



Last updated: February 2011

## Tunisia Detention Profile

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In the aftermath of the historic popular uprising that ousted the government of former President Ben Ali in January 2011, Tunisia saw several thousand citizens undertake a mass exodus to the Italian island of Lampedusa, spurring the Italian government to declare a state of emergency on the island. Italy's response, which included proposing to send police to Tunisia to help stem the flow of migrants, underscored the long-standing ties between the two countries on migratory matters. In 1998, Italy and Tunisia finalized an agreement on the readmission of Tunisians and third-country nationals that also 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 more than a dozen dedicated immigration detention facilities, although the locations of most of these facilities have remained a secret. After the ouster of Ben Ali, the interim government quickly made some notable changes, including ending a 20-year ban on visits by human rights groups to that country's prisons.

### Detention Infrastructure

Tunisia has been extremely secretive about its criminal and administrative detention estate. Since 2008, a number of non-governmental sources have reported that the country has up to 13 dedicated immigration detention centres. However, the Global Detention Project has been able to confirm the location of only one facility, the Al Wardia Centre, which is located in Tunis and operated by the Interior Ministry (Boubakri 2011).

In 2008, a scholar studying readmission agreements between Italy and Tunisia, claimed: "In Tunisia there are several detention centres for illegal migrants. The location of most of them is kept secret by authorities. No figures are available about the number of people detained nor about the number and the nationalities of the foreigners who have been actually removed from the Tunisian territory. Though, it seems that many of them have been brought from detention centres to the Saharan border and have been left there to their fate" (Cutitta 2008).

In 2009, the non-governmental group 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 whose locations were kept secret by Tunisian authorities (Migreurop 2009; Benouaret 2009).

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

In 1998, Italy and Tunisia finalized an agreement that set conditions for the readmission of Tunisian and third-country nationals. As part this agreement, Italy agreed to provide 500 million liras (260,000 €) expressly for the creation of migrant detention facilities (*centri di permanenza*) (Scambio di Note tra l'Italia e la Tunisia concernente l'ingresso e la riammissione delle persone in posizione irregolare, Roma, 6 agosto 1998).

**Detention conditions.** Although little is known about the conditions of Tunisia's immigration detention centres, the country's prisons have repeatedly been denounced for their poor standards. 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).

In its 2009 Country Reports on Human Rights Practices, the U.S. State Department highlighted for particular criticism Tunisia's prisons, stating: Prison conditions generally did not meet international standards. Overcrowding and limited medical care posed significant threats to prisoners' health. During the year there were credible reports that authorities sometimes denied injured or sick prisoners prompt access to medical care. ... According to human rights organizations, prison conditions in the country continued to fall short of minimum adequate standards. Hygiene was extremely poor, and prisoners rarely had access to showers and washing facilities. Sources reported that 40 to 50 prisoners were typically confined to a single 194-square-foot cell, and as many as 140 prisoners shared a 323-square-foot cell. Most prisoners were forced to share beds or sleep on the floor. Current and former prisoners reported that the lack of basic facilities forced inmates to share a single water and toilet facility with more than 100 cellmates, creating serious sanitation problems. Contagious diseases, particularly scabies, were widespread, and prisoners did not have access to adequate medical care. According to prisoners' families, the government imposed arbitrary restrictions, such as limiting family visits, when prisoners sought redress for grievances about treatment and conditions" (U.S. State Department 2009).

In the same report, the State Department highlighted reports of torture and ill treatment in prisons and detention centres, reporting: "According to defense attorneys and local and international human rights groups, police routinely refused to register complaints. Judges sometimes dismissed complaints without investigation and accepted as evidence confessions allegedly extracted through torture. ... Reports of torture were most frequently associated with the initial phases of interrogation/investigation and more often in pretrial detention centers than prisons. Human rights activists, citing prisoner accounts, identified facilities at the Ministry of Interior and Local Development (MOI) as the most common location for torture. Political prisoners, Islamists, and persons detained on terrorism-related charges allegedly received harsher treatment than other prisoners and detainees."

### Detention Policy

**Key laws.** Although Tunisia administratively detains asylum seekers and undocumented immigrants and has apparently received funds from Italy for this purpose, Tunisian law does not have any specific provisions providing for the administrative detention of non-citizens (Boubakri 2010b). Norms regulating the entry and stay of foreign nationals in Tunisia are provided in *Organic Law 68-7* (8 March 1968) concerning the situation of foreigners as well as the *Organic Law 1975-40* (14 March 1975) concerning passports and travel documents, which has been amended by *Organic Law 1998-77* (2 November 1998), *Organic Law 2004-6* (3 February 2004), and *Organic Law 1008-13* (18 February 2008).

Additional relevant laws include: *Organic Law 68-7* (8 March 1968) concerning the situation of foreigners in Tunisia; and *Order 1968198* (22 March 1968) regulating the entrance and stay of foreigners in Tunisia.

These laws cover both Tunisians and foreign nationals, providing penalties for irregular migrants and for those who assist the entrance or stay of unauthorized persons.

**Expulsion and Criminal Sanctions.** Tunisian law provides criminal sanctions for irregular entry and stay. Article 34 of *Organic Law 1975-40* as amended by *Organic Law 2004-6* states that foreign nationals who violate its statutes can be expelled from the country and are subject to criminal sanctions provided in the earlier law, *Organic Law 68-7*. Article 23 of *Organic Law 68-7* provides for fines and imprisonment for up to one year for any non-national who enters Tunisia without proper authorization or documentation, or overstays his/her visa or permit. However, according to Article 34 of *Organic Law 1975-40*, exceptions to these sanctions provided in situations covered by the [1951 Refugee Convention](#).

Article 24 provides for fines and imprisonment for up to three years for any foreigner using false documents or providing inaccurate information.

Article 50 of the *Organic Law* provides the expulsion of any foreigner condemned for violations of the present law upon the completion of their prison sentence. This disposition does not contain details about neither the expulsion procedure nor the guaranties for the deported person. This implies that no right of recourse against the deportation is provided for. The foreigner which has been deported 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)

The law also provides criminal sanctions for people who assist the illegal entrance or stay of non-citizens, as well as for Tunisian nationals who attempt to leave the country without authorization.

**Migrant workers and asylum seekers.** Tunisia is the only country in North Africa that has not ratified the [Migrant Workers Convention](#). Tunisia has ratified both the 1951 Refugee Convention and its 1967 Protocol. However, there is no national legislation implementing the Geneva Convention and the country has not put in place any asylum procedures (Planes-Boissac 2010).

The UN High Commissioner for Refugees (UNHCR), which has an office in Tunis, can grant asylum status. However, only some 40 percent of status refugees have received residence permits (Planes-Boissac 2010).

**Access.** The International Committee for the Red Cross (ICRC) has only been allowed access to prisons and detention centres in Tunisia since 2005 (Planes-Boissac, Véronique 2010). In 2010, ICRC delegates made 48 visits in 31 detention centres. During these visits delegates individually interviewed 600 detainees (CICR 2011).

After the ouster of 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, an 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," Goldstein said. "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).

As of February 2011, there were no reports about whether rights groups had requested or been granted access to additional incarceration facilities, including immigration detention centres.

Global Detention Project  
Global Migration Centre  
The Graduate Institute

P.O. Box 136  
1211 Geneva 21  
Switzerland

Phone: +41 22 908 45 56

global.detention.project@gmail.com  
www.globaldetentionproject.org



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## Tunisia Detention Profile

### List of Detention Sites

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Name	Status (Year)	Location	Facility Type	Security	Authority	Management	Capacity	Reported Population	Demographics & Segregation
Al Wardia	In use (2011)	Tunis	Migrant Detention Centre	Secure					

### Sources

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

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The Graduate Institute

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Switzerland

Phone: +41 22 908 45 56

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### Map of "In Use" Detention Sites

For more detailed information, see the complete [List of Detention Sites](#).

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### Country View

1. Al Wardia

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