

HOTLINE for REFUGEES and MIGRANTS



Immigration Detention in Israel

Yearly Monitoring Report
2015



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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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PREFACE AND SUMMARY

This report aims to be one of the first comprehensive reports that monitors the conditions of migrant detention centers in Israel. As the laws around detention have only grown stricter in recent years, 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. As such, it is imperative that the public and NGOs have a clear picture of how the government is abiding to both national and international law when it comes to affording rights and maintaining conditions in detention. Equally as important is how the government maintains the use of detention vis-à-vis the process of applying for asylum and granting those requests.

In shaping many aspects of the report and the preparation for collecting information, we consulted very closely with the UNHCR's "Monitoring Immigration Detention Manual". 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. Using their manual to both guide our research and formulate our approach to interviewing; we hope that this report can also be used to create comparative studies about immigrant detention in other countries, and how they compare vis-à-vis UN Guidance. Previous reports have been written individually about the Holot facility. This report aims to show comparative data, as well as include conditioning monitoring on Saharonim and Givon, which are less discussed or reported. The report attempts to describe the conditions in Yahalom facility as well, despite the fact that the Hotline for Refugees and Migrants (HRM) has no access to the facility and detainees who are there are usually deported from the country very quickly, which made it impossible to interview anyone who had been there during 2015.

At any given moment there are about 5,000 migrant workers and asylum seekers being detained in Israel, many of them are held for multiple months and even years. 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. The report describes the main concerns raised

¹ 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.refworld.org/pdfid/53706e354.pdf>

by detainees during 2015, which included: 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 the MOI's officers and the Administrative Review Tribunal responsibilities. The report ends with the HRM's recommendations.



METHODOLOGY

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

Freedom of Information Requests (FOIR): The HRM sent FOIRs to the Israeli Prison Authority (IPS) asking for details about services provided to detainees (medical treatment, food, housing, translation, cultural and educational programming, etc....). The use of these requests is to establish a comparative base with the other streams of information we received through interviews and observations.

The responses we received were brief and only answered questions around the topics of translation, cultural and educational activities, and psychological care. IPS however did not respond to inquiries around punishment in detention, facilities conditions, or services provided to inmates concerning food, sundries, and hygienic products. Therefore, in these sections of the reports, our information is based almost exclusively on information provided to us by detainees.

Detainee Interviews & Testimonies: Over 70 interviews were conducted with detainees who were imprisoned in 2015.² Many of those interviewed had been in more than one migrant detention center. The interviewees represent 10 different nations, as well as a mix of asylum-seekers and migrant workers. Questionnaires were conducted both during visitation to detention centers with detainees the Hotline represents, and outside of detention centers or over the phone.

It is important to note that in terms of respondents, the HRM was able to gather almost double the amount of interviews from Saharonim and Holot than we were able to from Givon. Unlike Saharonim and Holot where asylum seekers are exclusively detained, migrant workers who are being detained in Givon are quickly deported and asylum-seekers are usually only held there for a short period of time before being sent to Saharonim. When activists from the HRM would go to Givon with a list 12 people to meet and interview, many times we would find that only one was still in detention at the facility.

Notes on Women in Detention: It is important to note that only 5% of responses

² The HRM conducted 30 interviews with detainees who were held in Saharonim prison, 28 interviews with detainees who were held in Holot facility and 14 interviews with detainees who were held in Givon prison, all during 2015.

to our interviews were from women, and all of them came from Givon Prison. These numbers are explained by the fact that Holot and Saharonim are men-only detention centers, and all of the women interviewed for this report were migrant workers from Eastern Europe or Southeast Asia who had visa issues which landed them in Givon prison.

Other Source Material: The structure for this report as mentioned earlier takes a lot of guidance from the "Monitoring Immigration Detention: Practical Manual", written by the UNHCR in conjunction with the Association for the Prevention of Torture, and the International Detention Coalition. This report also incorporates other pertinent information from the Israeli Bar Association's 2014 report on conditions in Saharonim,³ for details that are still relevant to this date, but that we were unable to attain in person (e.g. size of prisoner rooms, floor plans etc.). Since we did not manage to interview any of the detainees who were held in Yahalom detention facility prior to their deportation, all information about the facility is based on a relevant Parliament hearing, an internal monitoring report from 2014 and information gathered by the Israeli Children Project at the Association for Civil Rights in Israel (ACRI).

Additionally important, is the structure of the information, as opposed to separating the report into in-depth looks at each prison individually, we have grouped our findings by trends among all the detention centers. The purpose of this is, as mentioned before, to allow international comparison among the lines of conditions and services both in Israel and abroad. Finally, the report ends with conclusions and accompanied recommendations for the managing parties.

³ Israeli Bar Association report, Official Monitoring Report, December 31, 2013: <http://bit.ly/MT1qMn>

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,⁴ the Citizenship Law,⁵ the Entry to Israel Law⁶ and the various versions of the Anti-Infiltration Law.⁷ 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 someone 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

4 The Law of Return, July 5th, 1950 : <http://www.mfa.gov.il/mfa/mfa-archive/1950-1959/pages/law%20of%20return%205710-1950.aspx>

5 The Citizenship Law, 1952: www.piba.gov.il/Laws/האזרחות20%הזיק.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

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, The 4th amendment to the Anti-Infiltration Law, December 10, 2013: 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): https://knesset.gov.il/privatelaw/data/19/3/904_3_1_rtf (Hebrew)

up until June 2012 and since then, under the Anti-Infiltration Law and its various versions.

WHO ARE THE PEOPLE DETAINED IN IMMIGRATION DETENTION?

According to the Israeli Ministry of Interior, there are three major groups of foreign nationals in Israel:

1. About 91,000 foreigners who arrived as tourists through Ben Gurion Airport and overstayed their legal tourist visa. 60% of them are from the Former Soviet Union (FSU).
2. About 77,000 migrant workers who hold a legal work permit for agriculture, care-giving or construction. These are workers who were brought to Israel legally and will lose their legal status when their employers will no longer want them, or when their expiration date elapses as defined by Israeli law, which is after five years and three month of work. 16,000 migrant workers have already lost their legal status but have not yet been detained and deported and therefore reside in Israel with no legal status. These workers arrive mainly from Thailand, the Philippines, Nepal, Sri-Lanka and China.
3. About 43,000 asylum seekers, who entered Israel through the Egyptian border during the last decade, 92% of them are from Eritrea Sudan.⁸
4. About 4,000 foreign nationals (including a couple of hundred of children) per year who arrive to Israel through Ben Gurion airport and their entry into the country is denied as a result of a border control officer's suspicion that they intend to overstay or violate the condition of their tourist visa.⁹

⁸ MOI Statistic Report, Foreigners in Israel, Summary of 2015, January 2016: https://newgov.gov.il/BlobFolder/generalpage/foreign_workers_stats/he/summary_2015_update.pdf

⁹ Information was provided by the Immigration officer Moti Berkovitch at the Parliamentary hearing of the Migrant workers committee and the Rights of the Child Committee, February 10, 2014.

THE LAWS WHICH REGULATE FOREIGN NATIONALS DETENTION

The Entry to Israel Law: The Entry to Israel Law allows the administrative detention of foreign nationals who have no legal status or who have violated the conditions of their visa. The law states that an illegal resident who is detained for more than 60 days will be conditionally released under certain circumstances.¹⁰ The purpose of the detention is to facilitate the deportation of the detainee, and not to punish the individual or deter others from following him.

Yet, information gathered by the HRM over the years proves that the detention period is mostly determined by the vacancies in the prisons and not by laws.

The Entry to Israel Law allows release from detention on humanitarian grounds, even if the 60 days do not elapse. The HRM's experience shows that in severe medical cases, in cases when the detainee was a trafficking or a torture survivor, or if detention has caused a minor to remain without a guardian, the Administrative Review Tribunal facilitated the release of the detainee under reasonable conditions.

A migrant detained under the Entry Law can be deported from Israel within 72 hours from the issuing of a deportation order. When migrants do not cooperate with their deportation processes, they can be held in detention for many years. The HRM currently represents a citizen of the Guinea who has been detained in Saharonim prison for more than nine years due to his lack of cooperation.

The Anti-Infiltration Law: Since June 2012, the authorities started implementing amendments to the Anti-Infiltration Law on asylum seekers. The third version of the Law, allowed asylum seekers who entered through the Egyptian desert, to be held for three years in administrative detention and asylum seekers from enemy states, such as Sudan, to be held indefinitely.¹¹ The High Court of Justice abrogated the third amendment on September 2013,¹² and on December 2013 the Israeli Knesset legislated the fourth amendment¹³ allowing one year's administrative detention of

¹⁰ The Entry to Israel Law, Article 13F(4)

¹¹ The 3rd amendment to the Anti-Infiltration Law, January 9, 2012 (Hebrew): www.knesset.gov.il/privatelaw/data/18/3/577_3_2.rtf. Info about the 3rd amendment in English: Tsurkov, Elizabeth, Knesset passes Bill on prolonged detention of refugees without trial, 972 Magazine, January 10, 2012: <http://972mag.com/knesset-passes-controversial-bill-on-prolonged-detention-of-asylum-seekers/32487/>

¹² HCJ 7146/12 Adam v. the Knesset, September 16, 2013: http://elyon1.court.gov.il/files_eng/12/460/071/b24/12071460.b24.pdf

¹³ The 4th amendment to the Anti-Infiltration Law, December 10, 2013: www.knesset.gov.il/privatelaw/data/19/3/817_3_1.rtf

new comers and an indefinite imprisonment of asylum seekers already residing in Israel in an "open" facility, called Holot, run by the IPS. Individuals held in the Holot facility are not allowed to work and were subject to a roll call three times a day, thus restricting travel outside of the immediate area where the facility is located. The "open" facility is closed at night. The HCJ abrogated the fourth amendment on August 2014,¹⁴ and on December 2014, the Israeli Knesset legislated another amendment allowing the detention of new comers for three months, and the detention of others in the Holot facility for 20 months, and reduced role-calls to only one a day.¹⁵ On August 2015 the High Court of Justice found the section that allowed detention in Holot for 20 months un-proportional and ordered its reduction, temporarily setting a maximum detention period of 12 months. A new version of the anti-infiltration law that complies with the HCJ's order passed on February 10th , 2016.

Detention is a dominant strategy used by the Israeli government to handle the issue of undesired migration into 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 act as a deterrent against other asylum-seekers or migrants who might come to Israel.¹⁶

Currently, there are four detention centers dedicated to 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.

¹⁴ HCJ 8425/13 Gebrselassie v. Knesset et al, September 23, 2014: <http://hotline.org.il/wp-content/uploads/Gabrislasi-English-Summation.pdf>

¹⁵ The Amendment to the Anti-Infiltration Law and to Ensure the Departure of Infiltrators from Israel (2014): https://knesset.gov.il/privatelaw/data/19/3/904_3_1.rtf (Hebrew)

¹⁶ Hotline for Refugees and Migrants, Rwanda or Saharonim. July 2015 Available at: <http://hotline.org.il/en/publication/rwanda-or-saharonim/>. Page 9

IMMIGRATION DETENTION FACILITIES

SAHARONIM PRISON

Located in the Negev, near the Nitsana border of 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 can 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 capacity of 3,000 detainees in the entire prison.

When the construction of Saharonim was started, it was exempt from most local and national regulations, as requested by the Israeli Ministry of Defense.¹⁷

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 Tirza 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 is also a detention center that holds women, in particular migrant women. Givon also in recent years opened a new wing for minors, and that wing can accommodate up to 60 prisoners, currently all of who are Palestinian minors.¹⁸

HOLOT DETENTION CENTER

The Fourth Amendment to the Anti-Infiltration Law described above, which was passed in December 2013, created Holot. The facility is surrounded by two tall fences and operated by the IPS, but it is not legally defined as a prison. Detainees in Holot are free to exit its gates during certain hours of the day and some of the services in the detention are not provided by the IPS but by other ministries

¹⁷ 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>

¹⁸ IPS Website: <http://www.ips.gov.il/Web/He/Prisons/Districts/Central/Givon/Default.aspx>

(e.g. Ministry of Health and Ministry of Interior).¹⁹ Since the Court's 2015 decision to limit detention time to 12 months, the MOI has sent out thousands of new summons to asylum-seekers in conjunction with the broadening of the criteria for detention. On December 29th of 2015, Holot reached its maximum capacity of 3,360 people for the first time since it was opened two years ago.

YAHALOM DETENTION FACILITY

The Yahalom detention facility, located at Ben Gurion Airport, is the only detention facility that is managed by the Ministry of Interior and not by the IPS. It is designed to hold undocumented migrants as well as unwanted tourists or foreign nationals. There are 10 cells in the building, three of them are equipped for families with children. According to the Authorities, in each cell there are two bunk-beds and a toilet. Yet, Thai workers who were detained there during 2013 complained that there was no toilet in the room and there was not always a guard to come take them to the toilet when they needed. The center is designed to hold detainees for a few days before their deportation.²⁰ However, in some cases undocumented migrants and their children, who were caught by immigration officers inside Israel, were transferred to the center before their deportation and were held for weeks and even months prior. To the best of our knowledge such cases did not occur during 2015. If children were detained for more than 10 days, they were transferred to Givon prison with their mothers until their deportation was possible.

The HRM has no updated data, but during 2013, more than 4,000 people were detained in the facility, among them about 200 children.²¹ We estimate that several thousand people are detained in the facility every year among them hundreds of children.

19 Hotline for Refugees and Migrants, Rwanda or Saharonim. July 2015 Available at: <http://hotline.org.il/en/publication/rwanda-or-saharonim/>. Page 9

20 Shlezinger Liat, Out of Bounds, NRG, June 25, 2011 (Hebrew): <http://www.nrg.co.il/online/1/ART2/252/851.html>

21 In a hearing at the parliament on February 10, 2014 by the Migrant workers committee and the rights of the child committee, Immigration officer Moti Berkovitch said that 192 children were detained in Yahalom during 2013.

DETENTION CONDITIONS MONITORING

HOUSING AND FREEDOM OF MOVEMENT

In accordance with the UNHCRs Manual on Monitoring Detention; due to the detainee's deprivation of liberty by the hands of the state, it is important that the government ensure detention centers are safe, clean, hygienic, and comfortable. In particular, one thing the guide points out is that because asylum-seekers should not be treated like criminals, it is important that detention centers should be the least carceral environment possible. This means that both the detention environment and the living conditions must be decent in every respect.

The IPS partially answered the HRM FOIR pertaining to the conditions of immigration detention facilities. The HRM's knowledge of facilities conditions comes from interviews with detainees as well as a conditions report written by the Israeli Bar Association and the Public Defender. However it is important to note that this report is from 2013, and due to the inability of Hotline to access both the rooms at Saharonim and Givon, this is the most relevant information to date.

Saharonim

Saharonim contains three compounds: A, B and C. Compound A, which houses wings 1-6, has not been in use for the last two years. Compound B, which comprises wings 7-8, which were originally built as trailers. These two wings were closed during the first months of 2015. Compound C houses wings 9 – 12, containers that were actively used in 2015. There is another wing which is an isolation wing and contains three cells. In 2012 the prison was refurbished, doubling its size, and adding compound C to the existing A and B. Yet, in the following two years since the refurbishing detainees were transferred from compound A and B so that at the beginning of 2015 all detainees were held in Compound C only.

From data collected, each room houses 10 detainees arranged on 5 bunk-beds at maximum capacity, this is in contradiction to the plans that Bar Association reported on in 2013 which said that the plans for Saharonim refurbishment would not have more than 5 people to a room.²² 75% of those interviewed stated that their

²² Israeli Bar Association report, Official Monitoring Report, December 31, 2013: <http://bit.ly/MTIqMn> P. 7-8



Photo taken by Tesfay Hadgu, in Wing number 8 of Saharonim

room was at full capacity when they were in Saharonim during 2015. According to the 2013 Bar Association report on room size, each room should be approximately 4.5 square meters per person per room with a bathroom, and 3.94 square meters per person per room without a bathroom. From the Bar Associations investigation we know that the beds are 1.80 meters long and 0.80 meters wide. The space between beds is 1.62 meters. 67% of those questioned had mixed housing, meaning that the rooms were not just people from their own country. During 2015, only Saharonim B and C were in use.

Saharonim B, used only until the first months of 2015, is comprised of two floors, and there are no toilets in the cells. The cells are 6.70 meters long and 3.30 meters wide. Inside each cell there are five bunk beds for 10 detainees, leaving 2.2 square meters per person. The beds are 1.80 meters long and 0.80 meters wide. The space between the beds is 1.62 meters.

There is a TV in every cellblock. There are showers in every wing and in every one of the two floors there are six showers and six fountains.

In the isolation wing there are three 2.47 X 2.47 square meters cells. In every cell there are two beds, a toilet and a shower.

According to the construction plan there should be a club and classroom in every wing, a computer room, dining room, religious institution, hairdressing salon, and an open public space with benches and an activity yard.

In Saharonim B there was a large yard between the cells. The yard could be used theoretically, for sports activities, but due to the crowded cells, detainees just sit in the yard, which prevents it from being used for sports activities. In every wing there is a dining room, as well as a washing & a drying machine.

Saharonim C has only been functioning since the second half of 2012. In every one of the six wings there is a 10.55 x 5 meter dining room. This is the only public space in the wing beside the yard in front of the cells.

There are TVs inside the cells. In every wing there is a washing and a drying machine. Besides that there are no other public functions.

Currently Saharonim prison houses 14 cell-blocks, while during 2015, only eight of the newest ones were in use (cell-blocks 7-14). Cell-blocks 7 and 8 were closed at the beginning of the year while towards the end of 2015 cell-blocks 13 and 14 were closed as well so that only cell-blocks 9, 10, 11 and 12 were active at the end of the year.

As of recently, 93% of Saharonim detainees attested to the fact that their personal rooms all had toilets in them, only 7% said that they didn't have a bathroom in their room and that they had to use a public bathroom for the whole cell-block. As well 100% of interviewees attested to sleeping on bunk beds. The majority of interviewees stated that they are allowed to be outside of their room each day, during the hours of 6am-10pm. They spend this time in their cell-block, which houses a common room that detainees all attested to having a television. Their time allowed outside their room in the cell-block is only interrupted three times a day when roll-call is taken to account for all inmates. The majority of interviewees told us during the hours of 10pm-6am, everyone must be in their rooms.

Almost 50% of Saharonim interviewees said that during their incarceration, they were not allowed to be outside of the cell-block, except when being moved. Another 50% attested that they were allowed to be out in the yard during the same operational hours that they were allowed to be outside of their rooms in the cell-block. The survey did not take into account which cell-block they were housed in, and we assume that this discrepancy is a result of housing locations in Saharonim: While cell-blocks 7 and 8 have an open yard, cell-blocks 9-14 do not have a yard, and only a public space covered with a high roof that prevents the sun from entering it.

Givon

Givon is a criminal prison that contains two cell-blocks for immigrants as well, one cell-block for men and the other one for women and children. Men interviewees gave a range of the number of people in one room, ranging from eight at the minimum to 16 people sharing a room in a cell-block. For women the range was lower, from 6-12. All interviewees noted that bathrooms and showers were both located inside of their room within the cell-block. In terms of movement between their room and the cell-block, again the answers to questionnaires varied past the point of identifying trends. As well responses from men and women varied within each subgroup. From what the HRM can gather with men, all of those interviewed indicated that every day they were allowed out of their room into the cell-block. Half of responders said they were allowed to be outside three times a day (from 9-10am in the morning, 12-3pm in the afternoon, and 6-8pm). One interviewee told us he was allowed out only one hour a day.

With women, there were distinctions made between women who were part of the "squad" (meaning they worked while in prison, either in cleaning, or food service). From the survey responses, while not quantifiable, women in the "squad" are allowed substantially more time outside of their room in the cell-block than other women.

Unlike Saharonim, the majority of those interviewed (12 people including men and women) said that they were allowed to be outside everyday (in the yard). While the times varied from one hour a day- to upwards of five, this could also be an indication of different cell-blocks receiving different privileges or accommodations, which the survey did not account for.

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, and the recent capacity being reached at Holot, we know that rooms hold 10 people each, and all interviewees told us that their rooms were full. Before the Court amended detention in Holot to 12 months, the majority of detainees were Sudanese (76%) vs Eritrean (24%).²³ Since the decision, summons to Holot have been sent out at an accelerated rate, currently, according to the detainee's estimations the composition of the population there is: 70% Eritreans and 30% Sudanese.

Currently, detainees in Holot are free to leave through the front gate during the

²³ Hotline for Refugees and Migrants, Rwanda or Saharonim. July 2015 Available at: <http://hotline.org.il/en/publication/rwanda-or-saharonim/>. Page 12

day, from 6am-10pm when they need to attend a roll call. While the government claims that Holot is not a prison, asylum-seekers are prohibited to work and due to the location of the facility near the Egyptian border, freedom of movement is severely restricted. Leaving the detention area is both long and expensive, due to the hour bus-ride to the closest city of Be'er Sheva. Anyone who does not return to Holot by closing hours, is at risk for punishment. Since the last bus from Be'er Sheva to Holot leaves at 7pm, detainees must be on it if they want to return on time for the 10pm roll call.

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

Close to 40% of those interviewed in Holot experienced some form of punitive treatment. Four people we interviewed said they were sent to Saharonim because they were late coming back to Holot and did not check-in. One of those four said that when he was sent to Saharonim, he was placed in solitary confinement for 24 hours upon entering the facility.

As well in Holot, policemen and officers break into detainees' rooms at different hours to search for contraband kettles or space heaters which are not allowed to be used. A video taken in February 2015 of such a raid can be seen here²⁴, and was included in our previous monitoring report on Holot.²⁵

Yahalom

Detainees In Yahalom are rarely allowed to go to the yard due to shortage of manpower to guard them. They are held in isolated rooms and there is no common area. When there are too many detainees, more than one family is held in a room, which forces children to reside in the same room with adults who are not their parents. Some of the cells don't have bathrooms and detainees need to call a guard if they need to go outside and use the bathroom – at night those calls are sometimes ignored.²⁶

²⁴ See movie taken by Holot detainees in February 25, 2015 <https://www.youtube.com/watch?v=8X1vWPEovFg>

²⁵ Hotline for Refugees and Migrants, Rwanda or Saharonim. July 2015 Available at: <http://hotline.org.il/en/publication/rwanda-or-saharonim/>. Page 27

²⁶ Information was gathered by the NGOs ACRI (Israeli Children project), PHRI and HRM.

TRANSLATION SERVICES

Many migrant workers and asylum-seekers can not necessarily communicate in a third or fourth language about their experience. Translation services are vital, especially given the vulnerable nature of asylum-seekers and migrants as those who for the most part do not speak the language, and are in need of help navigating a complex legal system.

A trend among all three detention centers when conducting interviews was that actually there was an insufficient amount of translation happening at different parts of the incarceration procedure. For the purposes of this report, we focused on interactions with IPS, Police, the MOI, and Medical Health Professionals inside detention, as well as the Administrative Review Tribunals who make decisions at Saharonim and Givon around releases from imprisonment 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 important, in order to ensure that detainees are comfortable both sharing their stories during interviews or tribunals, but also so that they feel comfortable 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 MOI officers and Administrative review Tribunal, have no connection to the IPS, but to the MOI and the Ministry of Justice.

Saharonim

Half of those interviewed said there were no translators when they were arrested, nor did anyone explain their arrest to them. Eight people interviewed said there were translators at their arrest. During their hearings with the Ministry of the Interior and the Administrative Tribunal, the majority said that there was a translator present. Where these numbers become less favorable are when detainees were interacting with the IPS or with the Medical professionals in the building. More than half of those interviewed said that there were no translators when detainees needed to speak with prison guards or officials. Out of 26 interviews, only six people said that they had access to translators when talking with IPS. Only three people said that there was a translator (12%) when they spoke with a doctor. From the detainees' testimonies, when doctors do rotations, they request the assistance of volunteers sometimes within rooms who can translate for other detainees forcing a person to share their intimate problem with their cellmates.

Givon

Similarly to the above, more than half of those interviewed in Givon said there were no translators at the time of their arrest. Seven out of thirteen respondents said there was also no translator when they met with the MOI inside detention, including three Eritreans, two Filipinos, a Georgian, and a Thai migrant worker. The majority confirmed that there was a translator during their Administrative Tribunal. Out of the 13 interviewed, only four sought the treatment of doctor at the time of interview, three of the four told the HRM that there was no translator when they were with a doctor. Like Saharonim, almost half said that when interacting with IPS there were not translators, while three people didn't answer the question, and three said they didn't need translators.

Holot

During hearings with the MOI, most people at Holot had access to a translator, more than half (62%) attested to having a translator. Eight of those interviewed said they did not have a translator (three Eritreans, five Sudanese). All of those interviewed who had seen a doctor (69%) said there was no translator when they met with the Doctor. Unlike Saharonim or Givon however, a higher majority of respondents said that there was a translator when they were talking to IPS, of those who responded to the question 50% said that their interaction with IPS had someone present who spoke their language. According to detainees' testimony, detainees with language abilities are employed to work while in detention as translators. 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 from using these "translation" services.

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."²⁷

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

MEDICAL SERVICES

Saharonim

What was clear from interviews in Saharonim is that medical professionals were coming consistently to rooms on a regular basis to give out medication (from most accounts either for headache or constipation). 70% of those interviewed said that they sought out medical attention. 13 out of 19 people who sought that attention said that either they weren't able to get the treatment they needed, or that their problems weren't alleviated from their Doctor's visits. Slightly less than half of detainees weren't aware that psychological services were available in Saharonim. Only one person reported that their conversation with the prison psychiatrist was helpful for them. Similarly with social workers, only a third of interviewees were aware of the presence of social workers. No one reported positive outcomes from their time with the social worker.

Givon

Six out of 13 people interviewed in Givon said that they sought out medical attention while in Givon. Half said that the treatment they received was not helpful to their situation. One detainee told the HRM that they were on antibiotics before they entered Givon, and that it took her three months before she was able to see a doctor in detention and in the meantime her condition deteriorated. Nine of those interviewed weren't aware of the presence of a psychologist inside detention. As well 76% didn't know that there was a social worker present either.

Holot

Only 10 people out of 26 interviewed told the HRM that they sought medical treatment in detention. Seven of those who sought treatment said that the treatment wasn't sufficient enough to solve their medical issue. The following were quotes from those interviews:

" I had a terrible headache, but the doctor gave me pills for my stomach. It made me feel worse after I had taken them".

" My eyes were hurting, so I wrote my name down at the infirmary to get treatment. The people there said they would call me to help me. I didn't hear anything for three months, and they didn't help me again when I asked."

Only a small portion of those interviewed (15%) sought psychological help while in Holot. Half of them said that their interaction with the psychological professional was not helpful in overcoming the depression they felt, the other half said that they were not able to find them when they went looking for them. More than half of Holot interviewees knew that there was a social worker in Holot; however the majority reported that their conversations were not productive, and one interviewee even mentioned that he talked with the social worker only as a way to "pass the time". IPS reports that all psychological services in Holot are delivered by Social Workers, not psychologists.²⁸

Yahalom

In Yahalom, a doctor is not on staff; most detainees, including families and children, never meet a social worker or a psychologist while in detention. If seriously sick, detainees are being taken to the nearest hospital.

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. As well when asking for data from the previous year (2014) around how many people sought out either social work, psychiatric or psychological treatment; IPS told us they have no data on any of those fronts.²⁹

²⁸ IPS answer was provided under the Freedom of Information law on November 29th 2015, to Emi Saar, HRM.

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

FOOD

Saharonim

Detainees have the option of either eating in a central dining room or having their food in their room. Responses noted a lack of consistent protein in their diets, and similar complaints about the quality of food. In Saharonim, 75% of those questioned stated that the portions of food were sufficient, compared with the 54% of those in Holot. One interviewee who had only recently arrived to Holot from Saharonim noted: "I never went to bed hungry in Saharonim, but since arriving to Holot [one week ago] I am always hungry when I go to sleep". One-third of the Saharonim prisoners who were interviewed told the HRM that they had people in their cell who suffered from a medical issue affecting their diet (diabetes, celiac disease) all of this subgroup noted that the food of these detainees was never changed to accommodate for their illness, and if it was, something was removed, but never substituted.

Givon

The description from detainees on the type of food in Givon doesn't differ much from Saharonim. Around 50% of those interviewed believe they received enough food to satisfy them, with around 20% saying that most of the time it was true, but on occasion the portions were smaller than usual. Three people told the HRM that similarly to Saharonim, fellow detainees who had medical issues relating to diets did not receive changes to their food.

Holot

Many of the interviewees in Holot mentioned complaints in both the quantity and quality of the food they received. According to research conducted by the HRM in the middle of 2015, detainees have reported that the vast majority of those who reside in Holot do not wake up for breakfast, which is served until 7:30 AM. According to one detainee: There is nothing to do the whole day, so why wake up so early?³⁰

Food in Holot is served in a long and narrow dining room, detainees only have the option of eating in the dining room, and they cannot eat in their personal living quarters.

According to interviews, asylum-seekers state that breakfast mostly consists of one slice of bread, some cheese, cucumber salad, and sometimes chocolate.

³⁰ Hotline for Refugees and Migrants, Rwanda or Saharonim. July 2015 Available at: <http://hotline.org.il/en/publication/rwanda-or-saharonim/>. Page 27

None of the responders indicated that protein aside from cheese was given in the morning. For lunch almost all detainees noted that poorly cooked white rice was served, with some vegetables, and occasionally protein from soup, chicken or small sausages. These were similar responses for dinner. One interviewee said "the rice is almost always undercooked, if they could just give us the rice and a pot of water, we could cook it better ourselves."

56% of those interviewed stated that the food served was not enough to fill them and keep them sustained. Other comments coming from this line of questioning related that fruit was never "ready-to-eat", either not yet ripe, or on the verge of deterioration.

The HRM sent a FOIR to IPS asking about the regular conditions and constitution of meals in Holot. As well as questions around accommodations made for those who have food-related illness / necessary modifications and changes during the holidays. IPS did not respond to this part of the request.

CLOTHING AND HYGENIC PRODUCTS

Saharonim

Out of the 27 people interviewed who were imprisoned in Saharonim, 22 people said that they needed clothing or shoes when they entered. 19 of them asked for clothing from IPS, and more than half of them didn't receive what they needed if anything at all. Many of them entered in different times of the year, and therefore needed different clothing according to the changes in weather conditions. Nine of the 19 people who asked did receive clothing, six of them told the HRM they received a shirt, pair of pants, and shoes, and that it wasn't enough for them. One person recalled that they were given clothing by one of the cleaners in the prison who worked there when IPS wouldn't give them clothing.

When it comes to hygienic products, it is clear that detainees receive shampoo and soap when they arrive, 83% of respondents attested to this fact. However, more than half of the detainees reported that after they ran out of shampoo or soap and had to buy it from the prison canteen. 69% reported that what they received was not enough for them, many commenting the products didn't last longer than a week.

Givon

People detained in Givon recounted to the HRM that there was a need for clothing and hygienic products that was not met with fidelity from IPS. Seven of those

interviewed told us that at one point during detention, they needed clothing. Six out of seven of those people directly asked IPS staff within Givon for clothing. A seventh asked their friend for clothing, which they received, and later that clothing was thrown away by IPS. Of the six who asked IPS, only four received clothing, the other two did not. One women detainee told us that because she worked on a "squad", she received shorts and shoes for her job. Her shoes were broken, but according to her they were never replaced. She told the Hotline that all of her friends who worked on "squads" also never received new shoes.

When it comes to hygienic products, almost all said they received soap and shampoo and toothpaste from IPS, but it was a very scarce amount, and once they ran out the first time, they had to continue to buy more products. Eight report that they currently buy their own, as opposed to being given more by IPS.

Holot

Only 23% of Holot inmates we interviewed said that at some point they had requested clothing. While this number is small, many of the people we interviewed commented that they did not request clothing, because they saw lots of people asking IPS for clothing and then later not receiving any. Out of six people who asked for clothing, only one reported receiving clothing, he told us it was one shirt, one pair of pants, and one pair of flip-flops.

From the interviews, it is not clear how many hygienic products were being given to detainees in Holot. Only six out of 26 respondents reported that they received hygienic products from IPS. 17 people reported that they currently buy their own hygiene products. And 77% of all those interviewed told the HRM that what they receive in Holot is not enough, and they run out within a week. Six people responded telling us that they receive enough products.

Detainees in Holot sell hygienic products outside the facility that they bring from Be'er Sheva by bus, which is a long journey. This demonstrates the problem in terms of providing appropriate amounts of cleaning products to the detainees while they are there.

IPS did not respond to any questions about hygienic products or clothing, which were asked of them in a FOIR, yet in response to an article in Ha'aretz newspaper they claimed: "[the] Holot center provides the residents [with] all their needs according to standards accepted by the authorities and even more than that... blankets and coats are being provided in the facility to whoever asked for it. The complaints regarding lack of hygienic products have no grounds"³¹

31 Glazer Hilo, The poem of the sands: a new site near the open detention center attempts to bring back the taste of life, Haaretz, December 17, 2015: <http://www.haaretz.co.il/magazine/premium-1.2800294>

SPORT AND EDUCATIONAL ACTIVITIES

Saharonim

59% of people interviewed at Saharonim said that they had not heard nor participated in any education activities. 3 responses indicated that they had participated in a sport activity at one point. A few other people interviewed said that at one point there were people who came to teach math or other educational activities, but they only came once a week, and many times didn't come at all. There are common rooms in each cell-block which houses a communal TV for the residents. IPS has reported to the HRM that there are four classes a week held in Saharonim, eight hours a week and that the subjects are art and music. In addition IPS reported that in 2015 four volunteers were coming once a week to teach different subjects to detainees. They told us that there are usually only 15 attendees. They claimed that there are no formal educational services in Saharonim.³²

Givon

Six of those interviewed claimed that they had not participated in any educational activities or sport activities while incarcerated. Three of the women interviewed claimed that there were dancing lessons, one saying that it happened once a month. Other detainees noted that there were ping-pong tables that could be used when outside of their room in the cell-block. The majority of Givon interviewees also explained there was a TV in their room, which people used to pass the time. IPS told the HRM that once a week in the afternoon there is a "World Music Activity" open to everyone in the cell block.³³ Many people only spend a short amount of time in Givon, before being transferred elsewhere or deported.

Holot

IPS in response to a FOIR from the HRM reported that 21 weekly classes (42 hours a week) of education are happening in the subjects of art, painting, sports and music. They also claimed that four volunteers came in 2015 weekly to engage prisoners in other subjects. They said in 2015, it was English (five days a week, four hours a day), and Math (four days a week, four hours a day). This was voluntary for prisoners; as well they said that other detainees were operating English classes to

³² IPS answer was provided under the Freedom of Information law on November 29th 2015, to Emi Saar, HRM.

³³ IPS answer was provided under the Freedom of Information law on November 29th 2015, to Emi Saar, HRM.

teach other asylum-seekers. IPS told us in this response that it is the Ministry of Education and not them that provided these services.³⁴

However, contrary to this response from IPS, a large trend that came from interviews in Holot was around the ennui 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. 54% said that their daily routine consists of walking around, napping, and eating, that they don't have much to pass the time with. Multiple people told the HRM that the classrooms are open, but that there are no teachers to teach classes. Half of responders told us that the majority of activities in Holot are organized by asylum-seekers themselves. There are communal-rooms in Holot that have shared televisions, a few people reported that some were broken and had yet to be fixed. In a few interviews, asylum-seekers mentioned that other asylum-seekers were providing Hebrew and English lessons, but none of it was organized by an official body.

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.

RELIGIOUS SERVICES AND CHANGES OF FOOD DUE TO RELIGIOUS SERVICES

Saharonim

The majority of asylum-seekers at Saharonim said that religious affiliation was permitted, but half said that there are not regular religious activities happening. It was confirmed that they are allowed to hold religious objects in prison (such as Bibles or Qur'ans). 78% said that they were allowed to keep religious iconography with them while in detention.

Givon

At Givon the majority of interviewees also confirmed that they were allowed to keep religious items with them in prison. Although 12 people told us that they

³⁴ IPS answers were provided under the Freedom of Information Law on November 29th 2015, to Emi Saar, HRM

were not sure whether or not there were ongoing religious activities happening in Givon. One interviewee told us that her religious book was taken from her while in Givon by IPS, however she did not elaborate on the circumstances for that incident.

Holot

17 out of the 26 Holot respondents told us that they were aware that religious activity was happening in detention, and that it was allowed. Similarly the majority confirmed the freedom to religious items while in Holot.

Yahalom

Since Yahalom is designed to detain people for a very short periods of time, there are no religious services in the facility.



Holiday Changes

Most data the HRM collected on religious issues showed positive conditions for those in detention. However, there were a number of concerns presented to us through interviews about the lack of change of food around holidays. In Givon, only two interviewees were observant of Ramadan while in incarceration, both told the HRM that there were no changes to food during Ramadan (neither moving hours back, nor taking into account the quantity of food needed, if fasting during the day). In Holot 62% of people said they were not there during Ramadan or did not know, however 31% said that there was no change during Ramadan, including one interviewee who commented: "I asked for a change in the amount of food on Ramadan, but there was no change". Only one client commented that he was allowed to eat one hour later in the day, but said nothing about change in the food. Six Saharonim interviewees all claimed there was no change during Ramadan; the rest said they did not know or did not notice. The HRM asked in a FOIR sent to the IPS, whether there is a change in the food during religious periods such as Ramadan, IPS did not respond to this question. The NGOs served a petition on July 1, 2015 and a hearing is scheduled for March 17, 2016.³⁵

MOI HEARINGS

Saharonim

Only 15 out of 27 interviewees in Saharonim had a hearing with MOI while in Saharonim. Only a third of detainees (five out of 15) were given the explanation between a hearing, and a meeting for "promoting removal". However 73% of those who actually had hearings, didn't understand the purpose of their own hearing. People who responded that they understood, were not totally clear in their answers, which included "they want to deport me out of here that is all I know", "they want to punish me because I don't have a visa", "they want to hear why I came to Israel".

Only three out of 15 people said they knew that the officer had the authority to release them. Comments from interviewees stated that they didn't think that the officer could do anything for them while they were in detention. One interviewee said that "I think the officer has no power to do [anything]. It is a hearing for nothing".

All of those that attended hearings with the MOI were offered the option to leave Israel for a third country.

³⁵ HCJ 4581/15 Anwar Suliman Arbab Ismail et al. vs IPS et al. dated July 1, 2015: <http://www.acri.org.il/he/35190> (Hebrew)

Givon

The data collected for Givon is a little different given the makeup of the detention facility, in that it houses both asylum-seekers as well as migrant workers. Only eight people of those we interviewed had hearings with the MOI while in prison. All of them said that they did not know the purpose of the hearing and the authority that the border control officer has.

Holot

21 out of the 26 interviewed said that they had a hearing with MOI during their time in Holot. The majority only have had one hearing to discuss their status in the country, of which only 19% knew why they were meeting. Two people out of 26 explained that the reason they met with MOI was because they entered the country undocumented and had to be sent to Holot for 12 months. None of the people interviewed said that they knew that Officers within the MOI had the authority to release them from detention, a fact that might have affected their hearings had they known. 18 out of the 26 people interviewed said that the MOI pushed on them an offer to leave Israel for a third country. All 18 said that they were told Uganda or Rwanda as destinations. The HRM has testimonies from detainees that officers in these interviews promise work-visas and the option of asylum in a third country.

ADMINISTRATIVE TRIBUNALS

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 the 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 the 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.

In Saharonim and Givon, asylum-seekers and migrant workers who are detained due to their status in the country (and not a criminal act) are brought in front of an Administrative Tribunal, once a month while in detention. 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.”³⁶ The Tribunal holds the same tasks and authorities according to Article 30D in the Anti-Infiltration Law.³⁷

Saharonim

Out of 27 people interviewed, 18 people said they didn't know the purpose of the Tribunal discussion, nor that the Judge had the power to release them. One responded said that he did know, and he told the HRM it was "The Tribunal has the authority to send me to jail". Two people specifically told the HRM they were not allowed to speak while they were in the Administrative Review Tribunal hearing. As well eight of the 18 people said that in the Administrative Review Tribunal, the judge offered them the option to leave for a third country (all said Rwanda or Uganda).

Givon

In Givon, unlike the other detention centers, six of the people interviewed knew the purpose of their Administrative Review Tribunal, as well as the authority of the judge to release them. Only four people out of 13 said that they did not know. In fact seven people said that they knew that the judges in the Administrative Review Tribunals had the power to release them. One client, however, who said that they were not aware of the authority of the tribunal told the Hotline:

The only thing they told me at the hearing was that I need to pay another 50,000 NIS in order to extend my stay in three days before exclusion. They "already canceled my visa which was valid. I was not explained nothing besides that".

The money that was being asked for was bail money for release.

Like in MOI's hearings, seven Givon detainees shared with the HRM that during their hearing with the Administrative Review Tribunal they were presented with the option to leave Israel for a third country.

Yahalom

There is no judicial review of the detention in Yahalom and therefore detainees

³⁶ Hotline for Refugees and Migrants. "The Detention Review Tribunals. Published December 2014. Available at: <http://hotline.org.il/en/publication/the-detention-review-tribunals/> page 13

³⁷ For more information about the Administrative Review Tribunals, please see: Hotline for Refugees and Migrants. "The Detention Review Tribunals. Published December 2014. Available at: <http://hotline.org.il/en/publication/the-detention-review-tribunals/> page 21

must file a petition against their detention to the Appeals Court with the help of a lawyer. Meetings with attorneys are limited to 30 minutes. No legal representation is being provided.

Holot

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



WORK

Saharonim

While in the past there was a special wing for laboring detainees in Saharonim, which offered better conditions and a salary of 80 NIS a month, as far as we understand from interviewees now, several detainees work in every wing. In the past they used to work in various jobs, but during 2015, detainees were employed only in food distribution and cleaning jobs.

Givon

Foreigners have a possibility to work in Givon and most detainees choose to work. Most of the work is in cleaning, the production plant in the prison and distributing meals to the detainees cells, meals which are prepared in the nearby Maasiyau prison

Holot

One of the other issues is detainee's lack of ability to earn enough money to care of all their needs. Working outside of Holot while detained is prohibited. As for working inside the facility, there is the possibility to do work translating, cleaning, and doing maintenance. However detainees can work only work a maximum 10 days in a month for which they can earn 300 NIS only. An interviewee from our survey told the Hotline that: "I want to add that they say that we can work in Holot but we can work only for 10 days in a month and we can earn for these 10 working days only 300 NIS a month, not enough even for the soap and cigarettes." According to the authorities, while there were 1,700 detainees in Holot in July 2015, only 75 of them chose to work before the Ramadan holiday and only 58 of them worked during the Ramadan.³⁸

³⁸ Government reply dated July 9, 2015 to HCJ 4581/15 Anwar Suliman Arbab Ismail et al. vs IPS et al.

WAITING TIMES WHILE IN DETENTION

While in custody, detainees often have hearings or meetings, either with the Ministry of Interior, the Administrative Tribunals, or other personal visitors. In the HRM's 2014 report on Administrative 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 Kziot prison, detainees are brought to the hearing in handcuffs, even though they are neither criminal prisoners, nor do they pose a danger to others."³⁹

Saharonim

Three people reported specifically waiting in klubas when they had their tribunal hearings, similar to the conditions mentioned above. It is a known fact to the HRM that klubas are still used to this day. One other troubling trend that was found concerned detainees being fed during their waiting period for meetings. In interviews conducted, most detainees told the Hotline that they were collected quite early in the day, and while waiting times varied given the experience of each individual, many people the Hotline spoke with waited between four to eight hours for their various appointments. During their time, 100% of detainees said that they were not given their food while waiting, if their wait time corresponded during the time of a daily meal. More alarming than that was that 70% of those who reported eating when they returned to the cell-block told the Hotline that they only were able to eat because their roommates saved them food, not because they were given meals by IPS. Yet, during the last months of 2015, it seems like the IPS made a special efforts to hold detainees in the "Kluba" for shorter periods of time.

³⁹ Hotline for Refugees and Migrants. "The Detention Review Tribunals. Published December 2014. Available at: <http://hotline.org.il/en/publication/the-detention-review-tribunals/> page 21

Givon

While a smaller sample size, the same trend was also reported. Out of 13 people, five reported not getting fed if they missed a meal, two people said they weren't waiting during that time. Only one person said that they received a meal while waiting for an appointment. Those who reported that they weren't feed, all also said that they ate when they returned to their cell-block, but only because their friends had saved them food from earlier meals that day, not IPS.

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 THE DETAINEES

Saharonim & 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 migration detention. The 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, the HRM had relatively free access to these detention facilities, which allowed its staff and volunteers to meet all foreign detainees. Since January 2008, after filing a petition against the IPS due to 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 the 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 the 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. During the last several months, due to the growing number of detainees in Saharonim, the load on the IPS officers there is getting heavier, preventing them from providing proper service to both the detainees and the HRM's staff.



As a result, it has happened that when a staff member reaches the gate, their access is not granted, nor are they found on the visitors list, or a specific translator is not allowed in despite having a permit. Several times it happened that the staff had to wait four and even five hours before they were able to meet the detainees in Saharonim, despite the fact that the visit was coordinated and approved in advance. When one adds to these delays the three hours way to each direction from Tel Aviv to Saharonim, it leaves very little time to meet the detainees and attempt to assist them. The right to paralegal representation to detainees by HRM volunteers is set by both laws.

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. The HRM staff are not allowed in as well. During 2013 there was an internal monitoring body, appointed by the MOI but we have no knowledge if such a monitoring body still exist.⁴⁰

⁴⁰ The data was collected from interviews with detainees in Yahalom and from five reports ordered by the MOI and published by Adv. Miriam Rosental during 2013, after she was appointed to write a monitoring report about the Yahalom 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. The HRM's viewpoint is that detention should be the last resort while attempting to remove unwanted migrants from the country. According to the UNHCR guidelines, "detention is an exceptional measure and can only be justified for a legitimate purpose".⁴¹ 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.

The 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 flows.⁴² Yet, as long as the Israeli authorities insist on maintaining the present detention policy, the HRM's recommendations are as follow:

- It is essential to improve translation services especially while interacting with IPS and medical services, to hang signs in various languages in the different cell-blocks explaining the rights, the functions, and the authorities of each of the agencies, courts, and parties the detainees meet in prison.
- It is recommended that the IPS will provide food the detainees are more accustomed to. In Holot, detainees should be allowed to prepare their own food inside the facility.
- It is recommended to supply sufficient hygienic products on a regular basis, not just on entry to a facility.
- IPS should respect the right of detainees to receive representation and apply the needed manpower and other mechanisms to make sure that detainees can have this right fulfilled while in detention. It is also recommended that other relevant NGOs will have access to migrant

⁴¹ UNHCR Detention Guidelines, 2012, guideline 4.1: <http://www.unhcr.org/505b10ee9.pdf>

⁴² International Detention Coalition, There are Alternatives, September 24, 2015: <http://idcoalition.org/publications/there-are-alternatives-revised-edition/>

detainees in order to offer their services.

- It is recommended to eliminate the use of the "Kluba" or reduce it dramatically. It is also recommended that in times of being held in the "Kluba" there will be monitoring of the needs of those held in there.



COMMENTS

IPS - The Israeli Prison Service commented that they only comments on official monitoring bodies report. As the Hotline is not an official monitoring body – IPS will not comment to our report.

PIBA - The Population and Immigration Authority did not comment on the report.

MOJ - The Ministry of Justice responded with the following letter:

Greetings All,

Re: The Report from the Hotline for Refugees and Migrants

I have the honor to present the response of Ministry of Justice's response to what was said in relation to the Administrative Detention Tribunals within the report.

Contrary to the report, which claims that some of those who were detained were unclear of the authority of the Administrative Detention Tribunal and the purpose of being there; it should be noted that Administrative Detention Tribunal informs all those who come in front of them, through a translator, what the primary authority of the court is, and purpose of the hearing.

It should also be noted that every detainee has the right to stand before the Tribunal, which appropriately ensures and maintains their right to be heard.

Best Regards,

Yossi Biton

Chief Secretary of the Administrative Detention Tribunal



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