

**HOTLINE for REFUGEES and MIGRANTS**



# Immigration Detention in Israel

**Annual Monitoring Report  
2016**

Holot Detention Centre

Saharonim Penitentiary



March 2017

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*Annual Monitoring Report*  
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HOTLINE for REFUGEES and MIGRANTS



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**About the Hotline for Refugees and Migrants:**

The Hotline for Refugees and Migrants is a nonpartisan nonprofit organization 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 who 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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## ABBREVIATIONS

FOIR - Freedom of Information Requests

HCJ - High Court of Justice

HRM - Hotline for Refugees and Migrants

IPS - Israeli Prison Service

MOI - Ministry of Interior

PHRI - Physicians for Human Rights - Israel

UNHCR - United Nations High Commissioner for Refugees

Photo taken by Rona Perry: Saharonim prison



# Preface and Summary

This is the second annual monitoring report on the conditions of the detention of migrants and asylum seekers held in administrative detention in Israeli facilities. In February 2016, the Hotline for Refugees and Migrants (HRM) published its first annual monitoring report, which focused on the conditions in which migrants were held in detention in 2015.

As the laws and policies around detention have only grown stricter, it is not out of the realm of possibility that detention will continue to be a major tool in the Israeli government's policy towards migrant workers and asylum seekers.

Over the last year, the number of migrants held in Israel Prison Service (IPS) detention facilities has dropped from approximately 5,000 to about 3,000 detainees, and it appears there has been an improvement in the quality and quantity of food provided. There has also been an improvement in IPS conduct regarding the distribution of food during the Ramadan fast; and the waiting periods for detainees in "the Kluva" (the holding cell where detainees wait when they leave wings for various reasons) have been significantly reduced. In addition, detention periods at the Yahalom facility have been greatly reduced.

However, the number of detainees held in Yahalom doubled in the last year. Migrants are still being held in prisons under conditions of severe overcrowding, with a living space of only 2.25 square meters – half the size required by the IPS regulations and a quarter of the size mandated in other first world countries – where some are held for years.<sup>1</sup> This, despite the fact that in 2016 there are more empty cells available in each of the facilities.

In shaping many aspects of the report, we consulted with the United Nations High Commissioner for Refugees (UNHCR)'s "Monitoring Immigration Detention Manual".<sup>2</sup> While the vast majority of those held in immigration detention are asylum seekers, the UNHCR's guidelines present a proper standard for detention monitoring of all immigrants and not only asylum seekers. This report shows comparative data, as well as the conditions in Saharonim and Givon prisons, which are less discussed or reported. The report discusses the conditions in Holot, which is defined by the authorities as an "open residence centre", but is, in fact, currently the largest detention facility for asylum seekers in Israel. The report attempts to describe the conditions in the Yahalom facility

<sup>1</sup> For details see report by Public Defender's Office, report on the detention and arrest facility conditions of the IPS and Israel police between 2009-2010 (8/2011), p. 68.

<sup>2</sup> International Detention Coalition, Association for the Prevention of Torture, and the UNHCR. "Monitoring Immigration Detention: Practical Manual". Published 2014 Available at: [http://www.apt.ch/content/files\\_res/monitoring-immigration-detention\\_practical-manual.pdf](http://www.apt.ch/content/files_res/monitoring-immigration-detention_practical-manual.pdf)  
<http://www.refworld.org/pdfid/53706e354.pdf>

as well, despite the fact that HRM has no access to the facility.

There are currently approximately 3,000 migrants and asylum seekers held in prisons and in Holot. Many of them have been held for months and some even years. According to a recent report HRM published, at least 33 migrants were held in detention over two years, 25 of them for over three years, 18 for over four years, 10 for over five years, and five were held over six years.<sup>3</sup>

This report explains who is being detained in immigration detention centers, under which laws they are being detained, and most importantly the standards and conditions of their detention.

2016 primary complaints are: crowded housing and lack of freedom of movement, insufficient translation and medical services, sub-standard food, lack of clothing and hygienic products, pressure to leave the country during the MOI's hearings and lack of knowledge regarding the authority of MOI officers and the Detention Review Tribunal. Other complaints during 2016 included asylum seekers being prevented from filing an asylum claim in prison and penalties for infractions of regulations.

The report ends with HRM's recommendations.

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<sup>3</sup> HRM, "Forgotten in Prison," December 2016:  
<http://hotline.org.il/en/publication/forgotten-in-prison-the-prolonged-detention-of-migrants/>

# Methodology

In compiling the necessary information to paint a picture of immigration detention, the researchers of this report incorporated the following streams of information:

**Freedom of Information Requests (FOIR):** HRM sent FOIRs to the IPS and the MOI asking for details about services provided to detainees. The purpose of these requests is to establish a comparative base with the other streams of information we received through interviews and observations.

**Reports:** UNHCR Detention Guidelines (2012), International Detention Coalition, Association for the Prevention of Torture, and the UNHCR, "Monitoring Immigration Detention: Practical Manual" (2014), International Detention Coalition, "There are Alternatives" (2015), Public Defender's Office, report on the detention and arrest facility conditions of the IPS and Israel police between 2009-2010 (8/2011), Israel Bar Association, "Official Monitoring Report, Saharonim Facility", (2013), HRM, "Forgotten in Prison," (2016), HRM, "The Detention Review Tribunals (2014).

**Detainee Interviews & Testimonies:** HRM representatives conducted 110 in-depth interviews with migrants, among them nine female migrants who were arrested in 2016. Many of the interviewees were held in more than one of the immigration detention facilities. Throughout 2016, HRM representatives managed to interview for the first time five migrants who were detained in the Yahalom facility at Ben Gurion Airport.

**Petitions and State Responses to Petitions:** The report is also based on information collected in six petitions submitted by Mishna, the Clinical Center for Law and Society at the College of Management – Rishon Lezion and the Refugee Rights Program at Tel Aviv University, as well as from State responses to these petitions.

## Women in Detention Facilities – Gender Treatment

It should be noted that only 10 percent of those interviewed are women, and they were all held in the Givon Prison. The low number of female interviewees can be explained by the fact that in 2016, Saharonim and Holot were male-only detention centers. Women have not been detained in Saharonim since 2013 while Holot is strictly for men. Of the nine women interviewed for the report, two women arrived in Israel from the Ivory Coast, two from the Ukraine, as well as Sri Lanka, Philippines, Nigeria, India and South Africa. Four of the women interviewed for this report are migrant workers from Eastern Europe or Southeast Asia who were arrested because their visas expired. The women from Africa arrived as tourists or asylum seekers and overstayed their visas. The two women from the Ivory Coast who came as asylum seekers during the violent conflict there, have been detained for over four years since they refuse to return to their home country.

Photo taken by Anat Vaknin Applebaum: HRM's activist with detainees in Holot



# Background

## Why Do People Find Themselves in Immigration Detention?

During the last decade, the status of foreigners in Israel has been determined by four laws: The Law of Return,<sup>4</sup> the Citizenship Law,<sup>5</sup> the Entry to Israel Law<sup>6</sup> and the various versions of the Anti-Infiltration Law.<sup>7</sup> The Law of Return is applicable to all Jewish foreigners as well as children and grandchildren of Jews who are entitled to an Aliyah (Jewish migrant) visa and Israeli citizenship under the Citizenship law. In addition, the citizenship Law delineated a set of limited circumstances in which a person can become an Israeli citizen, mainly through family unification procedures. The status of all other foreigners in Israel is determined by the Entry to Israel Law or by the Anti-Infiltration Law.

Israel does not see itself as a destination country for migration and the government has stated many times that the only avenue for migration to Israel is through the Law of Return. Due to this, migrant workers can obtain legal status only for short periods of time. Therefore any migrant to Israel who has no Jewish lineage, or who isn't a special exception for family reunification, is subject to status regulation under the Entry to Israel Law or the Anti-Infiltration Law. It is almost impossible for some to hold and maintain legal status in Israel under these laws. Those who fail to gain and maintain such a status find themselves detained.

Foreign nationals who arrive in Israel as tourists or documented migrant workers and lose their legal status, are detained under the Entry to Israel Law. Foreign nationals who arrive in Israel by crossing the border with Egypt and did not do so through a legal border crossing, were detained under the Entry to Israel Law up until June 2012 and since then, under another law, the Anti-Infiltration Law and its various versions.

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4 The Law of Return, July 5th, 1950 :

<http://www.mfa.gov.il/mfa/mfa-archiv/1950-1959/pages/law%20of%20return%205710-1950.aspx>

5 The Citizenship Law, 1952: [www.piba.gov.il/Laws/תחריאה%20קוח.pdf](http://www.piba.gov.il/Laws/תחריאה%20קוח.pdf) (Hebrew)

6 The Entry to Israel Law, 1952:

[https://www.unodc.org/res/cld/document/law-no--5712-1952--entry-into-israel-law\\_html/Entry\\_Into\\_Israel\\_1952.pdf](https://www.unodc.org/res/cld/document/law-no--5712-1952--entry-into-israel-law_html/Entry_Into_Israel_1952.pdf)

7 The 3rd amendment to the Anti-Infiltration Law, January 9, 2012 (Hebrew):

[www.knesset.gov.il/privatelaw/data/18/3/577\\_3\\_2.rtf](http://www.knesset.gov.il/privatelaw/data/18/3/577_3_2.rtf)

The 4th amendment to the Anti-Infiltration Law, December 10, 2013:

[www.knesset.gov.il/privatelaw/data/19/3/817\\_3\\_1.rtf](http://www.knesset.gov.il/privatelaw/data/19/3/817_3_1.rtf)

The Amendment to the Anti-Infiltration Law and to Ensure the Departure of Infiltrators from Israel (2014):

[http://knesset.gov.il/privatelaw/data/19/3/904\\_3\\_1.rtf](http://knesset.gov.il/privatelaw/data/19/3/904_3_1.rtf) (Hebrew)

## The Identity of Detainees in Immigration Detention

According to Mol figures, in 2016 there were four groups of migrants in Israel. Those in immigration detention come from any of the following population groups 78,500 migrants who originally arrived as tourists through Ben Gurion Airport and overstayed their tourist visas currently reside in Israel. Sixty percent of them are from the Former Soviet Union. It is reasonable to assume that the majority have relatives who came to Israel under the Law of Return.

81,329 migrant workers, primarily from Thailand, Philippines, Nepal, Sri Lanka and China, who hold current work visas in the fields of agriculture, caregiving or construction. These workers were brought to Israel legally but sometimes lose their legal status when their employers no longer employ them, or when their work permit expires. The maximum legal stay period in Israel is five years and three months. An additional 16,736 migrant workers are currently in Israel without legal status but have not yet been detained or deported.

40,721 asylum seekers who entered Israel through the Egyptian border over the last decade are currently in the country, 92 percent of them from Eritrea and Sudan.<sup>8</sup>

About 16,534 foreign nationals (including women and children) arrived as tourists throughout 2016. Many entered through Ben Gurion Airport and a minority through ports or the Jordanian border crossing. They were refused entry into Israel due to border control officers' suspicion that they intend to overstay or violate the condition of their tourist visa, or other reasons.<sup>9</sup>

### The Laws Which Regulate Detention of Foreign Nationals

The laws which regulate foreign nationals' detention and deportation are the Entry to Israel Law and the Anti-Infiltration Law, previously explained in our 2015 yearly monitoring report.<sup>10</sup>

Detention is a dominant strategy used by the Israeli government to handle the issue of undesired migration to Israel. It is used to organize, manage, and intimidate migrants and asylum seekers from staying in Israel for long amounts of time. The latest versions of the Anti-Infiltration Law treats detention as a tool to both convince those who are here to leave, and to act as a deterrent against other asylum seekers or migrants who might come to Israel.<sup>11</sup>

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<sup>8</sup> The Population and Immigration Authority, data on foreign nationals in Israel, 3rd quarter, October 2016 (Hebrew): [https://www.gov.il/BlobFolder/generalpage/foreign\\_workers\\_stats/he/foreign\\_workers\\_STATS\\_Q3\\_0.pdf](https://www.gov.il/BlobFolder/generalpage/foreign_workers_stats/he/foreign_workers_STATS_Q3_0.pdf)

<sup>9</sup> Number of foreign nationals denied entry to Israel in last five years grew nine-fold. Haaretz, February 15, 2017 (Hebrew): <http://www.haaretz.co.il/news/education/.premium-1.3857000>

<sup>10</sup> HRM, Immigration Detention in Israel, Annual Monitoring Report 2015, February 2016: <http://hotline.org.il/en/publication/detentionmonitoring2015/>

<sup>11</sup> HRM, Rwanda or Saharonim. July 2015 Available at: <http://hotline.org.il/en/publication/rwanda-or-saharonim/>. Page 9.

# Immigration Detention Facilities

Currently, there are four detention centers holding migrants: Saharonim Prison on the border with Egypt, Givon Prison in Ramle, Yahalom detention facility at Ben Gurion Airport and Holot, an 'Open' Detention Center located across the road from Saharonim.

## Saharonim Prison

Located in the Negev, near the Nitsana border with Egypt, Saharonim was built in 2007 to detain African asylum seekers who entered Israel through the Egyptian border. Up until June 2012, Saharonim had eight wings of tents, each wing could host up to 250 detainees (2,000 all together).

In the spring of 2012, six more wings were added, with the intention to replace the old wings. Regulations allow them to hold up to 3,000 detainees in the entire Saharonim prison. When the construction of Saharonim was started, it was exempted from most local and national regulations, as requested by the Israeli Ministry of Defense.<sup>12</sup>

## Givon Prison

Located in Ramle, Givon Prison opened in 2004 and is considered part of a larger compound of prisons which includes Ayalon, Massiyahu, Neve Tirtsa and Nitzan Prison. The prison can hold up to 558 prisoners. The facility is split between Israeli convicted criminals that are sentenced for five years or less, and foreign-nationals detained due to their lack of legal status in the country. It is important to note that Givon holds women, in particular migrant women.

## Holot

The Fourth Amendment to the Anti-Infiltration Law, which was passed in December 2013, created Holot.

This is how the authorities describe the facility: *"The open detention center is a place where infiltrators who received a detention order from a border control officer reside, where they are provided with appropriate living conditions and the needs they require health and welfare services, voluntary employment, job training and educational and leisure activities."*<sup>13</sup>

The facility is surrounded by two tall fences and operated by the IPS, but it is not legally

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<sup>12</sup> Catrina Stewart "Israel builds the world's biggest detention center". The Independent, March 10 2012. Available: <http://www.independent.co.uk/news/world/middle-east/israelis-build-the-worlds-biggest-detention-centre-7547401.html>

<sup>13</sup> HCJ 4386/16 Tesfahiwut Mediu et al. V. IPS et al., state reply dated: November 17, 2016, article 7.

defined as a prison. Detainees in Holot are free to exit its gates during certain hours of the day. Some of the services are not provided by IPS but by other ministries (e.g. Ministry of Health and Mol).<sup>14</sup>

Following a legal petition by human rights organizations, the High Court of Justice (HCJ) limited the detention period in Holot to a maximum of 12 months.<sup>15</sup> Holot has the capacity to hold only 3,360 detainees. Since the facility began operating, a cumulative total of 10,466 asylum seekers have stayed there, and 23,555 detention orders were issued to asylum seekers.<sup>16</sup> At the beginning of December 2016, there were 1,900 detainees in the facility, according to the guards.

### Yahalom

The Yahalom detention facility, located at the Ben Gurion Airport, is the only detention facility that is managed by the Mol and not by the IPS.

The facility was designed to hold migrants and tourists for several days whose entry into Israel is denied, until they can be returned to their home country. However, hundreds of cases have been documented in which migrants and their children were detained in Israel, transferred to Yahalom in order to be deported, and were held there for weeks and even months before deportation. To the best of our knowledge, families with children were not held for prolonged periods in 2016. If children were arrested for a period of more than 10 days, they were transferred with their mothers to Givon until their removal was possible. There were 8,412 migrants held in the facility in 2015, compared to 16,534 in 2016 – which is double.

We do not possess official information about the 2016 detainees in Yahalom, but from the Immigration Authority figures we received in June 2016, it appears that in 2015, 266 minors were held in Yahalom. Only 13 of them were held in the facility over a week and none of them was held for over a month. In total, 151 families were held in the facility throughout 2015. Only one child was held for over a week and no child was held for over a month.<sup>17</sup>

HRM representatives managed to interview five detainees from Yahalom over the course of 2016: Two American nationals (female and male) held in the facility for four days, an Eritrean national that was detained for eight days and two children from Moldova, 15 and 18 years old, who came to visit their mother who work in Israel. They were held for four days and nights.

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<sup>14</sup> HRM, Rwanda or Saharonim. July 2015 Available at: <http://hotline.org.il/en/publication/rwanda-or-saharonim/>. Page 9

<sup>15</sup> HCJ ruling 8665/14 Desta v The Knesset (August 11, 2015): <http://hotline.org.il/wp-content/uploads/2013/12/Decision-11-August-2015-Summary-ENG.pdf>

<sup>16</sup> The figures were provided by Ms. Mali Davidian, Population and Immigration Authority Freedom of Information law supervisor on December 29, 2016, in response to HRM Attorney Maayan Neizana's request.

<sup>17</sup> The figures were provided by Ms. Mali Davidian, Population and Immigration Authority Freedom of Information law supervisor on June 23, 2016, in response to HRM Attorney Emi Saar's request.

# Detention Conditions

## Housing conditions and Freedom of Movement

In accordance with the UNHCR Monitoring Immigration Detention manual, government authorities that prevent the release of detainees must ensure that the detention facilities are safe, clean, hygienic and comfortable. The manual specifically emphasizes that asylum seekers should not be treated like criminals, and as such, it is important that the facilities incarcerate them as little as possible. The detention environment and living conditions must be decent in every respect.

### Saharonim

Saharonim contains three compounds: A, B and C. Compound A, which houses wings 1-6, has not been in use for the last three years; Compound B, housing wings 7 and 8, has not been in use since the beginning of 2015; Compound C, the only one in use in 2016 and currently, was opened in June 2012. Compound C consists of wings 9-14, housing residential containers arranged in two rows, with a roofed central area that serves as a yard. There is another wing that is an isolation wing and contains three cells. From what we understand, there is no intention of reinstating use of the old compounds. From data collected throughout 2016, each room houses 10 detainees arranged on five bunk-beds at maximum capacity, which is in contradiction to the plans the Bar Association reported in 2014, which indicated that the plans for the refurbishment of Saharonim would not exceed five people to a room.<sup>18</sup> In addition, the number of detainees to a room stands in contradiction to the IPS regulations and the criminal procedure that determines *“there will be no more than four beds for prisoners in each cell.”*<sup>19</sup>

In compound C the size of each room is 22.5 square meters. That means that if only five people were detained there, as specified in the prison plan, the living space for every detainee would meet the IPS regulations. Yet, 90 percent of the detainees testified that all the five bunk-beds in their rooms were occupied. That means that the living space for every detainee is only 2.25 square meters – half the size required by the IPS regulations and a quarter of the size mandated in other first world countries.<sup>20</sup> This, despite the fact that in 2016 there are more empty cells available in each of the facilities and the number of detained migrants dropped from approximately 5,000 to only 3,000.

In each one of the six wings there is a dining room (10.55 m x 5 m). That is the only

<sup>18</sup> Israel Bar Association, Official Monitoring Report, Saharonim Facility, December 31, 2013, pages 7-8. (Hebrew): <http://bit.ly/MTlqMn>

<sup>19</sup> Article 2(H) of 2010 Prison Ordinance (Detention Conditions) and Article 3(E)(2) of the 1977 Penal Code (Arrest Enforcement Authority) (Detention Condition).

<sup>20</sup> For details see report by Public Defender's Office, report on the detention and arrest facility conditions of the IPS and Israel police between 2009-2010 (8/2011), p. 68.

public space in the wing, in addition to the yard in front of the cells. Each cell contains a T.V. Each wing contains a washing machine and a dryer.

37 out of 42 detainees in Saharonim interviewed for this report said that they share a room with nine other detainees. Three shared a room with six and sometimes seven other detainees, and two of the respondents testified that they shared a room with eight and sometimes nine other detainees.

38 out of 42 of those interviewed were held in rooms that had a bathroom inside the room. Four additional interviewees were held in rooms without bathrooms or a shower. The testimonies indicate that 170 detainees living in proximity used 12 bathrooms and showers, such that a single bathroom and shower served 14 detainees on average.

**Freedom of Movement:** From the responses of 21 detainees, it appears that they are free to leave their rooms three times a day, between 6:00 AM in the morning and 9:00 PM at night. They must return to their rooms for the purpose of a headcount, which is conducted at 10:00 AM, 3:00 PM and 9:00 PM. After the last one, detainees must remain in their room until 6:00 AM.

It appears that efforts were made to place detainees from the same home countries together in the same room. Of 39 respondents, seven said that all the detainees in their room were from the same home country; 22 said that some of the detainees in their room were from their home countries and 10 said that they shared a room with detainees that were not from their home country.

### Givon

Givon is a criminal prison that contains two cell-blocks for migrants, one of them for men and the other one for women and children. Men interviewees gave a range of the number of people per room, from 8 at minimum to 16 at the maximum.. For women the range was lower, from 6-12.

There are no air conditioners in Givon. 15 of the respondents said that they have a fan in their cell and one said that she has a small heater in her cell. Three of the respondents reported that they have no heating or cooling in their cell.

**Freedom of Movement:** The detainees indicate that throughout 2016, they were permitted to remain outside their cells three times a day (9:00 – 10:00 AM, 12:00-3:00 PM, and 6:00 – 8:00 PM). Women who worked in cleaning or food service were permitted to spend additional hours outside their rooms.

### Holot

Holot is comprised of three major wings, each one of them contains four cell-blocks, each divided into 28 rooms, and in each room there are five bunk beds and ten lockers. From data collected, we know that rooms hold 10 people each, and 80% of the interviewees told us that their rooms were full. Before the Court limited detention in Holot to a maximum period of 12 months, the majority of detainees were Sudanese

(76%) vs Eritrean (24%).<sup>21</sup> Since the decision, summons to Holot have been sent out at an accelerated rate, reaching, 23,555 summons, the vast majority among those summoned are Eritreans.

According to the IPS, the size of a room in Holot is 45 square meters, meaning that each one of the 10 detainees in a room has a living space of 4.5 square meters, in accordance with the IPS regulations for prisoners, yet violating the Holot 46 master plan, that in two of its addendums it was stated that the number of residents in each room will not exceed six people.<sup>22</sup>

Thirty-four of 42 respondents said that they were 10 to a room. Five testified that their room housed nine residents, one said eight, one said seven and one said six, due to some detainees leaving and the IPS being slow to re-arrange the rooms.

Currently, detainees in Holot are free to leave through the front gate during the day, from 6:00am until 10:00pm, when they need to return to attend a roll call. While the government claims that Holot is not a prison, asylum-seekers are prohibited from working. Having a life outside of Holot is extremely difficult due to the isolated location of the facility near the Egyptian border. The closest city, Be'er Sheva, is both far and expensive to get to, taking one hour by bus. Anyone who does not return to Holot by closing hours is at risk of punishment. The last bus from Beer Sheva to Holot leaves at 7:00pm, detainees must be on it if they want to return on time for the 10:00pm roll call.

There is a bio-metric gate at the entrance to Holot and more bio-metric gates between the different cell-blocks. Between 10:00pm and 6:00am all detainees must be in their registered cell-blocks and the gates do not function during these hours, practically locking the detainees inside the cell-block. The biometric system allows the IPS to know at any given moment in which cell-block a detainee is situated.

### Yahalom

There are 10 cells in Yahalom, three of them are equipped for families with children. According to reports, in each cell there are two bunk beds and a bathroom. However, Immigration Authority figures indicate that two of the 10 rooms do not include bathrooms and apparently there are rooms with more than two bunk beds, since the 10 rooms contain 56 beds. Detainee testimonies also indicate that sometimes more than four are housed in one room.

Detainees in rooms without bathrooms complained that guards do not respond to their calls to get to the bathroom, or are slow to escort them to the bathrooms when necessary. The Immigration Authority disregarded HRM's question regarding how many square meters there are in each room and the number of showers and bathrooms

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<sup>21</sup> HRM, Rwanda or Saharonim. July 2015 Available at: <http://hotline.org.il/en/publication/rwanda-or-saharonim/>. Page 12

<sup>22</sup> The detailed program of Holot Plan 46, p. 7, table no. 2, and the Social Addendum, p. 89. Detainees in Holot who measured their room claimed that it is even a bit bigger: 13 X 3.55 = 46.15 square meters.

per detainee. However, it did clarify that ***“there are two rooms without bathroom and shower and they have a total of three showers and three bathrooms.”***

The high number of detainees in Yahalom during 2016 casts doubt on the Authority’s statement that every family is housed in its own room, unless relatives request to share a room with another family. While two children from Moldova did share a room with two bunk beds without any other detainees, a couple from the U.S. was separated - the man shared a room with five other men, while his partner shared a room with nine women from Moldova. A detainee from Eritrea shared his room for some of the time with another detainee.

The detainees in Yahalom are rarely permitted to spend time in the yard due to a lack of guards. They are held isolated in their rooms and there is no public common area.

Photo taken by Anat Vaknin Applebaum: Inside Holot facility



## Detention Location and Information Regarding Detention Period

### Saharonim

Out of 38 respondents at Saharonim, eight claimed that their visa was valid at the time of their detention. One of the respondents was transferred to Saharonim immediately after arriving in Israel and another was transferred to Saharonim from Holot due to a breach in procedure.

Of 33 respondents, 21 were previously held in administrative detention, a fact that reflects the ease with which migrants are detained. 11 of them testified to having been held in Saharonim previously, 10 were held in Givon, three in Holot, three in Ohalei Keidar, one in Ktziot and one in Maasiyahu.

Out of 27 respondents, 13 were detained on the street or another public area, six were detained at the Immigration Authority offices, where they were trying to extend their visa or submit a request for asylum; six were detained in their place of work and two in their homes.

Out of 26 respondents, 12 said that they do not know how long they will be detained, which left them in a state of anxiety and uncertainty.

### Givon

Four out of 19 interviewees claimed that they had a valid visa upon arrest. They were apparently arrested due to suspicions by immigration officers that they were working in Israel. Eight of the interviewees were arrested in the street and four at work or at home. Three of the interviewees were arrested at the Immigration Authority while trying to extend their visa or submit a request for asylum.

Nine of the interviewees were detained in Givon for a period of between one month and half a year, while five were detained for less than a month. Four of the interviewees were detained in Givon over half a year, while two women from the Ivory Coast were each held for over four years, at the time of publication they are still detained. Excluding exceptional cases, detainees are not aware of how long they will be detained, causing uncertainty and anxiety.

### Holot

Out of 43 interviewees, 20 arrived in Holot after being summonsed, 22 were transferred after being detained in Saharonim due to a lack of visa and one was transferred to Holot after having escaping detention in the past and being caught and transferred to Saharonim.

Out of 43 interviewees, 25 said they know how long they were going to be held in Holot (a full year) while 18 said they do not know. Out of 34 respondents, 19 testified that they were not informed of how many vacation days they are entitled to and how often they can request vacation. Seven testified that they were told they are entitled to three vacation days per month and two said they were entitled to two vacation days per month. Out of

33 respondents, 23 requested vacation and nine did not. Out of the nine, one clarified: ***"I did not request vacation because they don't grant vacation to new detainees."*** Another added: ***"For newbies, it is hard to request vacation."*** Another interviewee was unaware he is entitled to ask for a vacation, and another did not ask, ***"because the lines are really long and the procedure is unorganized. It depends on the clerk you get."*** Of those that who requested a vacation, seven said their requests were denied. The detainees' responses indicate that there is a lot of confusion surrounding the procedure for requesting vacation day. Even detainees aware of the option do not know when is a good time to ask, how long they can take, and how many days prior to the vacation they should submit the request.

### Yahalom

Of the five interviewees who were in Yahalom two were an American couple detained after returning to Israel from a vacation in Madrid. One was from Eritrea and was detained after being returned to Israel, and another two were Moldova, a brother and sister, who were under 18, and were detained upon arrival because they said their mom resides in Israel. None of the detainees knew for how long they would be held. The daughter of the caregiver from Moldova told HRM representatives: ***"They didn't talk to us much, we were alone. The first day was especially scary. We didn't know if our mother knew our situation, and we didn't know what she knew. It was a feeling of uncertainty and very scary."***

Photo taken by Tomer Applebaum: IDF soldiers with asylum seekers who just crossed the border



## Access to the Asylum System

- Most detainees, especially in Saharonim and Holot, are asylum seekers. Among them there are many who did not know or did not manage to submit asylum applications before their detention.<sup>23</sup> The interviews reflect that all the detention facilities have a problem regarding access to the Israeli asylum system.

### Saharonim

Sixteen out of 34 respondents knew they could submit an asylum request while in prison, while 18 respondents did not know. Out of 33 respondents, seven submitted asylum requests from jail, seven made requests before their detention, and 18 did not submit requests. One of the detainees specified that he was unable to submit an asylum request from jail because the authorities claim he is Ethiopian, while he insists he is Eritrean. Out of five respondents that submitted asylum requests from Saharonim, four had trouble locating the forms while the fifth found them easily. Out of nine respondents who answered the question, eight required a translation of their asylum request into English, while one did not require help. All eight got help from a friend.

Throughout 2016, HRM located 38 asylum seekers from Sudan in Saharonim who had entered Israel in November 2015 and 13 additional asylum seekers from Sudan who entered Israel at the start of 2016. Some of them survived slavery - and torture in Sinai. According to the detainees, Mol staff in Saharonim pressured them to leave the country and concealed the fact that they could apply for asylum, which would have prevented their continued detention in Saharonim, in accordance with the "Rwanda or Saharonim" policy. Some of the asylum seekers were told that they could submit asylum requests only once they were transferred to Holot, despite the fact that the transfer did not take place - in some cases, simply because they weren't able to submit the asylum request while held in Saharonim. HRM representatives explained to the detainees that they could submit asylum requests. Even after asylum seekers expressed interest in such requests, many did not manage to find the necessary forms and had to ask for them repeatedly. Some of the detainees reported that they were forced to wait weeks before Immigration Authority officials collected the filled-out forms from them.

### Givon

Seven respondents said they did not know they could submit asylum requests from prison but most did submit asylum requests before detention. One of the interviewees was arrested as she turned to the Immigration Authority in order to submit the asylum request. Four respondents said they required assistance with translation of the forms.

On November 24, 2016, HRM staff member Anat Guthmann assisted a detainee from South Africa to fill out an asylum request from the Givon Prison. Ms. Guthmann brought

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<sup>23</sup> For more information about the Israeli faulty RSD system, please see: HRM, No Safe Haven, December 2014: <http://hotline.org.il/en/publication/no-safe-haven/>

the form with her after the detainee had expressed interest in applying for asylum in Israel. An Mol staff member at the facility explained that the request could only be made at the Immigration Authority offices on 53 Salame Street in Tel Aviv. When Ms. Guthmann insisted on the option to submit the request from prison, the clerk called the Immigration Authority in Tel Aviv, where they instructed him to process the request. When Ms. Guthmann requested an approval of the request, she was told that no such authorization could be provided and only after further negotiation, she managed to get authorization for the asylum request. When Ms. Guthmann asked about the accessibility of the asylum request forms at Givon another Mol staff member told her, ***“there are no forms in the wings. Those who want to submit need to ask the immigration clerks.”***

### Holot

36 out of 43 respondents were aware of the fact that they can submit asylum requests in Holot. Out of 42 respondents, 15 submitted asylum requests from Holot, 18 submitted before being summoned to Holot and nine did not submit. Out of 24 respondents, 18 said they easily found the request forms, and six said they had a hard time finding them. Out of 23 respondents, 18 needed translation help while seven did not. Out of 18 asylum seekers that needed translation help, 13 said friends helped them, three enlisted the help of border control officers and two used the assistance of NGO representatives.

### Yahalom

We do not have information on the accessibility to the asylum system at the Yahalom facility, but since this is a facility located at a border crossing, access to the asylum system should be carefully examined, so that the authorities do not return someone to a place where their lives or freedom are put in danger.

## Handcuffing, Penalty and Violence against Detainees

According to IPS procedures, detainees under administrative detention should also be handcuffed while being transferred from one facility to another. In addition, there are migrants that find themselves handcuffed as a means of punishment. Migrants may find themselves penalized for violating protocol in the detention facilities or suffering violence from guards and officials during their detention. Penalty for violating procedures range from monetary fines applied in Holot, to handcuffing and even solitary confinement. As opposed to punishment for violating procedure, violence by the authorities against detained migrants is illegal and there are control and complaint mechanisms in place to prevent such violence. However the measures are inefficient: Few migrants dare to complain about violence against them and those that do are often removed from Israel without their complaint being investigated.

### Saharonim

Out of 38 respondents, seven said guards punished them during their imprisonment. One of the respondents said he was put in solitary confinement for not making it in time for the headcount. Another said they handcuffed him and put him into solitary confinement for shouting at other detainees. Two others who made noise were also put in solitary confinement, and one of them added that he was beaten by the guards for the noise he made. In total, four respondents said they were put in solitary confinement: One for a day, the second for two days, the third for three days and the fourth for a month. The detainees describe the solitary confinement cells as small rooms where they were alone. They said the food they were provided was identical to the food they were given in the regular wings.

Two detainees among those interviewed said the guards were violent with them. A third detainee said he witnessed violence against another detainee. One of the victims did not want to file a complaint. The other requested to make a complaint but was told that the wing's supervisor would arrive on Thursday to process his complaint, but he never showed up and the detainee gave up on filing the complaint.

Fifteen respondents said they were handcuffed during their detention. Eleven said they were handcuffed when transferred from one facility to another, when going for medical treatment of a hearing outside the prison. This practice of restraint is in accordance with IPS procedure and is not designed to punish. One of the detainees who was handcuffed upon leaving the hospital after treatment reported that he was left handcuffed for three days. Another said he was handcuffed for 24 hours, during which time he was held in solitary confinement, and another said he was handcuffed for four hours but has no idea why.

### Givon

Out of 19 interviewees in Givon, one detainee complained she was put in solitary confinement as punishment and another detainee complained about violence by a guard. The detainee who said she was punished said she refused to move to another

room in the prison. She was put in solitary confinement as punishment for three days in a tiny cell with a bathroom and shower, which she said had an especially bad odor. The same detainee also said that she was tied to her bed for the night because she had threatened to commit suicide in the past. Nine respondents reported being handcuffed during their detention period when going out for hearings, for visits and for medical treatment – in accordance with IPS procedure. One of the detainees said that she underwent medical checks while handcuffed, unless the doctor specifically requested to remove them.

On November 17, 2016, HRM was made aware of a complaint by R.T., a Moldovan national, who arrived in Israel with a tourist visa five days earlier, stayed with friends in Rehovot and was arrested with severe brutality three days after arriving - while his visa was still valid. According to R.T., two Immigration Authority officials who broke into the home where he was sleeping beat him and tried to get him to confess to working in Israel in violation of his visa terms. HRM director, Attorney Reut Michaeli, turned to the Givon Prison supervisor the same day to request that a police officer collect testimony from the detainee. On November 22, the Detention Review Tribunal judge Marat Dorfman authorized the continued deportation proceedings after getting the response from the border control officer, Mr. Ofer Dagan, who included the findings of an investigation conducted by the arresting area manager, Mr. Ophir Levy. Levy clarified that ***“he was told there would be no force used against the subject.”*** On November 23, 24 and 27, Ms. Emi Saar from HRM appealed several - times to superintendent Shai Barel from the Israel Police to send a police investigator to process R.T.'s complaint. Yet, R.T. was deported from the country before the police arrived. His complaint was only investigated by the arresting area manager, whose officials are the same ones who arrested R.T. and allegedly used force against him.

### Holot

During the course of 2016, there were 2,382 disciplinary proceedings in Holot that resulted in penalties against detainees. A total of 833 of the proceedings (35%) were for failure to attend roll-call three or more times; 246 of the proceedings (10%) were for returning to the facility past 10:00 PM; 254 proceedings (11%) for spending the night outside the facility; and 242 (10%) for loss or damage to the biometric card. 799 proceedings (34%) were for other disciplinary infractions such as: refusal to identify, bringing in forbidden objects, entering intoxicated, brawls and vandalizing property. According to Attorney Michael Avitan, an IPS registry and administrative officer, ***“The penalties are usually given by deducting pocket money in accordance with the standard procedure at the lowest threshold, including warning penalties.”***<sup>24</sup>

Among 41 respondents in Holot, 11 said they were penalized. Two said they were penalized by being transferred to Saharonim, one said he was put in solitary confinement in Saharonim. In addition, 11 respondents said they were fined. The

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<sup>24</sup> From November 8, 2016 response by Attorney Michael Avitan, IPS registry and administrative officer to a FOIR by HRM'S Sigal Rozen.

reasons for penalty were absence at night, returning late, failing to sign in, participating in protests, engaging in political conversations, drawing on the walls of the room and feeding cats. Three claimed they have no idea why they were fined.

One of the respondents reported that a guard was violent with him, but did not complain, and another spoke of violence between detainees.

## Translation Services

Many migrants and asylum seekers have difficulty communication with Israeli authorities. Translation services are vital, especially given the vulnerable nature of asylum seekers and migrants who do not speak the language, and are in need of help navigating a complex legal system.

IPS reports that translation services are provided at any time that there is a need to communicate with detainees that don't speak Hebrew and there is no other way to speak with them. They employ the use of a company called "Protocol" for translation. The company can provide a translator for any language including sign-language. IPS said the application for translation services often comes through social workers, officers, or psychiatrists in detention. Translation services are also given at meetings with the doctor and at the hospital. However IPS noted that *"Translation services are provided in facilities of IPS. We have no responsibility to provide translation services outside the facilities."*<sup>25</sup>

A clear pattern in Saharonim, Givon and Holot was inadequate translation throughout the incarceration procedure. For the purposes of this report, we focused on interactions with IPS, Police, the Mol, and Health Professionals inside detention, as well as the Detention Review Tribunals which are responsible for decisions in Saharonim and Givon regarding release from prison and are under the mandate of the Ministry of Justice. In many cases, when interviewed, detainees share highly personal information, many times stories of incredible trauma and pain. The necessity for high quality translation that is also sensitive to the needs of the population is extremely important. Translators must ensure that detainees are comfortable sharing their stories during interviews and hearings, as well as asking for the things they need in detention. It is important to clarify that the arrest and detention procedures, as well as the functioning of the Mol officers and Detention Review Tribunal have no connection to the IPS, but to the Mol and the Ministry of Justice.

### Saharonim

Out of 41 interviewees, 14 said they did not require translation services when detained. Eleven required a translator and received the service while 16 others did not, despite

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<sup>25</sup> IPS answer was provided under the Freedom of Information law on November 29th 2015, to Emi Saar, HRM.

the fact that the cause for arrest could not be explained to them. During Immigration Authority hearings in prison, out of 39 respondents, 13 said they did not require translators, 22 enlisted the help of a translator and four said they did not, even though they required one. During court hearings, out of 39 respondents, 13 said they did not require translators, 23 said they did and utilized them, while three said they did not use them even though they needed to.

While most are provided with a translator during Immigration Authority and Detention Review Tribunal hearings, this was not the case when dealing with IPS guards or health services in the facility. Out of 15 detainees who believe they needed translators while visiting the prison clinic, only seven utilized the help of a translator while eight were forced to try and communicate with the doctors in their limited Hebrew.

From detainee testimonies, it appears doctors sometimes request that other translate for them in a way that forces patients to share personal medical problems with their peers, even when they do not want to.

There has been an improvement in translation services when dealing with IPS guards. Seven out of 23 detainees who required translators reported that they had translators when dealing with the guards.

Three respondents who required translators and received them said they did not feel comfortable with them. One said: *"I said one thing to him and I heard him telling them something else. I get friends to translate for me, because I don't trust their translators."*

### Givon

Out of 19 interviewees at Givon, only 12 said they required translators upon detention, and of those, seven received translators. All the interviewees reported that there was a translator on hand at their hearing in front of the border control officer and at Detention Review Tribunal hearings. However, there were complaints about how they were treated by translators, or Immigration Authority and IPS personnel who spoke the language of the detainees. A detainee from Ukraine said she was humiliated and was yelled at by the Russian-speaking Immigration officer who was called to help translate for her. A detainee from South Africa complained about the fact that the translator helping her told her she was also from South Africa – which caused upset since the detainee had asked to keep her details confidential. A detainee from Ukraine said he realized that a translator had mistranslated him and he felt it was done on purpose. Four respondents noted that they did not feel comfortable using the translator to share information with the authorities.

### Holot

Out of 42 respondents, 29 used a translator during Immigration Authority hearings and only five that required it claimed there wasn't a translator on hand. Out of 43 respondents, 26 reported they did not require a translators during their visit to the clinic. 16 said that although they needed a translator, they were not provided with

one, and only one respondent said translation services were provided at the clinic. The Holot detainees' testimonies indicate that one of the jobs offered to Hebrew speaking detainees is translating at the clinic; all the translators employed at the clinic are Holot detainees.

While this arrangement might solve the translation problem to the authorities, many detainees complain that they find it difficult to speak about their most intimate issues with another detainee who is not their friend and might even be their cellmate. Some refrain for using these "translation" services.

Twelve respondents said they did not feel comfortable with the translators and another respondent answered the question by saying, "*so so.*" One of the respondents clarified that the translator did not have a strong grasp of the language and "*they say what the officers want to hear and don't actually translate what I say.*"

### Yahalom

In response to a FOIR by HRM, the Immigration Authority stated: "*There are employees in the facilities who speak various languages. Translation services are also provided via phone / in person as required.*" Of the five interviewees, only one young American complained of a lack of translation when meeting a doctor at the facility who spoke no English. Except for the meeting with the doctor, the American couple reported that the employees spoke English. The Eritrean detainee communicated with the authorities in Hebrew while the two minors from Moldova reported that a Russian-speaking official often came into their room to ask how they were doing.

## Medical Services

In Saharonim and Givon detainees did not complain about access to medical doctors, while in Holot the main complaint was the waiting time at the doctor's clinic. IPS says that for Givon there are three social workers, all speak Hebrew and English, one also speaks Amharic. Saharonim has one social worker who speaks Hebrew, English and Tigrinya. While in Holot there are four social workers, speaking English and Hebrew, and a mix of, Tigrinya, French, Spanish and Arabic.

In terms of psychiatric services, Givon has psychiatrists who are employed by the Ministry of Health. In Holot and Saharonim, psychiatric services are outsourced to a private company whose doctors speak only English or Hebrew. However IPS did not report to us how many Psychologists or Psychiatrists are working in those facilities.<sup>26</sup>

### Saharonim

What was clear from interviews in Saharonim is that medical professionals were coming

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<sup>26</sup> IPS answer was provided under the Freedom of Information law on November 29th 2015, to Emi Saar, HRM.

consistently to rooms on a regular basis to give out medication (from most accounts either for headache or constipation).

Out of 42 respondents, 30 requested medical treatment during their time in the Saharonim prison. 19 of the respondents that requested medical assistance, claimed that they did not receive full treatment, or that the treatment they received did not relieve their pains. They reported pain in the stomach, back, eyes, head, legs, coughing, asthma, other respiratory issues, high blood pressure, fever, itching, allergies and a severe injury to the jaw (originating in the home country) which causes respiratory complications.

Out of 35 respondents, 16 said there was a psychiatrist on the premises. Thirteen said they did not know if there was and six said there was not. Eight turned to a psychiatrist and eight did not. Of the eight that did, six said it did not relieve their problems. A seventh respondent said he received pills but did not feel they improved his situation. An eighth respondent was treated consistently once a week and felt his situation improved. Out of 39 respondents, 20 said there is a social worker at the jail, 11 said they don't know and eight said there is not. Out of 21 respondents, eight requested help from a social worker and among them, one said it helped.

IPS reports that all psychological services in Holot are delivered by Social Workers, not psychologists.<sup>27</sup>

#### Givon

13 out of 19 interviewees said they required medical treatment during their detention and they all met with a doctor. Two said they were provided the treatment they needed: One suffers asthma and did not receive an inhaler despite asking for one and knowing that he needs one. Another detainee complained of a problem causing pain in her eyes, but claims she did not receive treatment. Nine out of 19 interviewees were aware that there is a psychiatrist on the premises. Six of them turned to a psychiatrist for treatment and four said it helped their situation. Ten out of 15 respondents were aware of the social worker's presence at the prison, of them nine turned to the social worker for help. One of the respondents noted that he wanted to ask a social worker for help, but did not for lack of Hebrew.

#### Holot

***"The framework of medical treatment for residents at the center was determined by the Ministry of Health and medications in the healthcare basket were defined in accordance. If a need arises for medications not included, the medical services provider turns to the Ministry of Health to request authorization for the medication.***

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<sup>27</sup> IPS answer was provided under the Freedom of Information law on November 29th 2015, to Emi Saar, HRM.

***After receiving it, the supplier purchases the medication for the resident at no cost.***<sup>28</sup>

Out of 40 respondents, 23 said they required medical treatment while detained in Holot.

The detainees complained of aches in their stomach, back, eyes, head, teeth, legs, respiratory problems, kidney problems, anxiety and vomiting. 15 out of 23 who required medical treatment felt they did not receive adequate treatment for their medical problems. Three said they received partial treatment and four said the treatment did relieve their pains. One of the respondents clarified he did not turn for medical treatment because ***“the line for the doctor is always too long.”*** Four respondents said they received medication that did not correspond to their ailment. Three complained that they had to wait for treatment a long time. One of the respondents said that when he told the doctor he was suffering anxiety, the doctor told him he was lying.

Out of 37 respondents, 20 did not think there was a psychiatrist present in the facility, 12 said they don't know and five thought psychiatric services are provided. Out of 39 respondents, 13 said there is a social worker present, 14 said there is not, and 12 did not know. Five respondents turned to the social worker in the facility and of those, one said the social worker helped resolve his crisis. Four others did not feel that the social worker helped their situation.

### Yahalom

There was no doctor present in Yahalom in 2015, but one was hired in 2016, and from the detainees' responses, it appears that every one of them was examined in a preliminary check up upon the doctor's arrival.

HRM asked the Immigration Authority: "Does a doctor work at the facility and if so, how often?" The response was: ***“There are medical services at the facility provided by the Bikur Rofeh Company”***.

To the question: "Is there a social worker at the facility and if so, how often?" The response was: ***“Unfortunately, recently we had a problem filling the social worker position. It should be noted that we have been working diligently to solve this situation and are currently in the conclusive stages of the matter with the Welfare Ministry in an effort to resolve the issue.”***<sup>29</sup>

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<sup>28</sup> From response by legal adviser to the Ministry of Public Security in response to Attorney Elad Kahana's appeal from the Refugee Rights Program at Tel Aviv University from February 26, 2017: "Increasing pocket money at the Holot detention facility."

<sup>29</sup> Ms. Mali Davidian's at the MOI answer was provided under the Freedom of Information law on June 23, 2016, to Ms. Emi Saar, HRM

## Food

### Saharonim

Detainees have the option of either eating in a central dining room or having their food in their room. Out of 38 respondents, 30 said the food served was enough for all the detainees. Five among them added that there is enough food, but that it's not good. Four said the food was not enough and another four said that it's only enough sometimes. Out of 36 respondents, 18 said there are detainees or there were in the past that had medical issues like diabetes or celiac disease. While 10 detainees claimed those with medical problems did not receive special food, six claimed they did.

According to the detainees, breakfast includes: bread, cheese or cream cheese, jam or chocolate, vegetables, cream cheese or butter, hummus or rice, milk or porridge or eggs or tuna.

Lunch includes: bread, rice, sometimes salad, meat or schnitzel or chicken or sausage, lentils or beans or couscous or spaghetti, eggs or tuna or falafel or a fruit.

Dinner includes: bread, rice, sometimes salad, eggs, sometimes meat or schnitzel or chicken, beans or soup, sometimes pizza.

### Givon

Three of the respondents reported that the food was not sufficient for all the detainees and four said the food was not clean.

According to the detainees, breakfast includes: bread, cheese spread or hummus or cottage cheese and a vegetable.

Lunch includes: rice or pasta or couscous, a meat dish and an egg and vegetable. Dinner is identical to lunch.

Food for those with special medical problems: Six of the respondents claimed that they share a cell with detainees who needed special food for medical reasons. Three of them said they did not receive special food, two others said those in need did get special food. One of the respondents said that as a result of surgery she had, she has a hard time eating the regular meals. She said she asked for special food and when she did not get it, she started purchasing it at the canteen.

### Holot

The meals in Holot are served in a long narrow dining room in each wing. Detainees can eat only in the dining room during meal times and are not allowed to eat in their rooms. Technically, a detainee can eat in a different wing, a fact that might be the reason for the complaints regarding insufficient food in certain wings, if more detainees decide to eat there.

Most of the interviewees at Holot complained about the quality of the food. In June

2016, the catering company that provides the food to the detainees at Holot was switched to the Norkite Company, which led many detainees to express greater satisfaction. However, following the fast of Ramadan, the satisfaction level deteriorated among many detainees – and it is unclear why.

The vast majority of the detainees in Holot do not wake up for breakfast, which is served between 6:00 and 7:30 AM, and tend to wake up closer to 12:00 PM, when lunch is served.

The authorities has not registered the number of detainees who attend breakfast, but from reports to the HCJ, it appears that ***“the quantity of diners at lunch is more than 90 percent and the number of diners in the evening is over 80 percent.”***<sup>30</sup>

Out of 42 respondents, 26 claim that the food is not sufficient. Seven said the food is sufficient but not good, four said the food is sometimes sufficient and five said it is always sufficient. One of the respondents said: ***“Several times a week, 20 and even 40 people do not eat a meal because the food runs out at the start of the meal and those who arrive late to the dining room are left without enough food. The guards tell us to eat what is left. If you talk about it too much, you get penalized, for example being moved to another wing.”***

Out of 29 respondents, 14 said that the detainees with them suffer from medical problems like diabetes and celiac disease. Nine of them said they were not provided with special food, two said they were but not enough. A detainee suffering from diabetes said that once a week he receives: two carrots, three tomatoes, two red peppers, two mushrooms, white cheese and two packages of yoghurt. He claims the food is not enough and his request for whole wheat bread instead of white bread was rejected.

Throughout 2016, there was a complex of makeshift restaurants outside the facility that was operated by Holot detainees. The authorities destroyed the complex in March 2016 for the second time and transferred the restaurant operators to the Saharonim Prison. Out of 20 respondents, 15 said they tend to eat in the makeshift restaurants outside the facility. Out of nine, five eat in the complex two to three times a week. One of the respondents said he eats outside during the days when falafel and tuna are served, because they are inedible.

According to the detainees, breakfast includes: bread, cheese, chocolate or jam, yogurt or cream cheese, pita, vegetable, egg, milk, butter, pudding and soup.

Lunch includes: bread, rice, soup or sauce, a meat dish of chicken or schnitzel or sausage, vegetables, eggs, lentils or tuna or hummus, apple. Seven of the 42 respondents claimed the rice is undercooked. Dinner is identical to lunch.

Human rights organizations filed a petition to the HCJ in the matter in July 2015 and on September 12, 2016 HCJ Danzinger, Amit and Solberg ruled that the State should clarify

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<sup>30</sup> From an affidavit by state updating HCJ 4581/15 Anwar Sulieman Arbab Isamil et al v Prison Commissioner et al from September 8, 2016. Article 5.

the status and significance of the social addendum to the detention center program for infiltrators by October 13, 2016 – an addendum that related explicitly to the issue of independent cooking in the facility, of the demands made by the petitioners.<sup>31</sup> In the six months that passed since, the state continues to put off submitting its response to the High Court.

### Yahalom

In response to a FOIR by HRM, the Immigration Authority stated: *“An adult receives a sandwich and a hot beverage for breakfast and dinner. For lunch gets a hot meal that includes meat, a carbohydrate and bread, or a vegetarian meal, based on demand; fruit and dessert. A minor gets a children’s meal for breakfast and dinner that includes a pudding, vegetable, white cheese, chocolate milk and dessert + a roll. For lunch he gets a hot meal that includes meat and a carbohydrate. A baby gets Gerber/Similac/Formula based on the mother’s demand – and puddings. Likewise, if there is a request/special request for a specific food, it can be purchased with the petty cash box at the facility. A detainee can see a doctor upon entering the facility. At the end of the checkup, and if necessary, the doctor tells the shift manager whether that detainee requires special food. In addition to the doctor’s instruction, special food can be purchased based on the detainee’s request.”*<sup>32</sup>

The five detainees interviewed by HRM representatives and held in Yahalom provided similar information about food. However, two detainees complained that the sandwiches served in the morning and at dinner were frozen.

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<sup>31</sup> HCJ 4581/15 Anwar Suleiman Arbab Ismail et al v IPS et al from September 12, 2016 (Hebrew): <http://elyon1.court.gov.il/files/15/810/045/E12/15045810.E12.htm>

<sup>32</sup> Ms. Mali Davidian’s at the MOI answer was provided under the Freedom of Information law on June 23, 2016, to Ms. Emi Saar, HRM

Photo taken by Rona Perry: Food reserved by detainees in Holot facility



## Clothing and Hygiene Products

### Saharonim

Out of 42 respondents, 36 said they needed clothing or shoes since arriving in the prison. One of the respondents claimed he was not allowed to bring his clothing in with him. Another respondent said that friends and family were allowed to visit and bring things in the past, but this has been banned. 31 respondents said they requested clothing from the IPS and 12 of them indeed received. Three said the clothing was insufficient.

Out of 40 respondents, 28 said they receive their hygiene products from the prison authorities at no cost. 12 added that they purchase hygiene products at the canteen, since the products provided by the authorities are insufficient. Nine said they received shampoo or soap, five said they received toothbrushes; four said they received toothpaste; three said they received toilet paper for the room. Seven complained of the small amount and low quality of the products. Out of 35 respondents, 26 said they did not receive enough hygiene products.

### Givon

The vast majority of respondents who requested clothing received it from the IPS. The exception is one respondent who said he not only did not receive clothing, but that IPS officials got rid of the clothing he received from another detainee. One of the women said they did not have shoes in her size. Most of the respondents said they received hygiene products for free from the IPS, like soap, shampoo, toothpaste, but not in large enough quantities. Seven respondents said they regularly have to purchase what they lack at the canteen.

### Holot

Out of 43 interviewees, 13 said they did not require clothing or shoes since arriving at Holot. 30 respondents said they did need clothing and shoes, and of them, 13 requested them from the IPS; of them, two received what they asked for: a shirt, pair of pants and flip-flops.

Out of 41 respondents, 28 said they purchase hygiene products at the canteen while six said they receive them upon entering the facility. Four said they receive five to eight rolls of toilet paper every week for each person in the room. Five said they got a toothbrush and small bottles of shampoo and soap when they arrived in the facility. Although the interviewees think the prices of the hygiene products at the canteen are reasonable, one added: ***"The prices at the canteen are reasonable, but we only get 16 NIS a day so for us, the canteen prices are expensive."***

Detainees in Holot sell outside the facility hygienic products that they bring from far away Beer Sheva by bus. This demonstrates a problem in terms of appropriate amounts of hygiene products being available to detainees while in Holot.

## Yahalom

In response to a FOIR by HRM, the Immigration Authority stated: *“Upon entering the facility, the detainees receive a package that includes a tracksuit, t-shirts, socks, underwear, toothbrush and toothpaste, towel, soap and shampoo. If there is a demand for additional hygiene products, it is provided. Likewise, every detainee receives a set of sheets.”*<sup>33</sup>

This response is illogical considering that throughout the year, over 16,000 people entered and were removed from the facility, the vast majority after a short period, sometimes after just a few hours. It is not logical to provide all these supplies to migrants, the vast majority of whom will be on a plane back to their home countries within hours. Indeed, none of the five interviewees at Yahalom received the “detainee package,” as described in the authority response, despite the fact that they were there between four and eight days. All five interviewees noted that the sheets on the bed were used and dirty, and that they did not receive all the hygiene products or a change of clothing. An American couple requested soap and both received shampoo. The American couple, who were detained for four days, requested their suitcase several times and were told that it would be brought to them – but that only happened when they were already leaving the country.

Photo taken by Sigal Rozen: Detainees in Holot selling hygienic products outside Holot facility



<sup>33</sup> Ms. Mali Davidian's at the MOI answer was provided under the Freedom of Information law on June 23, 2016, to Ms. Emi Saar, HRM

## Work

### Saharonim

While in the past there was a special wing for detainees who work in Saharonim, which offered better conditions and a salary of 80 NIS a month, as far as we understand from interviewees, several detainees work in every wing. In the past they used to work in various jobs, but during 2016, detainees were employed only in distributing food and cleaning jobs throughout the wings.

### Givon

Migrants have a possibility to work in Givon and most detainees choose to work.

Four of the interviewees in Givon were working in cleaning jobs. Most of the jobs are in cleaning, the manufacturing branch of the prison and distribution of food (which is prepared in neighboring Maasiyahu Prison) to the wings.

### Holot

*“For the purpose of increasing their monthly incomes to NIS 900, the center provides residents with the option to work in maintenance and ongoing services... although it is expected that a large number of the residents will choose to participate in maintenance work in order to increase their income substantially, and despite the fact that the maximum potential for employment is 720 employees, most of the residents choose not to take advantage of this employment framework. Today only 300 residents are employed monthly, which is only 10 percent of the total number of residents.”<sup>34</sup>*

One of the problems raised by interviewees is their inability to earn enough for their basic needs. Detainees are barred from working outside the facility while inside they can only work in maintenance, cleaning or translation.

According to the regulations, Holot detainees can work up to 64 hours a month, earning between 12 and 13 NIS an hour. Those who work during rest days can earn 18 or 19.5 NIS per hours.<sup>35</sup> However, according to all the detainees at Holot who reported that they work or requested to work at the facility, they were told that they can work no more than 10 days a month, and earn a maximum of 300 NIS – 30 NIS for an eight-hour work day.

Out of 30 respondents, one works in Holot as a cleaner, another worked a single day and the rest do not work.

One of the detainees said indignantly to an HRM representative: “First they don’t let us work in the country and then they want us to work for them in prison for no money?”

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<sup>34</sup> From response by legal adviser to the Ministry of Public Security in response to Attorney Elad Kahana’s appeal from the Refugee Rights Program at Tel Aviv University from February 26, 2017: “Increasing pocket money at the Holot detention facility.”

<sup>35</sup> From Prevention of Infiltration Law (Offenses and Jurisdiction) (Employment of Residents in Maintenance Work and Routine Services) 2015 Temporary Order from January 6, 2015.

His friend added: *“They say we are work infiltrators, that we came to Israel to work. I want to show them that I don’t need their work. I came to survive, not to work.”*

## Leisure and Educational Activity

### Saharonim

In every wing there is a common room for watching TV.

IPS has reported to HRM that there are four classes a week held in Saharonim, eight hours a week and that the subjects are art and music.

Out of 33 respondents, 18 testified that they get bored or are idle in the wing. 11 reported that they mostly sleep, eight said they play sports, primarily soccer; four said they chat with cellmates, four others said they watch TV, three read books, two play board games, two others play music and one said he reads the Koran and prays. Out of 39 respondents, 23 said that to the best of their knowledge, there is no educational activity at the prison, but 10 detainees said there is. Six detainees talked about independently organized sports and games.

Out of 40 respondents, 37 said they have a TV in their room and three said there is one in a common room. All 12 respondents said there is a washing machine in the wing. Some said there is a washing machine in the wing and their clothes are washed for them and some said they receive laundry detergent for each room.

Mobile phones are seized when detainees enter and are returned when they are released. There are public telephones located in the central area of each wing where detainees can make phone calls at any time they are allowed outside their cell and possess a phone card. Out of 36 respondents, nine said they buy phone cards themselves, 10 said they are provided with them (primarily by representatives of the Red Cross who come to visit) and they purchase additional ones. 17 respondents said they make do with the phone cards they receive even if it is not enough. Of them, four said the cards last 100-160 minutes a month and five said the cards are enough for 20-25 minutes a month.

### Givon

The majority of Givon interviewees also explained there was a TV in their room, which people used to pass the time. IPS told HRM that once a week in the afternoon there is a “World Music Activity” open to everyone in the cell block.<sup>36</sup> Many people only spend a short amount of time in Givon, before being transferred elsewhere or deported.

Most of the interviewees said they are bored and idle. According to the detainees, there are no organized activities in the prison and most of the detainees are unaware

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<sup>36</sup> IPS answer was provided under the Freedom of Information law on November 29th 2015, to Emi Saar, HRM.

of religious activities. Three said they pray or read Holy Scriptures. Four said they are employed in cleaning jobs and other jobs in the facility.

While in the past, Givon detainees could hold on to their mobile phones, as of 2016, they are confiscated upon detention and only returned once they are released. There are public telephones located in the central area of each wing where detainees can make phone calls at any time they are allowed outside their cell and possess a phone card. Most of the interviewees said they receive phone cards (from friends or Red Cross representatives) and a few said they purchase them.

### Holot

***“There are wide-ranging activities in the fields of formal and informal education at the center, which provide professional training and classrooms for various subjects. In addition, group music, art and sport activities are provided.”<sup>37</sup>***

However, contrary to this response from IPS, a large trend that came from interviews in Holot was around the boredom that existed due to lack of access to stimulation. People mentioned their feeling of isolation at the desert detention center was only impacted more by the fact that there were very few structured activities for them to take part in.

Out of 41 respondents, 16 said they pass the time by playing sports. Nine said they walk around, eight said they spend time with friends, seven said they study Hebrew, English or computers in the classes organized by the detainees themselves, four said they teach Hebrew or English, four said they mostly sleep, two said they watch TV, two said they read, three said they play board games, two said they pray and one said he helps other detainees submit asylum requests. Out of 30 respondents, 14 said there are no educational activities provided at Holot, while 12 said there are sports activities, lessons, and political discussions by the Eritrean community. All the interviewees said the detainees are the ones who organize the activities, or the student union for refugees in the Negev, disregarding the activities offered by the authorities. Three respondents protest the fact that they are not able to study Hebrew in the facility. This, despite the fact that to the best of our knowledge, the detainees were not barred from studying Hebrew on their own. Rather, the authorities do not provide them with Hebrew lessons even though they want to study the language.

Out of 29 respondents, 18 said they participate in educational activities and 11 said they do not. Most of the detainees were not aware of the existence of a library in the facility and everyone said there are no newspapers.

In each of the wings in Holot, there is a common room with a TV, coffee and tea and a sitting corner. 280 detainees have access to up to three TVs in each common room. The TV is on all day broadcasts channels 1, 2, 5, 10, the Sports Channel, mbc2, eriTV (Eritrean

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<sup>37</sup> From response by legal adviser to the Ministry of Public Security in response to Attorney Elad Kahana's appeal from the Refugee Rights Program at Tel Aviv University from February 26, 2017: "Increasing pocket money at the Holot detention facility."

TV) and a Sudanese channel. Out of 11 detainees, eight said they would like to watch other channels (primarily sports channels).

Public transportation services from Holot: Out of nine respondents, four said that public transportation to and from Holot is sufficient, while five said there is the need for additional public transportation, especially in the morning and evening hours. Out of nine respondents, two leave Holot and use public transport about twice a week; six said they leave Holot once or twice a month; and another respondent said he rarely leaves Holot. Out of 10 respondents, only one said he has enough money for travel, nine said they would like to leave Holot more often but lack the travel funds. Two said they use their savings from working in Israel and one said he saves his pocket money until he has enough to travel. Two respondents said they had to leave for medical treatments organized for them by hospitals, but did not have enough money to travel.

### Yahalom

Since Yahalom is designed to detain people for a very short periods of time, there are no sport or educational activities in the facility.

To HRM's question: "Is there a working TV in all the family rooms?" the response was: *"There is a TV in some of the facility's rooms."* Three out of five interviewees in Yahalom said they did not have a TV in their room. The two minors said there was a TV in the room but there was no remote so it could not be turned on.

All five interviewees said they were not given the option to make a phone call with the public phone. Two asked guards and received an opportunity to use their personal phones in order to make a phone call.

## Religious Services

The information collected by HRM indicates that detention leads to infringements of the detainees' freedom of religion, and that there is still no designated place for Muslims and Christians to pray in any of the detention facilities. However, there was an improvement in the food provided during Ramadan in 2016.

### Saharonim

Out of 34 respondents, 25 said there are religious activities, primarily shared prayers, while nine said no such activity exists. Out of 35 respondents, 31 said they are allowed to keep religious materials in the prison. One added that they are permitted to hold religious books, but that there are no such books found in the prison or any way to acquire them. Those detainees who brought religious books with them were allowed to keep them.

### Givon

One of the detainees noted that there is a prohibition on organizing prayer groups. One of the detainees said that her prayer book was confiscated, but nine others said they were allowed to hold on to religious materials. Seven respondents said that a priest came to visit during their detention.

### Holot

Out of 42 respondents, 28 said there are religious activities that include shared prayer in one of the rooms the detainees turned into a makeshift prayer room. Among some of the Eritreans in Holot, religious activity has become a source of tension: They claim that the activity is organized by supporters of the Eritrean dictator, leading to tensions between regime supporters and opponents. 38 respondents said they are allowed to hold religious materials in the facility, and four said they did not know if it is allowed. The detainees indicate that visits by religious figures, primarily the Catholic Orthodox Church, take place in the yard outside the facility.

While Christian Eritreans complained there is no consideration of lent – a period of 40 days before Easter when observant Eritreans abstain from any animal products, there has been an improvement in taking Muslim needs into consideration during the Ramadan fast. Detainees said that food was provided at night during Ramadan, and that they were allowed to eat in the common room.

### Yahalom

Since Yahalom is designed to detain people for a very short periods of time, there are no religious services in the facility. In response to a FOIR by HRM, the Immigration Authority responded: ***“Every detainee that enters undergoes an interview. If he specifies that he is Muslim, he is provided for according to the fast’s schedule, and as per his request.”***<sup>38</sup>

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<sup>38</sup> Ms. Mali Davidian's at the MOI answer was provided under the Freedom of Information law on June 23, 2016, to Ms. Emi Saar, HRM

## Mol Hearings

### Saharonim

30 out of 37 respondents claimed that they were not explained the difference between a hearing and a meeting to “promote removal.” Out of 40 respondents, 24 said a hearing was held for them while 16 said they had no such hearing at all, although it’s possible they did not understand the meeting with the border control officer constituted a hearing. Out of 22 respondents, 14 were summoned for a meeting with a border control officer, three said they were summoned for two meetings, two said they were summoned to a monthly meeting, one said he was summoned to six meetings thus far; another respondent said 10 meetings; while another said he had 12 meetings with a border control officer. Out of 23 respondents, only five said they were explained what the purpose of the meeting was and the authority of the officer. One of the respondents said the purpose of the meeting was to examine why he entered the country, another said it was to check if he was interested in returning to his country; two others said they were provided explanations about their continued detention; another said he was explained why he was transferred to Holot for a year and another said he was told he would receive a visa – but was then also transferred to Holot. Out of 17 respondents, 15 said they did not know the border control officer had the authority to release them under restrictive conditions. Out of 29 respondents, 23 were offered to leave Israel to another country during the hearing.

Out of 21 respondents, 16 detainees from Sudan and Eritrea said they were offered to leave to Uganda, 12 said they were offered to leave to Rwanda, three said Eritrea. The rest, detainees from Nigeria, Burundi, Gambia, Liberia and the Ivory Coast, said they were offered to return to their home countries.

Two of the respondents said they were told that if they do not leave the country, they will be sent to Holot after their incarceration period in Saharonim; a third was told he would have to remain in Saharonim.

### Givon

All 19 interviewees said they were not explained the difference between a hearing and a meeting to “promote removal.” They all said they did not sufficiently understand their proceedings. Eritrean citizens said they were offered during their meetings to leave to a third country (Rwanda or Uganda). One of the detainees said she was told: ***“If you don’t go back to your home country you’ll stay in this prison for 100 years.”***

### Holot

Out of 38 respondents, 24 said they had hearings in Holot and 14 said they did not have any hearings. However, it is possible that they had hearings without remembering, since the border control officer refuse to provide the detainees with the transcripts of the hearings or the decisions in their cases. Only the files held by the Immigration Authority contain a written record of the hearing. Out of 23 respondents, 19 said they had one hearing, two said they had two hearings, two said they were summoned to



Photo taken by Anat Vaknin Applebaum: Inside Holot facility

a hearing to convince them to leave the country when they went to the Immigration Authority office in Holot to request a vacation.<sup>39</sup>

Out of 22 respondents, 16 said the purpose of the hearing was not explained, or the authority of the border control officer. Two said the purpose of the meetings was to explain the conditions at Holot, two others said the purpose was to clarify that they must remain in Holot for 12 months, one said the purpose was to discuss his detention period in Holot, and one said it was to examine if he wants to stay in the country or return to his home country. Half the respondents were aware that they could ask for a reduced detention period. Two asked to reduce their detention periods but were rejected.

Out of 34 respondents, 27 said that during their meeting with a border control officer, they were offered to leave Israel to another country. Out of 30 respondents, 24 said they were offered to leave for Uganda, 22 to Rwanda, and eight to Eritrea. Half the respondents said they were told that if they do not leave, they would be held in Holot for a year.

Out of 32 respondents, nine said they were told during the hearing what their status would be after their release from Holot and 23 said they were not told what to expect after their release.

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<sup>39</sup> For details, see 2015 HRM report "Without Free Will", Chapter 2: <http://hotline.org.il/wp-content/uploads/2015/04/free-will-web-.pdf>

## Detention Review Tribunals Hearings

### Legal Representation of detained migrants

Migrants in general, including asylum seekers, are not entitled to free legal representation. The only human rights organization that has permission to enter prison is HRM, which manages to provide paralegal services to about 20% of the detainees. As a result of a long struggle by human rights organizations and a petition served by HRM, since 2007 victims of Trafficking in Persons and unaccompanied minors are entitled to free legal representation by the Legal Aid Department at the Ministry of Justice.

Unlike in criminal prison where people are arrested, tried before a judge and then found guilty and sentenced, asylum seekers and migrant workers in Saharonim and Givon are detained due to their status in the country. During their time in detention they are brought in front an an Administrative Tribunal, the Detention Review Tribunal, once a moth.

It is not within the scope of the tribunal to decide issues of status in the country. Its authority is limited to examining the legality of holding a person in custody. The Tribunal's task is defined in Article 13L of the Entry to Israel Law: "The Tribunal will hold judicial review over decisions about the detention of an undocumented person, including release on bail, and in the matter of extending the detention due to a delay in the execution of a deportation order."<sup>40</sup> The Tribunal holds the same tasks and authorities according to Article 30D in the Anti-Infiltration Law.<sup>41</sup>

### Saharonim

27 out of 36 respondents did now know the purpose of the tribunal or the adjudicator's authority. Two knew the purpose of the tribunal thanks to an HRM representative. Out of five respondents, two said the point of the tribunal was to clarify when they arrived, when they would leave and to decide on the detention period. A third respondent said the purpose was to examine whether he plans to leave. A fourth said it was to decide whether he would stay in prison or be released and return to "the country" (meaning Israel). Out of 29 respondents, 22 did not know that the tribunal had the authority to release them under conditions. Out of 31 respondents, 24 were offered to leave Israel to another country during the tribunal hearing, and seven were not. Out of 23 respondents, 15 were offered to leave to Uganda or Rwanda, another was offered to leave to Eritrea, four to Nigeria, one to Gambia, one to Liberia and one to the Ivory Coast.

### Givon

12 of the interviewees noted that they did not know the purpose of the Detention Review Tribunal or the extent of its authority. Four out of 15 respondents said the judge

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<sup>40</sup> HRM, "The Detention Review Tribunals. Published December 2014. Available at: <http://hotline.org.il/en/publication/the-detention-review-tribunals/> page 13

<sup>41</sup> Ibid, page 21.

offered them to leave the country to their home country. The rest did not answer.

### Holot

Since Holot is not considered a prison, there is no judicial review of the detention and therefore detainees must file a legal petition against their detention to the Appeals Tribunal with the help of a lawyer.

### Yahalom

There is no judicial review of the detention in Yahalom and therefore detainees must file a legal petition against their detention to the Appeals Tribunal with the help of a lawyer. Only lawyers can visit their clients in Yahalom and only for half an hour.

Photo taken by Rona Perry: Waiting for the MOI at Holot facility



## Waiting Times for Visits, Hearings or Check-Ups While in Detention

While in custody, detainees often have hearings or meetings, either with the Mol, the Detention Review Tribunals, or other personal visitors. In HRM's 2014 report on the Detention Review Tribunals, the waiting conditions for detainees were described in brutal detail:

*"One of the most difficult sights is to watch the daily wait for the Tribunal. A group of detainees is brought to the Tribunal in the morning and locked in a cage outside of the room where the Tribunal takes place. The cage, resembling a lion's cage in the zoo, is referred to by the prison guards as "kluba" (from the word cage in Hebrew). The cage is exposed to freezing sandstorms in the winter and severe heat in the summer. It has only one bench and a toilet booth. In wintertime, in order to stay warm, the detainees huddle on the bench, while waiting for their hearings, sometimes up to three hours. In Ktziot prison, detainees are brought to the hearing in handcuffs, even though they are neither criminal prisoners, nor do they pose a danger to others."<sup>42</sup>*

During 2016, there was a great improvement in this field and the waiting periods were significantly reduced.

### Saharonim

While in 2015, interviewees reported that there were waiting periods of between four and eight hours in the holding cell known as "Kluva", these were significantly reduced in 2016. Ahead of the meeting with HRM representatives, out of the 13 respondents, nine said the waiting period lasted 15 minutes, three said up to two hours and only one said he waited several hours. Waiting for the purpose of going to hospital or court takes longer since it involves leaving the prison. But this has also seen a significant improvement: Out of 20 respondents, six said they wait between a few minutes and 15 minutes, two said they wait up to an hour, eight said they wait between one hour and four hours, only four said they waited between four and eight hours. All 23 respondents said they do not receive meals while waiting. Of them, 17 said they receive meals when they return to their cell, since their friends saved the food for them. One respondent said the IPS saved his food for him.

### Givon

All nine respondents said that the waiting periods at Givon for hearings and for leaving the facility are the shortest, such that if they missed their meals, it was because they left the facility and not due to long waiting periods. However, all the detainees specified that if they did receive the meals upon returning to the cell, it was because their friends saved it for them.

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<sup>42</sup> HRM, "The Detention Review Tribunals. Published December 2014. Available at: [http://hotline.org.il/en/publication/the-detention-review-tribunals/page\\_21](http://hotline.org.il/en/publication/the-detention-review-tribunals/page_21)

## Holot

Holot was not included in this part of the report, as detainees are allowed to leave during the day. As such there is no comparative situation between them and the other two detention centers.

## Insufficient Monitoring and Lack of Access to Detainees

### Saharonim and Givon

The only monitoring bodies on detention in Saharonim and Givon are the Public Defender's Office and the Bar Association. However, as these bodies are responsible for the monitoring of all prisons in Israel there is relatively little information about immigration detention. UNHCR and the ICRC have access to immigration detention, although their reports are not accessible to the public and the ICRC, as a rule, will not share information gathered through its work, except with public officials. Up until 2008, HRM had relatively free access to these detention facilities, which allowed staff and volunteers to meet all migrant detainees. Since January 2008, after filing a petition against the IPS regarding poor prison conditions in the cell-blocks of Saharonim, the access given to the HRM's staff to the cell-blocks in both Saharonim and Givon was rescinded.

Since 2008 HRM's staff can only meet migrants in Saharonim whose names and prison numbers they can provide to officials. In Givon there was free access to the wings until September 2012. In the summer of 2012 HRM's access to Saharonim and Givon was denied. After another petition the access was granted but the free access in Givon was cancelled and ever since meeting with detainees in Givon happens the same way as in Saharonim – with a list provided in advance when HRM requests a meeting. The right to paralegal representation for detainees by HRM volunteers is set by both laws.

Due to overcrowding in the prisons in 2015, guards did not manage to get detainees out of the wings in the manner expected by HRM representatives, such that they were forced to wait four to five hours before being allowed to meet with the detainees. This was significantly improved in 2016, and on average HRM representatives waited about 15 minutes to half an hour to enter the prison.

Visits to Saharonim: Six out of 34 respondents said relatives or friends came to visit them. One said he receives visitors once a week and another said twice a week – each visit lasts half an hour. Out of 17 respondents, six said they do not have visitors, two said the trouble and cost of the visit is too high and nine said the prison authorities do not allow them to have visits.

Visits to Givon: Five out of 17 respondents said relatives or friends came to visit them. One detainee referred to a meeting with an attorney as a visit. The fact that not many visits took place does not relate to IPS policy, but rather to the fact that most of the detainees do not have many people to visit them in the country.

### Yahalom

No visitors, except first degree relatives, are allowed into the Yahalom facility and there is no neutral official monitoring body who visits the place. HRM staff are also not allowed into Yahalom.

Photo taken by Malin Fezehai: Holot facility



# Conclusion and Recommendations

The vast majority of detainees in immigration detention are Eritrean and Sudanese asylum seekers that the state of Israel admits it cannot deport. Others are migrant workers and tourists who overstayed or violated the conditions of their visa. HRM's viewpoint is that detention should be the last resort while attempting to remove unwanted migrants from the country. According to UNHCR guidelines, "detention is an exceptional measure and can only be justified for a legitimate purpose".<sup>43</sup> Yet the Israeli policy for more than a decade is to detain both migrants and asylum seekers and to refrain from releasing them inside the country.

HRM's primary recommendation is to stop detaining migrant workers and asylum seekers and to use other means, more humane, useful and economic, in order to control immigration.<sup>44</sup> Yet, as long as the Israeli authorities insist on maintaining the present detention policy, HRM's immediate recommendations are as follow:

## Recommendations for the IPS

1. Reduce by 50 percent the number of detainees in cells so that the living space per detainee is at least 4.5 square meters, in accordance with the IPS regulations, and no more than five detainees to a cell, as specified in the Saharonim prison plan.
2. Cut in half the number of detainees in the rooms in Holot so that there are no more than six detainees to a room, in accordance with what is listed in the social addendum and detailed program of Holot's Master Plan 46.
3. Handcuffing during medical checks or hospitalization should be entirely avoided and amended in accordance with the protocol regarding migrants in administration detention who are not suspects or charged with any crime.
4. The principle of a public hearing should be respected and a procedure determined that enables the entry of any object into the hearing that takes place in court.
5. Translation services must be provided, especially during meetings with medical teams and IPS guards.
6. Signs in various languages should be posted around the detention facilities that clarify the rights of detainees and the powers of the border control officers and judges.

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<sup>43</sup> UNHCR Detention Guidelines, 2012, guideline 4.1: <http://www.unhcr.org/505b10ee9.pdf>

<sup>44</sup> International Detention Coalition, There are Alternatives, September 24, 2015: <http://idcoalition.org/publications/there-are-alternatives-revised-edition/>

7. Detainees should be provided with food they are accustomed to, as much as possible, and to take into account their various religious customs and fasts.
8. Regular religious services should be provided in all the facilities and freedom of worship should be safeguarded.
9. Detainees in Holot should be permitted to prepare their own food.
10. Detainees should be provided with hygiene products regularly in all the facilities – and not just upon entering.
11. A protocol for summoning a police investigator must be determined in cases when the detainee or his representative appeal to the IPS to file a complaint, to ensure the detainee can file the complaint before being removed from the country.
12. Solitary confinement should be avoided.

## **Recommendations for the Immigration Authority**

1. The detention periods for migrants in all facilities and especially in Yahalom should be as short as possible.
2. Access to the Israeli asylum system should be upheld in all detention facilities and to ensure all the forms are distributed throughout all the wings, as well as an explanation of the asylum system in Israel, the asylum proceedings and how to submit forms.
3. The role and authorities of the border control officers should be explained to all detainees, as well as the purpose of the meetings and hearings conducted in their matter.
4. The detainees should be explained the hearing protocol and the decision reached in their case, as per law.
5. The rights of detainees to representation should be upheld; to inform their representatives about proceedings or hearings ahead of time, and to send them relevant materials without delays.
6. Responses should be provided in a timely manner to detainees or their representatives.
7. Survivors of torture or people suffering from post trauma or other mental disorders should not be imprisoned but rather alternatives should be prioritized.
8. In cases of detention of children and families, a Ministry of Welfare coordinator should be appointed who can assist in the family's exit without incarceration. Children should not be held in detention except in cases of removal a few hours after their detention.

9. Detention conditions in Yahalom must be upheld, as well as hygiene, especially the conditions under which children are detained until their flight.
10. Supervising bodies as well as human rights organization representatives should be allowed to enter Yahalom.
11. Procedure for requesting vacations from Holot should be determined that includes criteria for vacation days, when and how to submit the request and settling the terms of the request.

### **Recommendations for the Ministry of Justice**

1. An effective and discrete mechanism should be created that enables migrants to file a complaint with the police regarding violence experienced during arrest or afterwards, before being removed from Israel.
2. The public nature of the hearing must be guaranteed and the attendance of anyone who wishes to be present in these hearings ensured.
3. The online database of decisions where the Detention Review Tribunal transcripts are published should be updated daily in order for friends and family to locate their loved ones and so that victims of trafficking or slavery can find justice with the perpetrators before being removed from the country.
4. Tribunal adjudicators must clarify and ensure that detainees brought to hearings understand the role and powers of the adjudicators.
5. A mechanism should be created that ensures Holot detainees have access to the Saharonim court in cases in which their vacation request was rejected, in accordance with article 32h(c) of the Anti-Infiltration law.



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