEE-France 2013, SRHRM 2013, Benouaret 2010). However, the Global Detention Project has been unable to verify this information, having found concrete information on only two facilities. There is also no statistical data available on the numbers of people detained and deported.

As of mid-2013 there were 980 registered refugees and 397 asylum seekers in Tunisia (UNHCR 2014).

In 2012, ICRC delegates visited 17,900 detainees during 66 visits to 27 places of detention, including “migrant-reception centres.”

In 2010, El Watan reported that some 300 Algerian detainees were languishing in these 13 detention centres, which according to the newspaper had been financed by the Italian government (Benouaret 2010).

List of Detention Sites

Name	Status (Year)	Location	Facility Type	Security	Authority	Management	Capacity	Reported Population	Demographics & Segregation
Al Wardia	In use (2013)	Tunis	Migrant Detention Centre	Secure	Ministry of Interior, Borders & Foreigners Department	Ministry of Interior			Separation of men and women; separation of minors (2011)
Ben Guerdane	In use (2014)	Medenine	Migrant Detention Centre	Secure					

Map of Detention Sites



Country View

1. Al Wardia
2. Ben Guerdane

Country links

Government Agencies

Office des Tunisiens à l'étranger
<http://www.ote.nat.tn/index.php?id=78>

Portail de la Justice en Tunisie – Codes juridiques
<http://www.e-justice.tn/index.php?id=266>

International Organizations

European Union Neighbourhood – Tunisia
<http://www.enpi-info.eu/countrymed.php?country=8>

International Organization for Migration – Tunisia
<http://www.iom.int/cms/en/sites/iom/home/where-we-work/africa-and-the-middle-east/middle-east-and-north-africa/tunisia.html>

International Committee of the Red Cross
<http://www.icrc.org/eng/where-we-work/africa/tunisia/index.jsp>

Office of the High Commissioner for Human Rights-Tunisia
<http://www.ohchr.org/EN/countries/MENARegion/Pages/TNIndex.aspx>

UNHCR – Tunisia
<http://www.unhcr.org/pages/49e486166.html>

NGOs and Research Institutions

Forum Tunisien pour les Droits Economiques et Sociaux
<http://www.ftdes.net/>

Euro-Mediterranean Human Rights Network
<http://www.euromedrights.org/eng/>

Media

Mosaïquefm
<http://www.mosaïquefm.net/fr/>

TunisiaLive
<http://www.tunisia-live.net/>

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