

# Reappears



New testimonies from Sinai

December 2016

HOTLINE for REFUGEES and MIGRANTS



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The Hotline for Refugees and Migrants is a nonpartisan nonprofit association which aims to protect and promote the human rights of migrant workers and refugees, and prevent human trafficking, in Israel. We are committed to eradicating the exploitation of migrants, ensuring they receive respectful and fair treatment, and formulating government policy to this end. We seek to lend our voice to those whose are not heard in the public sphere and build a just, equal, and democratic Israeli society. The organization acts by providing information, counsel, and legal representation to migrants, educating the Israeli public, and promoting legislation and public policy.

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ON.TO Stopping the torture of refugees from Sub-Saharan countries along the migratory route to Northern Africa

## Introduction

In 2010, the Hotline for Refugees and Migrants first identified asylum-seekers jailed in Saharonim prison who described enduring torture and being forced to work without pay in Sinai en route to Israel. The Sinai-based smugglers would torture the asylum-seekers to extract ransom from the refugees' families and communities.<sup>1</sup> Gradually, the torture camps expanded, the sums of the ransoms increased and the cruelty of tortured also escalated. According to our estimate and the estimate of the UN High Commissioner for Refugees (UNHCR), about 7,000 of the asylum-seekers who reached Israel, overwhelmingly Eritreans (about 20% of Eritrean asylum-seekers who entered Israel), survived these torture camps.<sup>1</sup>

In late 2012, Israel completed the construction of the fence along the border with Egypt to prevent asylum-seekers from crossing the border. The erection of the fence and the cooperation with Egyptian security forces, which shoot at asylum-seekers who attempt to cross and jail those who fail to cross, have drastically reduced the number of asylum-seekers who've successfully crossed into Israel.

In parallel to the construction of the fence, the smuggling route for migrants and refugees from Libya to Italy reopened. At the same time, around September 2014, a military operation by the Egyptian military against ISIS in Sinai resulted in the shutting down of the torture camps. Instead, similar torture camps began operating in Sudan and Libya, along the new smuggling route for migrants and refugees to Europe.<sup>2</sup>

## Escape from Sudan to Israel

During 2016, the Hotline for Refugees and Migrants identified 51 Sudanese asylum-seekers who've been able to cross into Israel in November 2015 and February and April 2016. The asylum-seekers who were interviewed by the Hotline survived the ongoing genocide in Darfur and the ethnic cleansing in southern Sudan; some of their relatives were killed in massacres perpetrated by regime forces. They escaped to camps set up for internally displaced persons (IDPs) or to the Sudanese capital of Khartoum, but continued to endure persecution at the hands of the regime. This is how Faysal (not his real name), a survivor of the Darfur genocide, chronicled it to us:

*Two of my brothers and five more people from my extended family were murdered. The attacks never stopped, the bombings... Our village was totally destroyed and thus we became refugees and moved to the camp in Kalma [Darfur]... I stayed in Kalma until I*

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1 Hotline for Refugees and Migrants, "The Dead of the Wilderness': Testimonies from Sinai Desert, 2010", February 2011. <http://hotline.org.il/en/publication/deadofthewilderness/>

2 Hotline for Refugees and Migrants, "The New Torture Camps for Eritrean Asylum-Seekers", October 8, 2015. <http://hotline.org.il/en/the-new-torture-camps-for-eritrean-asylum-seekers/>





*moved to Khartoum to study. I stayed in Khartoum for a year where I studied in a college... Authorities in Khartoum kept meticulous records about who arrived from Darfur and we are automatically labelled as pro-opposition because of our origin... It doesn't matter if you are politically active or not, the mere fact you are from Darfur is enough to be seen as a traitor. In the IDP camp where I grew up, I took part in political activism, but when I moved to Khartoum, I did my best to avoid any political activism so I won't be labeled as a traitor.. but it doesn't matter. The atmosphere in school was tense, friends would disappear... People would call to warn me not to return home because the police are looking for me. There is no way to just be a student, meaning, politically neutral... My life became difficult, I was in danger; they were constantly looking for me.*

Due to the ongoing instability in Sudan, the asylum-seekers fled to Egypt. In Egypt, the close ties between the regimes in Cairo and Khartoum were a source of concern for some asylum seekers. This is how Faysal described it: “[The regimes] are close and so I wasn't safe in Egypt. I only wanted to reach a place where I can be free, apply for asylum and continue my academic studies”. Ahmed (not his real name) explained his decision to leave to Israel: “The situation in Egypt was very tough, financially but mostly due to the hostility of the Egyptians toward us. They were curse me all the time, ‘you Negro, get out of here,’ etc. I wanted to come to Israel.” Some of the asylum-seekers approached middlemen with ties to smugglers in Sinai and in other cases, the smugglers would approach the asylum-seekers and offer to help them reach Israel.

## New Pattern of Torture in Sinai

The testimonies collected by the Hotline for Refugees and Migrants indicate that smugglers in Sinai resumed torturing and enslaving asylum-seekers, on a limited scale, no later than the end of 2015. It is possible that smugglers resumed torturing asylum-seekers earlier but the victims were deported from Israel before Hotline representatives could interview them. The new testimonies show that the Bedouin smugglers starve the asylum-seekers, force them to perform hard labor, beat the captives and try to extract ransom from the captives in exchange for their release.

There is a significant difference in the breadth and patterns of torture happening in Sinai now compared to those of several years ago. The torture in the previous torture camps was especially severe and included systematic rape of women and men, prolonged hanging from limbs, burning with hot metal or molten plastic, electrocution, beatings and starvation. Hundreds have died under this torture. Some of the asylum-seekers were forced to provide services to their captors, including digging new torture dungeons and cleansing. Asylum-seekers remained in captivity for months.<sup>3</sup>

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<sup>3</sup> Hotline for Refugees and Migrants and Physicians for Human Rights-Israel, “Tortured in Sinai, Jailed in Israel: Detention of Slavery and Torture Survivors under the Anti-Infiltration Law”, October 2012. <http://hotline.org.il/en/publication/tortured-in-sinai-jailed-in-israel/>

The new patterns of torture and enslavement are different. The abuse affects a smaller number of people, probably because the number of asylum-seekers attempting to enter Israel is much lower. The torture is less severe: the smugglers continue to beat the asylum-seekers, starve them and not provide them with enough water, but our interviews with the survivors do not indicate a return to the horrific patterns of torture that were implemented in the previous camps. In addition, the period of captivity is shorter, usually less than a month.

This is how Majed (not his real name) described it: "We received three cups of water per day – morning, lunch and evening. We ate a cup of rice that was soaked in water once a day. We lived in an underground basement so the soldiers don't discover us." Faysal described the conditions in captivity:

*The hunger was especially difficult, sometimes they wouldn't give us food for a day and a half and with the water we also had a serious problem.. the water was mixed with benzene so we couldn't drink it... Everything was difficult... When we reached Sinai they told us that the sum we paid was too small and insufficient for the smuggling and that's why we have to pay more. Since we didn't have any more money above what we agreed upon with the smugglers, the Bedouin forced us to work and abused us. After 27 days we were exhausted and tired, the body couldn't carry itself anymore. We couldn't walk and when we tried picking things from the ground, our whole bodies shook. We were in a dire condition, and surely would have died if we had stayed there two more weeks. We wouldn't have survived that. We reached the border in a group of 28 people, two of us were shot to death on the border [by Egyptian soldiers].*

Some of the captives were forced to grow marijuana for the smugglers. This is how Majed describes it: "We worked in the hashish fields. Those who were sick were also forced to work. Those who didn't work were beaten. There was a teen with us who refused to work. I don't know what happened to him. Either they sent him back to [mainland] Egypt, sent him to Israel or killed him. They constantly threatened us that they will kill anyone who causes troubles." Majed detailed what happened to other captives: "T. and M. had lighter skin [more similar to the Bedouin compared to the rest of the African Sudanese captives] and the manner they were treated was harsher and they endured more humiliations. They were employed growing hashish and were used to throw the police off the trail, by dressing them in Bedouin garb and sending them to work when the police arrived. They were not fed for days and sometimes not even given water."

In addition, some of the detainees were forced to chop down trees and load the wood onto trucks. The captives were also forced to work in agriculture, clearing fields and preparing them for sowing. Ahmed recounted to us: "[The Bedouin] took us in a car to an open area where there were trees and told us to chop them down. We chopped them with an ax and a saw. After we felled the tree, we would clean it from branches, sand it and load it onto the truck. We didn't know the purpose of this tree chopping and we didn't even think to ask. We were afraid. We didn't have a choice. They guarded us the entire time and they were armed. I knew that they could murder me at any moment,

and no one would know.”

This is how Faysal detailed his experience:

*Majed, Ahmed and I were forced to chop wood and work in agriculture.. most of the time we were out in the field, and our working hours constantly changed, at times it was many hours, but on other days it was only seven or eight hours. It would change. We were in Sinai about 27 days and we were forced to work the entire time. They forced us to chop wood, cut it and load it onto trucks. We didn't have a constant routine during those 27 days – sometimes they would let us sleep for three hours, sometimes four and even six. We did not decide on anything and they would decide how much and when we will sleep, when we eat and when we work. When we didn't sleep, we had to work. There were two people guarding us.*

*The work changed too, sometimes we would work in agriculture and in another times with the trees... In the agriculture we would uproot weeds and roots. When we worked, the Bedouin would drink alcohol. After they drank, they became terribly violent toward us. If we said that we're tired or even just showed signs that we are, they would start to fiercely hit us with a whip. I have whip marks all over my back. When I entered Israel, I was treated in the hospital for the beatings I had received and also because a military [IDF] dog bit me after we crossed the border. The Bedouin would also kick us vigorously. Everything was hard in Sinai: the labor, the violence, the punishments.*

## In Israel

The asylum-seekers who were not shot to death and managed to cross the border are jailed under the Anti-Infiltration Law that allows the state to jail, without trial, “infiltrators” who’ve crossed the border for three months in Saharonim prison. After the three months of incarceration in Saharonim, under the Anti-Infiltration Law, asylum-seekers are to be transferred to the Holot detention facility, across the road from Saharonim, near the border with Egypt. In Holot, the law permits the state to jail the asylum-seekers for an addition year, again, without trial. In the Holot facility, unlike Saharonim prison, detainees are allowed to leave the facility during the day, but they are prohibited from working as long as they were detained, and they must sleep in the facility.

In early 2014, Israel began applying pressure on asylum-seekers to leave to Uganda and Rwanda after it concluded secret accord with these regimes who have agreed to accept asylum-seekers from Israel in exchange for unknown aid. “The Ministry of Interior coerces asylum-seekers, inside detention facilities and outside to them, to

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<sup>4</sup> Hotline for Refugees and Migrants, “Where There is No Free Will: Israel’s “Voluntary Return” Procedure for Asylum-Seekers”, April 2015. <http://hotline.org.il/en/publication/where-there-is-no-free-will/>







“agree” to leave to those countries, or else they will be jailed for a prolonged period of time. Ministry of Interior officials falsely claim to the asylum-seekers that they will have legal rights and enjoy a good life in those third countries. After asylum-seekers arrive in Uganda and Rwanda, their Israeli travel documents are confiscated by local authorities and they become illegal residents; they may be deported to their homelands at any moment. As a result, many of the asylum-seekers coerced to leave Israel continue their search for refuge, moving from country to country in search of a state that will offer them protection.<sup>5</sup>

Due to reports from asylum-seekers who have already left Israel about the horrid living conditions in those third countries, the number of asylum-seekers coerced into leaving Israel dropped sharply during 2015. Thus, in late March 2015, the Ministry of Interior announced a new regulation intended to increase the number of asylum-seekers leaving Israel to Rwanda and Uganda. Under the new regulation, asylum-seekers who did not file an asylum claim or had their claim rejected and refuse to leave to Uganda or Rwanda will be indefinitely jailed in Saharonim prison under the Entry of Israel Law. Under article 13 (B)(1) of this law, migrants who do not cooperate with their removal can be jailed for an unlimited period of time. The Ministry of Interior uses this article to incarcerate migrants who do not cooperate with the removal to their homelands, in which the Ministry of Interior claims they will not face threats to their life of liberty (and hence are not refugees). Until 2015, Israel did not apply this article to Eritrean and Sudanese asylum-seekers due to the understanding that they will be in danger if deported to their homelands. The legality of the “Rwanda-Uganda Regulation” is currently being debated in the High Court of Justice, after a district court had approved it.

During the incarceration in Saharonim prison of the Sudanese asylum-seekers who had recently crossed from Sinai, Ministry of Interior clerks exerted intense pressure on the detainees in an effort to make them “agree” to leave to their homeland or to a third country. Some of the asylum-seekers succumbed to this pressure and left. Their fate remains unknown.

Ministry of Interior officials in Saharonim prison not only pressured the asylum-seekers to leave but also withheld from them the fact that they can file asylum claims that would prevent their incarceration in Saharonim prison under the “Rwanda-Uganda Regulation”. Some of the asylum-seekers were told that they can only file an asylum claim after they’re transferred to the Holot facility, although this transfer did not occur, at times, because the asylum-seekers were unable to file an asylum claim from inside Saharonim prison. It was representatives of the Hotline for Refugees and Migrants who informed the Sudanese about their right to apply for asylum. Even after the asylum-seekers expressed a desire to file asylum claims, at times authorities in Saharonim prison did not supply the forms and then waited for weeks until they collected the forms from the asylum-seekers. The forms were distributed only in English, a language

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<sup>5</sup> Hotline for Refugees and Migrants, “Deported to the Unknown”: testimonies of asylum seekers who left Israel to a third country”, December 2015. <http://hotline.org.il/en/publication/deported-to-the-unknown-2/>

that most of the asylum-seekers do not know well.

Instead of transferring the Sudanese asylum-seekers who crossed the border in 2015 and 2016 to Holot after three months of incarceration in Saharonim, the Ministry of Interior decided to continue holding them in Saharonim. The Ministry of Interior utilized the "Rwanda-Uganda Regulation", despite the fact that because the asylum-seekers filed for asylum, they cannot be incarcerated under the regulation.

A Ministry of Interior legal opinion that prevented the transfer to Holot of the Hotline's client, a survivor of torture and slavery, after three months have passed from his incarceration in Saharonim and he had filed for asylum, stated: "It has been determined more than once that it is improbable that a person who is held in detention will be released in any case that he files some request to the Ministry of Interior. Such an interpretation of the regulation will serve to encourage those held in detention to file false requests."<sup>6</sup> This means that the Ministry of Interior wished to indefinitely incarcerate an asylum-seeker to break his spirit and coerce him to leave Israel to countries where he will not be safe although he does meet the criteria of the "Rwanda-Uganda Regulation", since he applied for refugee status. The legality of this regulation still being debated in the High Court, and the High Court called on the state to avoid implementing it for the time being.<sup>7</sup>

This decision by the head of the Ktziot Region at the Population and Immigration Authority flagrantly contradicts the High Court of Justice ruling on the Anti-Infiltration Law that determined "when it is apparent that the continuation of detention of an infiltrator does not serve the purpose of identification and removal, there is no longer justification for continuing to hold him in custody. If argued otherwise, this would mean that a person can be held in arbitrary detention. This result is incongruent with the basic tenants or our legal system."<sup>8</sup>

The Hotline for Refugees and Migrants and the Clinic for Refugee Rights at the Tel Aviv University had to address the State Attorney's Office several times to make authorities transfer seven of the asylum-seekers to Holot. Other asylum-seekers in the same legal situation were not released and additional appeals over the span of two months were required to bring about their transfer to Holot.

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6 The State of Israel – Population and Immigration Authority, response to a request by the detainee (prison number 90224836), March 31, 2016.

7 Justice Fogelman prevented the incarceration of two Eritrean asylum-seekers, the appellants against the "Rwanda-Uganda Regulation", in an interim order and added that he assumes that the normative considerations that formed the basis for his decision about the two will guide the state when dealing with similar cases. Administrative request for appeal 5061/15, August 12, 2015.

8 High Court of Justice verdict 8665/14 Nega Desta vs. Knesset of Israel, February 3, 2015, para 41.

## Survivors of the Torture Camps as Victims of Human Trafficking

Israeli law prohibits the trafficking of persons for, among other purposes, bringing a person into a state of slavery, forced labor or prostitution.<sup>9</sup> Holding a person in slavery-like conditions is defined as holding a person to provide services or work, including sex work, holding a person in a state in which she or he is treated as a property and includes control of her life and deprivation of her liberty<sup>10</sup>. Forced labor is defined as “use of force and other means of pressure, or threats” to coerce a person to work.<sup>11</sup>

Several petitions of the Hotline for Refugees and Migrants led to granting of certain rights to survivors of human trafficking and slavery. Those rights include free representation from the Legal Aid Office at the Ministry of Justice, residence for a year in rehabilitation shelters that offer medical and psycho-social services to the survivors, as well as work visas for the period of rehabilitation.

The Anti-Infiltration Law explicitly excludes “those about whom the Israeli Police notified that there is apparent evidence that the crime” of human trafficking and enslavement “were perpetrated against him”, thus precluding the state from detaining such victims under the law.<sup>12</sup>

This means that the asylum-seekers who were enslaved in Sinai should not have been jailed in Saharonim prison or the Holot facility. According to the asylum-seekers the Hotline interviewed, none of the representatives of the state asked the asylum-seekers whether they were tortured or enslaved en route to Israel, which is why they did not share their ordeal. This is how Ahmed explained it:

*“No one in Israel except you [the Hotline] asked me specifically about Sinai. They just asked me why I came to Israel and with whom I spoke in Sinai and who helped us cross the border. Other than you, no one asked me about Sinai.”*

Representatives of the Hotline interviewed the slavery survivors and transmitted the information to the Israeli Police, which is responsible for identifying human trafficking victims, so that the asylum-seekers will finally be granted the rights that they deserve under the law.

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9 Article 377 A(D) to Israel's Penal Code – 1977.

10 Article 375 A of Israel's Penal Code.

11 Article 376 of Israel's Penal Code.

12 The Anti-Infiltration Law, 1954, Article 32 D (B)(6)





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This project is co-financed by European Union