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Hotline for Migrant Workers

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Physicians For Human Rights - Israel



## Tortured in Sinai, Jailed in Israel: Detention of Slavery and Torture Survivors under the Anti-Infiltration Law

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*I ran away from Eritrea seven months ago to avoid the army service. I intended to find refuge in Sudan, but when I arrived in Sudan, crossing the border by foot, with several other Eritreans, some Bedouins arrived with a vehicle and kidnapped us. Some of us succeeded in running away but they managed to kidnap me along with others. They locked us up in a small house in Kassala, beating us daily with a stick. They threatened me "if you will not pay us \$35,000, you will be our woman." I gave them phone numbers of my family members but they told the kidnappers that they don't have a possibility to raise such amount of money. I was locked there in a dark room for four months. I discovered that I got pregnant. We received very little food and I was beaten constantly. I had a miscarriage. It took my family long months to raise the money and I was taken with others to Sinai. There they requested \$3,400 more. It took three more months for my family to raise the additional sum. We were released near the border of Israel with a group of about 30 Eritreans. The Egyptian soldiers shot at us on the way. Some of us got frightened and returned back to the Egyptian side. We arrived to the giant new fence on the Israeli border and we were not able to cross it. We waited there in the sun for long days with no food and water. There were Israeli soldiers on the other side who kept on telling us to go back. There were several children with us who could not suffer it any longer and attempted to go back. The Egyptian soldiers shouted to the children "you cannot come back unless you bring us the women in your group." We refused to go back, knowing why they want us back.*

*At the end, the Israeli soldiers came to our side, forced many of us to go to the Egyptian soldiers and let the women in. It was easy for them to push the people back since they were starved for many days and too weak to resist. In prison, where we are now, they treat us very well. A woman from the UNHCR came and told us that we can apply for asylum. I had a meeting with a judge and a translator to Tigrinya, Frowini. She asked me if I agree to go back to Eritrea and told me "You will be in this prison for three years. Didn't you hear about it?" I told her that if I go back I will be imprisoned for running away from the army service but she did not answer. The judge said that until there will be a solution, I will stay in prison.*

**Testimony of G., a 21 year old Eritrean woman, given to the *Hotline for Migrant Workers* activists, September 2012**

## Preface

This report aims to present the consequences of the general Israeli government policy toward asylum seekers, as it is applied on trafficking, slavery and torture survivors arriving Israel from the Sinai desert, survivors like G., whose testimony appears above.

Israeli policies and actions toward asylum seekers are inconsistent with Israel's obligation to comply with international human rights treaties, which it signed and ratified, notably the obligation of non-refoulement found in the Convention relating to the Status of Refugees (Refugee Convention) and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT). Israel's policy and inflammatory rhetoric of government officials also violate the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), and the International Covenant on Civil and Political Rights (ICCPR). Israel has the right to secure its borders and regulate the entry of foreigners into its territory, but its policies fail to comply with international law.

All asylum seekers who have entered Israel since June 2012 have been imprisoned in harsh conditions with little chance of being released. This policy, which violates the rights accorded to asylum seekers under the Refugee Convention, also results in feelings of hopelessness and helplessness among detained asylum seekers. The effects of prolonged internment are especially disastrous for torture survivors. This report focuses on this most vulnerable group affected by the implementation of the new Anti-Infiltration Law and the renewed 'hot return' policy in which Israeli soldiers stationed next to the border prevent the entry of asylum seekers to Israel.

Based on several indicators, the NGOs estimate that the number of torture survivors among the newcomers to Israel has grown during 2012. The present policy, in which the people entering Israel are those who are allowed to do so by the IDF, means that only torture victims who present visible signs of torture have managed to enter Israel in the past few months. Currently, based on the NGOs statistics, about 5,000 to 7,000 torture survivors reside in Israel without any social rights or assistance. In addition, a study conducted by EEPA and Tilburg University based on testimonies of tortured Eritrean asylum seekers while in captivity and after, it estimated that 4,000 asylum seekers did not survive the torture camps and journey and lost their lives in the desert in the past five years.<sup>1</sup>

The lack of proper identification procedures and treatment of torture survivors by Israeli authorities can be observed when comparing the number of survivors identified and treated by Israeli authorities to the number of those identified and treated by PHR-IL: During 2011, 54 women complained to the Israeli authorities and revealed the fact that they were sexually assaulted, 23 of them received gynecological treatment. That same year, 1,585 women (the

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<sup>1</sup> Based on lists of people found in the morgues and in the desert, as published in the report "Human Trafficking in Sinai" by Mirjam van Reisen, Meron Estefanos and Conny Rijken, EEPA & Tilburg University, Brussels, 26/10/12:  
[http://www.eepa.be/wcm/dmdocuments/publications/report\\_Human\\_Trafficking\\_in\\_the\\_Sinai\\_20120927.pdf](http://www.eepa.be/wcm/dmdocuments/publications/report_Human_Trafficking_in_the_Sinai_20120927.pdf)



majority of whom are African) were sent by PHR-IL to gynecological treatment and 21 of them underwent abortions.<sup>2</sup>

This report presents Israel's policy toward torture survivors and the services offered to them after their entry to Israel. The report is based on the knowledge acquired by the *Hotline for Migrant Workers*, by *Physicians for Human Rights- Israel (PHR-IL)*, and by an examination of 30 Administrative Tribunal protocols of asylum seekers who chose to reveal to the Tribunal the fact that they are torture survivors. Out of 1,543 asylum seekers who entered Israel between June and the end of September, 2012,<sup>3</sup> it seems like only 30 shared with the Administrative Tribunal their experiences in the torture camps. The number of torture survivors is much higher than what is reflected in the Administrative Tribunal protocols. Many torture survivors, especially rape victims, are reluctant to reveal what they have undergone in Sinai, and they are not motivated to do so, since they are unaware of the fact that being recognized as a victim of slavery might result in their release from prison. As will be shown, the nature of the Administrative Tribunal hearings also might discourage asylum seekers from elaborating on their story.

The report ends with the translations of 14 out of the 30 testimonies, as given to the Administrative Tribunal at the Saharonim internment camp by torture survivors who arrived in Israel between June and September 2012. These torture survivors presented a version of events that was credible enough for the Tribunal to transfer the protocols for further examination by relevant authorities in order to establish if they are slavery victims.

#### **The main findings of the 30 protocols of the torture survivors:**

- ❖ 100% of the survivors are Eritreans.
- ❖ In 30% of the protocols, the Tribunal noted that marks of torture are visible on the survivors' bodies (9 out of 30).
- ❖ Six (four women and two men) were recognized as 'slavery victims,' but only one man was transferred to a shelter for TIP<sup>4</sup> victims, and the other five are still waiting, for several months now, for their release.
- ❖ 60% of the survivors are women (22 out of 30).
- ❖ More than half of the women stated openly that they were raped (18 of 30).
- ❖ The survivors were held hostage for an average of 140 days.
- ❖ On average, each torture survivor paid \$33,660 in ransom for his/her release.
- ❖ 50% of the interviewees were recognized by the Tribunal (and all of them by the same judge) as being kidnapped to Sinai and sent to Israel against their will (14 out of 30).

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<sup>2</sup> Information given within the government comment dated February 9, 2012 to HCJ 8391/11 PHR-IL and others v IPS and others (2011)

<sup>3</sup> Uri Binder, "Since the beginning of the month only three infiltrators entered Israel", *NRG Maariv*, October 10, 2012: <http://www.nrg.co.il/online/1/ART2/407/711.html>

<sup>4</sup> TIP – Trafficking in Persons, also called THB – Trafficking in Human Beings

## General Data about African Asylum Seekers in Israel

In recent years, there has been a sharp increase in the arrival of asylum seekers to Israel. By the end of June 2012, about 57,193 asylum seekers resided in Israel, originating mainly from Sudan (15,210 people - 25.91%) and Eritrea (35,895 people - 63%).<sup>5</sup> The asylum seekers enter Israel via the Sinai desert by crossing the Egypt-Israel border. Since June 2012 the numbers of new asylum seekers entering Israel significantly dropped, as detailed: In June – 938 entered, in July – 268, in August – 199, in September – 138.<sup>6</sup>

Both UNHCR and Amnesty International have reported grave human rights violations in Sudan and Eritrea and recommended that asylum seekers not be returned there. Refugees from both countries enjoy protection in most states in the developed world.

The Israeli asylum system does not function: Israel has recognized only 157 asylum seekers as refugees according to the Refugee Convention since signing it in 1951.<sup>7</sup> Israel refused to check asylum requests of Sudanese and Eritreans despite the fact that some of them live in Israel for about two decades. The average recognition rate of Eritrean asylum seekers around the world is 84.5% and the average recognition rate of Sudanese is 74.4%.<sup>8</sup> That means that there is a high probability that if the requests are examined properly and fairly, a similar average rate would be found in Israel as well.<sup>9</sup>

## The Anti-Infiltration Law

*"Detention is an exceptional measure and can only be justified for a legitimate purpose"*<sup>10</sup> (UNHCR, 2012)

On January 18, 2012, an amendment to the Anti-Infiltration Law came into force. Under the law, refugees are held for three years in detention without trial or any charges being brought against them. Refugees from enemy states, such as Sudan, would be kept in indefinite detention. Unaccompanied minors might be released by the Administrative Tribunal if an alternative solution is found for them, but minors arriving with family members will be jailed with their mothers. This amendment was introduced by the government, which countered repeated attempts of opposition MKs to mitigate the most draconian provisions of the law.

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<sup>5</sup>Ministry of Interior (MoI) Website:

<http://www.piba.gov.il/PublicationAndTender/ForeignWorkersStat/Documents/%D7%90%D7%95%D7%92%D7%95%D7%A1%D7%98%202012%20-%D7%A0%D7%AA%D7%95%D7%A0%D7%99%20%D7%99%D7%95%D7%A0%D7%99.pdf>

<sup>6</sup> Uri Binder, "Since the beginning of the month only three infiltrators entered the country", NRG Maariv, October 10, 2012: <http://www.nrg.co.il/online/1/ART2/407/711.html>

<sup>7</sup> According to data collected from the MoI announcements in various occasions.

<sup>8</sup> UNHCR 2011 statistic report, June 18, 2012:

<http://www.unhcr.org/globaltrends/2011-GlobalTrends-annex-tables.zip>

<sup>9</sup> More about the Israeli asylum system see in: Adv. Yonatan Berman, "Until our hearts are completely hardened", Hotline for Migrant Workers, March 2012: [http://www.hotline.org.il/english/pdf/asylum\\_procedures\\_2012\\_eng.pdf](http://www.hotline.org.il/english/pdf/asylum_procedures_2012_eng.pdf)

<sup>10</sup> Guidelines on the applicable criteria and standards relating to the detention of asylum seekers and alternatives to detention, UNHCR, September 2012. Guideline 4.1: <http://www.unhcr.org/505b10ee9.html>

The amendment does not distinguish between refugees, unauthorized immigrants or 'infiltrators' who intend to harm Israel's security.

According to the law, a border control officer may release an 'infiltrator' if he asked for asylum, or for a legal status and a reply that his request is being examined was not received within three months. A border control officer may also release an 'infiltrator' if nine months have passed since he applied for asylum and no answer was received by the Israeli RSD (Refugee Status Determination) unit.

The amendment is the cornerstone of a series of anti-refugee measures that have been executed and planned by the Israeli government. Other measures include the construction of a fence along the Egyptian border that has cost taxpayers NIS 1.35 billion (\$360 million),<sup>11</sup> the construction of a large open-air prison that will house thousands of asylum seekers and will cost billions to operate per year, and enforcement against employers of asylum seekers. These expensive measures were partially funded by a 2% cut in the budget of all government ministries.

The Knesset's legal advisor, Eyal Yinon, voiced his opposition to the law, stating that it does not meet "minimal constitutional standards." The Anti Infiltration Law was originally passed in 1954 as part of Israel's emergency regulations to deal with the phenomenon of armed Palestinian infiltrators who entered Israel to conduct sabotage operations. The 1954 law criminalized the entry of all 'infiltrators' from Arab countries, whether armed or not, setting their punishment to five years in prison. The application of the law was tied to the "state of emergency" (which has been in effect in Israel since independence), but the 2012 amendment decouples the application of the law from the state of emergency. This means that even if the state of emergency is one day lifted, the law remains in effect. In his opposition to the law, Yinon stated that using the 1954 law to deal with the tide of African refugees entering Israel "poses difficult legal problems" and "it is impossible to detain people for an unlimited amount of time."<sup>12</sup> The purpose of the long to indefinite detention periods, according to the explanatory notes, of the amendment, is deterrence: "The expectation is that the detention period will stop the massive infiltration or at least minimize it."<sup>13</sup>

Past attempts to pass this law (which was first drafted in 2006) were foiled due to a harsh public response. However, following years of systematic incitement against refugees by Israel government officials, the Israeli public largely sees refugees as illegal migrants, undeserving of sympathy.<sup>14</sup>

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<sup>11</sup> "The Money Fence: Who Profits from the Erection of the Fence on the Egyptian Border that Costs NIS 1 Billion", Shuki Sade, *TheMarker*, November 12, 2011 <http://www.themarker.com/markerweek/1.1562931> (Hebrew)

<sup>12</sup> Knesset Interior Committee hearing on the Anti-Infiltration Law, December 13, 2011. P.5. Available at: [www.knesset.gov.il/protocols/data/rtf/pnim/2011-12-13.rtf](http://www.knesset.gov.il/protocols/data/rtf/pnim/2011-12-13.rtf)

<sup>13</sup> Ministry of Justice website <http://www.justice.gov.il/NR/rdonlyres/F7844F16-FEA5-4863-9070-763F957D1AE1/26847/577.pdf>

<sup>14</sup> More about Incitement against asylum seekers, see Elizabeth Tsurkov, "Cancer in our body", Hotline for Migrant Workers, June 2012: [http://www.hotline.org.il/english/pdf/IncitementReport\\_English.pdf](http://www.hotline.org.il/english/pdf/IncitementReport_English.pdf)

### **The Anti-Infiltration Law in Practice**

As stated above, according to the law, a border control officer may release an 'infiltrator' if he asked for asylum or a legal status, and a reply that his request is being examined was not received within three months or if a final answer for his request was not received within nine months.

Yet, according to information gathered by the *Hotline for Migrant Workers*, the State circumvents these provisions. Ministry of Interior officials said in various occasions that when detaining 'infiltrators' under the Anti-Infiltration Law, they will start checking asylum requests of those detained. Yet, asylum seekers in Saharonim prison keep reporting to activists of the *Hotline for Migrant Workers* who visit them, that there are no means to ask for asylum. Even when they manage to learn about their right to ask asylum (not from the Ministry of Interior or from the Administrative Tribunal but from UNHCR officials or Hotline activists), asylum seekers report that no one accepts their requests.

In a hearing held by the Parliament Interior Committee on October 15, 2012, the writer of this report confronted the Legal Adviser of the Immigration Authority with the testimonies of asylum seekers detained in Saharonim who stated that even after they discover their right to ask for asylum, there is no one at the prison ready to accept their asylum request. Adv. Daniel Salomon, the Legal Adviser, answered that these claims are incorrect and that the Immigration Authority already received "several dozens" of asylum requests of "infiltrators" detained under the Anti-Infiltration Law.

According to information provided by the Immigration Authority to the media, since they began implementing the Anti-Infiltration Law on June, until the end of September, 1,543 'infiltrators' entered Israel. This means that even if the estimated information given by the Legal Adviser is correct, only "several dozens" of 1,543 asylum seekers managed to find a way to apply for asylum in prison. The Adviser might also be referring to 40 requests served by *Hotline for Migrant Workers* activists after they managed to meet newly arrived asylum seekers in Saharonim, Ktsiot, Eshel, Ha'Ela and Givon prisons.

According to government officials, 9,000 prison places will be ready by the end of November 2012 for the detainees under the Anti Infiltration Law.

## Human Trafficking, Torture, Rape and Imprisonment of Asylum Seekers in Sinai

Since 2009, smugglers in the Sinai have imprisoned thousands of asylum seekers en route to Israel in harsh conditions while demanding increasing sums of money for their release. To motivate the relatives of the captives to pay, the asylum seekers are tortured, raped, humiliated and starved by the smugglers.<sup>15</sup>



**Sudanese torture survivor, Tel Aviv, Feb 2012**

Testimonies of over 1,300<sup>16</sup> survivors recorded at PHR-IL's Open Clinic in Jaffa between November 2010 and May 2012 revealed that:

- 91% were handled by multiple groups of smugglers (between three to six different groups).
- 11% paid between \$4,000 and \$40,000 in ransom fees.
- 37% witnessed injury or death of other asylum seekers while in Sinai.
- 24% were subjected to physical violence.
- 29% experienced or witnessed shooting attempts while trying to cross the Egypt-Israel border.
- 58.9% suffered from severe food deprivation; 53.2% suffered from denial of access to water.<sup>17</sup>
- 10% were held between 60 to 301 days in the Sinai torture camps.
- 7.2% were kidnapped and taken to Israel against their will.
- 8.3% were threatened to be executed.
- 2.9% were tortured by the use of electric shocks.
- 2.6% were victims of burning\branding by metal objects.
- 3.8% were threatened that their organs will be removed.
- 1.6% were hanged by their feet.

<sup>15</sup> According to estimations of the NGOs Hotline for Migrant Workers and PHR-IL

<sup>16</sup>Of the over 1,300 interviews conducted most of the following data is based on 980 responses from Eritreans and Ethiopians (511 Males, 469 Females) between November 2010 and May 2012 in PHR-I Open's Clinic.

<sup>17</sup> Based on 1,142 responses of Eritreans, Ethiopians and Sudanese



## Israeli Violation of the Non-Refoulement Principle: Returning asylum seekers, among them Torture and Slavery Survivors to Egypt

Up until October 2010, Israeli officials reported about the forcible return of at least **701** asylum seekers who were detained along the border with Egypt in violation of the principle of non-refoulement.<sup>18</sup> The 701 reported forcible returns occurred until late 2010 and the overwhelming majority of those deported were Eritrean citizens who were later deported to their homeland.<sup>19</sup> The forcible returns were conducted according to the 'coordinated return' (commonly known as the 'hot return') procedure, in a clear violation of the non-refoulement principle of international law, which prohibits the deportation of a person to a place where he is expected to suffer persecution, torture, or cruel, inhumane and degrading treatment. The non-refoulement principle is enshrined in the Article 33 of the Refugees Convention and has since become a principle of customary international law, which obligates all nations, whether they've acceded to the Convention or not.

Returning asylum seekers back to Egypt is a violation of this principle since the Egyptian government has repeatedly deported Sudanese and Eritrean asylum seekers to their countries of origin where their life or freedom might be in danger. In August and November 2011, Amnesty International documented two imminent deportations of Eritrean asylum seekers to Eritrea.<sup>20</sup>

The Executive Committee of the United Nations High Commissioner for Refugees (ExCom), a body of 76 countries of which Israel is a member, concluded that where refugees and asylum seekers move from one country to another, they may only be returned if they are protected against refoulement, and are afforded basic human rights until a durable solution is found.<sup>21</sup>



At a discussion held in the office of the Israeli Attorney General on June 1, 2006, the Attorney General expressed his opinion that the expulsion of a person seized within Israeli territory, close

<sup>18</sup> Refugees' Rights Forum, Policy Paper: The Principle of Non-Refoulement, June 2008. Available at: [http://www.hotline.org.il/english/pdf/Non\\_Refoulement\\_paper\\_071008\\_Final\\_Eng.pdf](http://www.hotline.org.il/english/pdf/Non_Refoulement_paper_071008_Final_Eng.pdf)

<sup>19</sup> The statistics were provided by Deputy Defense Minister, Matan Vilnay, in a response to Query 823 of MK Dov Khenin on October 31, 2010.

<sup>20</sup> Amnesty International, Eritreans in Egypt at Risk of Forcible Return, November 2011, <http://www.amnesty.org/en/library/asset/MDE12/055/2011/en/ccc4b066-efdd-4df1-be69-61ca5f866445/mde120552011en.pdf>

<sup>21</sup> UNHCR ExCom Conclusion No. 58 (XL) – 1989, Problem of refugees and asylum-seekers who move in an irregular manner from a country in which they had already found protection, paragraph (f)

to the time and place at which the person crossed the border, “does not constitute expulsion, but rather the prevention of entry.” Accordingly, the Attorney General argued that “there is no impediment to expelling such a person from Israel without any legal proceeding.”<sup>22</sup>

This approach is contrary to international law, which establishes that the prohibition of non-refoulement also applies on the borders of the state. If states were permitted to reject asylum seekers in such a manner, the Refugees Convention would soon be rendered irrelevant. The Executive Committee of the United Nations High Commissioner for Refugees established, in a guiding decision issued in 1977, that it:

Reaffirms the fundamental importance of the observance of the principle of non-refoulement- both at the border and within the territory of a State of persons who may be subjected to persecution if returned to their country of origin irrespective of whether or not they have been formally recognized as refugees.<sup>23</sup>

The Israeli Supreme Court has ruled that Israel is obligated to follow the non-refoulement principle based on the Israeli Basic Law: Human Dignity and Liberty, which enshrines the right to life. Representatives of the State declared before the Court that Israel is committed to upholding the principle. A petition filed by human rights organizations in 2007 was rejected in July 2011, after the State declared before the High Court of Justice that ‘hot returns’ no longer take place.

Chief Justice Beinish wrote in the decision, “we assume that if and as much as a decision will be made to renew the policy of returns to Egypt and the renewal of the procedure, it would be done according to the standards under international law and with proper guarantees which will ensure at a high level of certainty the well being of the returnees.”<sup>24</sup> The State also pledged before the Court that the procedure will only be renewed by a written order approved by the IDF's legal advisors.

Testimonies and depositions of IDF soldiers that indicate that the state continued to deport refugees to Egypt about six months after its declaration to the High Court have led to an investigation by Military Police.

It appears that between August 2011 and June 2012, the state has stopped deporting asylum seekers back to Egypt. In June 2012, human rights organizations began receiving new information indicating that the IDF has renewed the practice of deporting asylum seekers to Egypt, in violation of the state declaration to the Supreme Court in the ‘hot return’ case.

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<sup>22</sup> Minutes of the discussion at the office of the attorney general, dated 16 March 2006, were submitted to the High Court of Justice as Appendix A/4 in the petition in HCJ 7302/07, which attacked the “hot return” procedure mentioned in the minutes

<sup>23</sup> UNHCR, EXCOM Conclusion, Non-Refoulement, (No. 6 (XXVIII) – 1977). From the policy paper “The Non-Refoulement Principle”, the Refugee Rights Forum, June 2008 at: [http://hotline.org.il/english/pdf/Non\\_Refoulement\\_paper\\_071008\\_Final\\_Eng.pdf](http://hotline.org.il/english/pdf/Non_Refoulement_paper_071008_Final_Eng.pdf) (p. 10-11).

<sup>24</sup> HJC ruling 7302/07 <http://elyon1.court.gov.il/files/07/020/073/n32/07073020.n32.htm> (July 7, 2011)

## Refoulement of Torture and Slavery Survivors (June – October 2012)

During the last several months four different soldiers reported about deportation of asylum seekers back to Egypt and several Eritreans in Israel reported about relatives who called them from Egyptian prisons and informed them that they were deported from Israel back to Egypt. Testimonies reveal that torture camp survivors are deported by the IDF as well.

According to a report published by *Human Rights Watch*, the *Hotline for Migrant Workers* and *PHR-IL*, between June and October 2012 there were at least eight groups of asylum seekers that were pushed back to Egypt by the IDF.<sup>25</sup>

One asylum seeker in Israel received a phone call from his sister who was in a group of 70 Eritrean asylum seekers who were deported back to Egypt. The group was released from one of the torture camp in Sinai after paying thousands of dollars in ransom each. If their cases were examined, they might have been recognized as slavery victims according to Israeli law. Four asylum seekers from this group managed to escape and enter Israel and are now detained under the Anti-Infiltration Law at Saharonim prison. The asylum seeker's sister was among those who managed to escape.

Other asylum seekers in Israel were in contact by phone with a group of women and children, which the NGOs believe were deported from Israel with that same group. These women and children were held in a police station in northern Sinai. They reported that they are held in severe conditions and some of them were subjected to **sexual abuse by the prison guards**.

Eritreans in Israel reported to the NGOs about 86 people (six women, 80 men and an unclear number of unaccompanied minors) who disappeared after their relatives paid significant ransom fees for their release from the Sinai torture camps where they were held for lengthy periods. It is unclear whether these people were forcibly returned by the IDF to Egypt, were caught by the Egyptian prior to crossing the border and are now detained in Egypt without access to phones, or even murdered by the smugglers in a 'torture accident' as it often happens.

On July 11, 2012, Adv. Anat Ben Dor from the Tel Aviv University Refugee Law Clinic and Adv. Asaf Weitsen from the Hotline for Migrant Workers addressed the IDF's Advocate General, inquiring whether the government has resumed the 'coordinated return' policy despite promising not to do so without a written notification. On July 25, 2012, an answer was received from the Chief Advocate of the Southern Command, ignoring soldiers' testimonies that the IDF was holding the asylum seekers on Egyptian soil, sometimes for days, until the Egyptian soldiers came to collect them. According to the Southern Command Advocate, since the asylum seekers were on Egyptian soil, they were not "returned." According to him, the international obligations are valid only when the asylum seekers are on Israeli soil and not when they are on the other side of the border.

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<sup>25</sup> *Human Rights Watch*, the *Hotline for Migrant Workers* and *PHR-IL*, " **Israel: Asylum Seekers Blocked at Border**" October 28, 2012: <http://www.hrw.org/news/2012/10/28/israel-asylum-seekers-blocked-border>

On August 6, 2012, AP reported that the IDF enters Egyptian territory, detaining individuals as they make their way to the Israel-Egypt border, and then hands them over to Egyptian security services.<sup>26</sup>

On September 4, 2012, Israeli media reported that the IDF is preventing the entry of a group of 21 Eritrean asylum seekers who were trapped between fences on Israeli soil next to the Egyptian border for five days.<sup>27</sup> The soldiers were ordered to give the asylum seekers "as little water as possible" and no food. On September 6, a petition was filed to the Supreme Court, demanding the asylum seekers be let in. The Supreme Court heard the case and gave the State two additional days before it has to present its case. On that same day, a delegation of physicians from *PHR-IL* as well as MK Dov Khenin arrived at the border to meet the group. *PHR-IL* delegation's entry to the area was denied. Violating Khenin's parliamentary immunity, the IDF denied him access to the group until the late evening, when the solution was implemented: the IDF violently expelled 18 of the group, among them several minors, who were too weak to resist after not eating and drinking very little water for eight days.<sup>28</sup> The IDF then allowed in the two women and a minor who seemed to be in an especially vulnerable situation, and they were taken to the Saharonim internment camp. The same night, IDF reserve soldiers reported the NGOs that their friends allowed eight Sudanese to enter Israel.

IDF soldiers interviewed by the daily *Yedioth Aharonot* described a policy of preventing the entry of asylum seekers, tear gassing asylum seekers trapped between the border fences on Israeli soil and using stun grenades against them, while providing the asylum seekers with little water and food so as to encourage them to return to Egypt. One reserve IDF soldier who served on the border told the *Yedioth* reporter: **"It's true that sometimes it's not easy to see injured people, skinny like skeletons, but they may endanger the security of the state, and what we're doing is very important in our eyes."**<sup>29</sup>

On September 16, the *Jerusalem Post* published an interview with a reserve duty soldier who also testified about the fact that the IDF is acting on Egyptian soil to prevent asylum seekers from entering.<sup>30</sup>

On October 9, an Eritrean torture victim arrived to the office of the *Hotline for Migrant Workers*, suffering from shackle wounds on his legs. He reported that he was held captive and torture for

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<sup>26</sup> Mark Lavie, "Israeli Activists: Israeli forces enters Egypt for migrants" *AP*, August 10, 2012:

<http://www.washingtontimes.com/news/2012/aug/10/activists-israeli-forces-enter-egypt-migrants/>

<sup>27</sup> "About 20 Eritrean Migrants Are Trapped in the Area Between Israel and Egypt", Gili Cohen, *Haaretz*, September 4, 2012. <http://www.haaretz.co.il/news/education/1.1816528> (Hebrew)

<sup>28</sup> "Eritrean migrants tell of IDF violence at Israel-Egypt border", Talila Neshet, *Haaretz*, September 11, 2012. <http://www.haaretz.com/news/diplomacy-defense/eritrean-migrants-tell-of-idf-violence-at-israel-egypt-border-1.464325>

<sup>29</sup> "Infiltrators on the Border Were Chased Away with Tear Gas", Telem Yahav and Mati Siber *Yedioth Aharonot*, September 6, 2012; "Soldiers on the Border: 'We Make the Infiltrators Think it Will Be OK'", Telem Yahav *Yedioth Aharonot*, September 7, 2012.

<sup>30</sup> "It's the Wild West down there", *Jerusalem Post*, September 16, 2012. <http://www.jpost.com/Features/InTheSpotlight/Article.aspx?id=285241>

three months. According to his testimony, he arrived to the Israeli border a week earlier, in the area that has no fence yet, together with two Eritrean women and four Eritrean men and a minor. Only he and another man who were carried by the rest of the group since he was no longer able to walk were taken in and sent to Soroka hospital. The others, including the minor, stayed there surrounded by IDF soldiers, who prevented their entry. According to the human rights activist Meron Estefanos, one of the deportees contacted his relative from an Egyptian prison where he is jailed now, Other relatives abroad did not hear from their dear ones since.<sup>31</sup>

According to testimonies of soldiers and asylum seekers, during the last months such incidents have become an almost daily occurrence. There were differences in the number of days each group stayed at the border, and the outcome of the standoff at the border: sometimes the entire group gives up, goes back to Egypt or is taken by Egyptian soldiers, at times the entire group is accepted and taken to Saharonim prison by merciful soldiers, and in other cases the IDF chooses the most vulnerable asylum seekers among the group and lets them in, while deporting the others.

Almost on a daily basis, the *Hotline for Migrant Workers* receives appeals from relatives around the world who paid tens of thousands of dollars for the release of their loved ones, who showed no sign of life since the smugglers reported that they were released on the Israeli border.

These reports clearly indicate that among the people whom the IDF has expelled or prevented their entry, many are torture camps survivors and slavery survivors, who are entitled to certain rights not just according to international law, but also according to Israeli law.

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<sup>31</sup> "Again, eight Eritreans arrived the border, two wounded ones were allowed in", Dana-Weiler Pollack, *Walla!*, October 9, 2012. <http://news.walla.co.il/?w=/90/2573936>



## Prison Conditions of Torture and Slavery Survivors in Israel

*"Victims of torture and other serious physical, physiological or sexual violence also need special attention and should generally not be detained"<sup>32</sup> (UNHCR, 2012)*

The asylum seekers who survive the torture camps, do not get shot by Egyptian soldiers on the border, and manage to get into Israel despite the new fence and the renewed practice of refoulement, are taken to Saharonim prison. In the prison, near the Nitzana checkpoint on the Egyptian border, they are detained in two-story buildings in some of the sections and in cloth tents in other sections. Women and children are always detained in the same section, in tents.

The Israeli Public Defender has described the conditions in the internment camps, especially at Saharonim prison, as substandard, crowded and unsanitary.<sup>33</sup>

There are five social workers in the Saharonim internment camp, one of them is a Tigrinya speaker. These social workers are supposed to provide psycho-social services to more than 2,000 asylum seekers detained there these



days and to about 9,000 asylum seekers who will eventually be detained there, according to officials plans by the end of November 2012.

With regard to **access to health services**, detained asylum seekers, including torture victims are entitled to the same treatment and services as all other detainees. Basic services are provided by the Israeli Prison Service (IPS) on-site, while more complex needs that involve medical tests or access to specialists are performed off-site in civilian hospitals. As independent physicians are not granted access to Israeli prisons or detention facilities, the NGOs rely on testimonies from current or past inmates to develop a clearer picture regarding what services are provided and which are withheld. Past testimonies have called into question adequate access to follow-up care, especially after surgery.

<sup>32</sup> Guidelines on the applicable criteria and standards relating to the detention of asylum seekers and alternatives to detention, UNHCR, September 2012. Guideline 9.2: <http://www.unhcr.org/505b10ee9.html>

<sup>33</sup> Israeli Public Defender Yearly Imprisonment condition Report, August 2011: <http://www.justice.gov.il/NR/ronlyres/87763C09-FBC3-46A6-A885-B5557CB25C3E/0/Doch20092010.pdf> , p. 68.

The use of detention as part of the refugee status examination process has an unquestionable negative impact on the mental and physical state of the asylum seekers. Sometimes this impact is irreversible and the damage to the health of the asylum seeker cannot be undone. In addition to the concern about the loss of freedom of movement and the right to asylum,<sup>34</sup> in many countries, the living conditions at the detention centers are a problem in itself.

The medical services in Israeli prisons are insufficient: Doctors and others who are employed by the IPS in prisons are usually not expert physicians; the average period of waiting for medical examinations and treatment that need to be performed outside of prison is much longer, sometimes to the point of harming the health of the patient, than the average wait period in Israel's public health system; the IPS does not provide treatment by psychologists and this treatment is provided very rarely.

The conditions of detention, and mainly the lack of adequate medical treatment and lack of significant psychiatric treatment cause severe psychological stress and may lead even the prisoners who were detained when their mental disturbance was in check, to spin out of control. This can manifest in multitude of symptoms, including suicide attempts.

The reasons that make internment a negative experience with severe consequences on the health of asylum seekers include the following: the uncertainty about the future, the unclear and temporary status, not knowing the length of the expected detention, prolonged internment, loss of many freedoms for prolonged periods, a lack of or low frequency of legal procedures, social isolation, lack of vocational activities, racism, humiliation and abuse by the prison staff, prison riots, hunger strikes, and witnessing others perform self-injury.

**No gynecological services** are available at the Saharonim internment camp, where most refugee women and girls are held, despite the fact that hundreds of female asylum seekers, including children have been subjected to sexual abuse and rape by smugglers. In order to see a gynaecologist, detained asylum seekers must be driven to Soroka Hospital in Beer Sheva. Language barriers may prevent the survivor from receiving the necessary Treatment. In November 2011 the *Hotline for Migrant Workers* and PHR-IL and *The Association of Rape Crisis Center* submitted a court petition demanding that gynaecological services be provided at Saharonim.<sup>35</sup> Currently, gynecological services, including abortion, are unavailable at Saharonim, despite the fact that many of the women held there were brutally and often repeatedly raped in Sinai. The hearing on this is scheduled for December 31, 2012.

The insufficient access to gynecological services results in lengthy delays that pose a health risk. In October 2012, Israeli media reported that a Darfuri refugee who was detained under the Anti-Infiltration Law at Saharonim did not see a gynecologist on time and as a result, gave birth to a dead baby.<sup>36</sup> At times, the delay in access to a gynecologist means that asylum seekers who

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<sup>34</sup> Amnesty International. (2007). *Migration-related detention: A research guide on human rights standards relevant to the detention of migrants, asylum-seekers and refugees*. London: Amnesty International.

<sup>35</sup> HCJ 8391/11 PHR-IL and others v IPS and others (2011)

<sup>36</sup> "Migrant denied treatment, gives birth to dead baby", *Ynet*, October 24, 2012.  
<http://www.ynetnews.com/articles/0,7340,L-4296662,00.html>

became pregnant as a result of rape by traffickers are unable to abort the fetus, since their pregnancy has progressed beyond the point when an abortion is possible.

The majority of the women who needed gynecological services and arrived before June 3, 2012 were released according to the Entry to Israel Law, usually within two weeks, and had to attend to their medical problems at the *PHR-IL* open clinic, operated by volunteer doctors, without any government support.

In a response to the abovementioned petition demanding the IPS to provide gynecological services in Saharonim prison, the government replied that all women who arrive to the Saharonim internment camp have the opportunity to complain about their sexual assault.

According to the government statistics, during the year 2010, out of 14,743 'infiltrators', 1,676 were women. During the year 2011, out of 16,852 'infiltrators', 1,996 were women.

Out of the 1,996 women who arrived in Israel during 2011, only 54 complained that they were sexually assaulted in the Sinai torture camps. This means that less than 3% of the women stated before prison authorities that they were sexually assaulted. 23 women out of the 54 managed to see a gynecologist before they were released from prison.

Others had to rely on *PHR-IL* open clinic for assistance. During the year 2011, while 54 women complained before Israeli authorities in prison about their sexual assault, *PHR-IL* referred 1,585 women to gynecologist and assisted in facilitating 21 abortions.<sup>37</sup> The government claimed that there is no justification for gynecological services in Saharonim since most women are being released from prison within two weeks anyway.<sup>38</sup> Since all asylum seekers are now detained under the recently implemented Anti-Infiltration Law for a minimum period of three years, the need for gynecological services is much more acute.

In addition, *PHR-IL* reported about a shortage in social welfare staff with the skills and resources to care for a detainee population of 1,900 people.<sup>39</sup>

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<sup>37</sup> The number reflects the overall referrals to gynaecologists giving in *PHR-IL* Open clinic, where the majority of its patients are from Eritrea and Sudan.

<sup>38</sup> Information given within the government comment dated February 9, 2012 to HCJ 8391/11 *PHR-IL* and others v IPS and others (2011)

<sup>39</sup> *PHR- Israel: Discriminatory Detention Policy Towards Asylum Seekers:*  
<http://www.phr.org.il/default.asp?PageID=119&ItemID=1203>

## Identification and Rights of Victims of Torture and Slavery<sup>40</sup>

The definition of 'human trafficking' in Israeli law is narrower than that in the Palermo Protocol: "The sale or purchase of a person, or the execution of a transaction in a person, whether with or without remuneration."<sup>41</sup>

Israeli law also includes additional offenses relating to a range of circumstances that may not necessarily constitute human 'trafficking,' but which are relevant in the context of the target populations of the shelters to which trafficking and slavery survivors are being released from prison to. The law prohibits trafficking and mediation for



**'Saharonim' internment camp for asylum seekers**

trafficking, inter alia, for the purpose of bringing a person to a state of slavery, forced labor or prostitution, or for the purpose of committing a sexual offense against that person.<sup>42</sup>

Holding in conditions of slavery is defined in law as holding for the purpose of providing labor or services, including sex services, in a "situation in which powers generally exercised regarding a person's property are exercised against a person," including tangible control of the individual's life or the denial of his or her liberty.<sup>43</sup>

Forced labor is defined in law as coercion to work "through the use of force or another means of pressure, or through a threat to use either of these, or by way of consent obtained by deceit, all whether with or without remuneration."<sup>44</sup>

Holding in conditions of slavery and forced labor are defined as criminal offenses in their own right, even if they did not entail human trafficking as defined in Israeli law.

Under the Palermo Protocol all these conducts would be under the umbrella term 'human trafficking.'

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<sup>40</sup> See Dr. Daphna Hacker and Dr. Orna Cohen, "The shelters in Israel for Survivors of Human Trafficking", March 2012, P. 58-59:

[http://hotline.org.il/english/pdf/shelters\\_in\\_israel\\_for\\_survivors\\_of\\_trafficking\\_eng\\_310312.pdf](http://hotline.org.il/english/pdf/shelters_in_israel_for_survivors_of_trafficking_eng_310312.pdf)

<sup>41</sup> Article 377A(d) of the Penal Code, 5737-1977.

<sup>42</sup> Article 377A of the Penal Code.

<sup>43</sup> Article 375A of the Penal Code.

<sup>44</sup> Article 376 of the Penal Code.

Under Israeli law, in order to refer a person to the shelter, the police must be convinced that there is “preliminary evidence” suggesting that the person is the victim of a human trafficking or slavery offense.<sup>45</sup>

### **The Identification Procedures**

When asylum seekers, among them torture survivors, cross the border to Israel, they wait on Route Ten to the IDF patrol. The patrol takes them to the IDF base where a military medic examines them. A bus transfers the asylum seekers from the base to the Saharonim internment camp.

After initial registration at Saharonim prison, the asylum seekers are taken by bus to Soroka hospital for medical check-ups mainly to reveal whether they have Tuberculosis. After those check-ups, the asylum seekers are taken back to Saharonim prison.

According to the Anti-Infiltration Law, asylum seekers need to appear before a border control officer within seven working days after their arrival in Israel.<sup>46</sup> Asylum seekers may meet a social worker in the first week in prison if one of the four social workers is available, or if the asylum seeker exhibits clear signs of torture and is therefore directed to the social worker.

If there is no social worker available or if the asylum seeker does not exhibit clear signs of torture, the first Israeli official who will question the survivors will be the border control officer.

### **Identification of Torture and slavery Survivors by the Border Control Officer**

A Channel 2 report provides a glimpse into the first steps Eritrean and Sudanese asylum seekers take in Saharonim Prison.<sup>47</sup> The report makes it clear why the atmosphere in the initial questioning by the Border Control officer discourages slavery, torture and rape survivors from sharing their story. In the broadcast, the reporter, Dani Kushmaro, and all the others involved, refer to the asylum seekers as ‘infiltrators’ (*mistanenim* in Hebrew) a word with pejorative meaning.

The report documents the legal procedures at the ‘Infiltration Unit’ at Saharonim. The TV item reveals that the Israeli ‘Infiltration Unit’ breaches every rule of proper interviewing and in particular violates the confidentiality of the asylum seekers. The TV report exposed as the full names of several Eritreans and Sudanese asylum seekers as well as the faces of dozens of Eritreans who escaped military service.

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<sup>45</sup> The government decision on victims of trafficking for prostitution stated that a shelter was to be established “for all victims of human trafficking regarding whom there is preliminary evidence that they have been the subject of an offense of human trafficking for prostitution, or of ancillary offenses.” See Decision 2806. The government decision to establish a shelter for victims of slavery and trafficking for slavery and forced labor stated that the police, in coordination with the Interministerial Coordinator, is to determine, by way of a condition for accommodation in the shelter and “on the basis of evidence presented to it” that the person involved is the victim of holding in conditions of slavery or of trafficking for slavery or forced labor.

<sup>46</sup> Article 30 (A) A, Anti-Infiltration Law, (amendment no.3 and temporary law, 2012): <http://www.justice.gov.il/NR/rdonlyres/A4F2702C-837B-482D-BCC0-9B718CFEF150/32992/2332.pdf> (Hebrew)

<sup>47</sup> Israeli TV Channel 2 Saturday Night News, November 26, 2011. Can be viewed at: <http://www.mako.co.il/news-channel2/Weekend-Newscast/Article-b62e40f0841e331017.htm> (Hebrew)



Amir Peretz, the Border Control officer, addresses the Ethiopian translator, Anat, to ask the refugee for his name and other details. He does not address the refugee himself, he does not introduce himself, does not explain to him the purpose and the possible consequences of the interview and does not say a word when the TV reporter cuts him off to insert questions of his own addressing the asylum seeker.

One can notice that Peretz asks Anat to ask the refugee, Tedros, whether the Bedouins treated him nicely during the two weeks he spent in Sinai. Tedros says three words in Tigrinya. The translator, Anat, translates: "They had no problems. Until the border they bring them with cars and then they let them down and tell them 'go'" she adds, as if Tedros said all of this.

Tedros says that his brother is already in Israel and Peretz reveals to him and to the TV camera his computer screen showing the face of an Eritrean. "Is this your brother?" he asks. "No," says Tedros and Peretz shows another photo of an Eritrean who was not asked whether he agrees to reveal his face to whoever has access to the Internet.

Another Eritrean refugee is invited to the "interview". The Eritrean, Berihu, says to Peretz (according to Anat the translator): "All of Eritrea wants to come to Israel". The translator adds, as if from his mouth: "Every Eritrean who realizes there is a better life out there and whose age allows him, just want to come to Israel."

We elaborate on this TV report in this chapter since it clarifies one of the reasons due to which so few among the torture survivor share their experience with the Border Control officer in the 'Infiltration Unit,' who is usually the first person interviewing them after seven days in prison.

Asylum seekers who were asked by the *Hotline for Migrant Workers* about why they did not share certain details with the border control officer reported about disrespectful treatment from the officers and a sense that the officer only wants to move on the next detainee. This treatment does not encourage asylum seekers to share their experience. Obviously, this treatment was not documented in the TV report that touted the line of the State.

### **Identification of Torture and slavery Survivors by the Administrative Tribunal**

Asylum seekers are brought before the Administrative Tribunal within 14 days since they are detained.

Whereas few asylum seekers reveal that they have undergone torture on Sinai in the first hearing with the border control officer, more slavery and torture survivors tend to reveal their horrifying experiences to the Administrative Tribunal. Yet, while attempting to assume how many of the survivors reveal their experiences in front of the Administrative Tribunal, one should bear in mind the words of the Public Defender with regard to the judicial treatment of asylum seekers in Saharonim prison. The public defender stated in 2011:

In the Saharonim facility, the official auditors came under the impression that the number of judges and the duration of their work hours do not correlate with the number of detainees and that the courts are struggling to deal with the heavy load of work (approximately 100 hearings per day). Let it be stressed that recently a number

of buildings were designated for the use of the administrative tribunals. This is a significant improvement of conditions, where in the past the courts would carry on their discussions in vacant living quarters, seated on metal bed frames. With this, we find it to be necessary to mention that during the visit people of the public defender's office were exposed to the improper conditions of confinement while waiting for judicial discussions or doctor visits. The detainees are held many at a time in overcrowded sorts of "waiting cages"- narrow and long hallways similar to a cage where they are seated on the floor.<sup>48</sup>

There is little doubt that the conditions the detainees are held in prior to the hearing in front of the over-worked judges discourage many survivors from sharing their torture camps experiences with the judges.

In just one visit of the UNHCR in Saharonim prison on July 2012, they identified **five** torture and slavery survivors who did not share their experiences with the Border Control Officers or the Administrative Tribunal prior to the UHNCR visit.<sup>49</sup>

The State of Israel lacks a comprehensive, transparent system for identifying victims of trafficking. As stated, currently, asylum seeker who are victims of human trafficking and slavery are mainly identified by the Tribunal officials in the Detention Review Administrative Tribunal for Unlawful Residents in the prison system. Such identification is outside the formal mandate of these arbiters and is dependent on their good will. This often leads to arbitrary and inadequate identification of victims. On February 19, 2012 the Israel Prison Service introduced guidelines regarding identification of trafficking victims. Within fifteen days, with only one Tigrinya-speaking social worker, they had identified 24 victims. Most identified individuals remained untreated as they did not qualify as trafficking or slavery victim as defined by Israeli law. On March 7, 2012 the Ministry of Welfare reported that they were awaiting the conclusions of a government committee on this issue in order to decide how to react.

According to the IPS guidelines, when one of the officials (Border Control officer, Administrative Tribunal or the social workers) has a reason to believe that one of the detainees is a slavery victim, they inform the Legal Aid Department. at the Israeli Ministry of Justice.

The Legal Aid Department send a lawyer to interview the detainee to understand whether he was tortured, or also worked for the smugglers, which makes him a slavery victim, entitled to various rights, detailed below.

The lawyer writes the detailed testimony of the survivor, his legal opinion on the case, and transfers it to the Legal Aid Department, which directs it to the Head Investigative Officer in

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<sup>48</sup> Israeli Public Defender Yearly Imprisonment condition Report, August 2011:

<http://www.justice.gov.il/NR/rdonlyres/87763C09-FBC3-46A6-A885-B5557CB25C3E/0/Doch20092010.pdf>

Ibid, page 71.

<sup>49</sup> Information given by Adv. Sigalit Zohar from the Legal Aid Department during a discussion held by the Parliament Committee against Trafficking in Women in PHR-IL premises in Jaffa, July 15, 2012.

charge of human trafficking at the Israeli police who then decides whether the detainee will be recognized as a slavery victim.

When a detainee is declared to be a slavery victim by the police, and there is a vacancy in the shelter for trafficking and slavery victims, the Administrative Tribunal will then release the survivor to the shelter.

Despite the great efforts and intensive work of the Legal Aid Department., the majority of the torture camps survivors cannot benefit from their representation since according to their testimonies they were "only" tortured and did not perform any work for their smugglers.

Based on the experience of dozens slavery survivors detained these days, the entire procedure takes about six months, during which they are detained in Saharonim prison.

Since there is no special treatment for those survivors who were “only” tortured, the Israeli authorities did not develop any formal system for identification of victims of torture and cruel, inhuman or degrading treatment (CIDT).

### **The Shelters for Trafficking and Slavery Survivors<sup>50</sup>**

There are two shelters funded by the Israeli government for recognized trafficking and slavery victims. The ‘Maagan’ shelter for women that was established in 2004 and the ‘Atlas’ Shelter for men that was established in 2009. Each one of the shelters can provide refuge to 35 persons and they are operated by the NGO Keshet. Both shelters operate according to an open format and provide their residents with medical and psycho-social care as well as training and rehabilitation services.

The percentage of the Sinai torture camps survivors among the residents of the shelters grows constantly: At the end of 2010 there were three male survivors from Sinai in the Atlas shelter and five women in the Maagan shelter.<sup>51</sup> Towards the end of 2011, there were six men and 11 women in the shelters and today there are 21 men and 20 women in the shelters who survived the Sinai torture camps.<sup>52</sup>

A larger number of recognized slavery survivors are detained in Saharonim prison due to lack of space in the shelters. During this month, October 2012, the Ministry of Welfare will start operating two additional refuge flats for survivors and 15 Ethiopian minors, detained since April 2012, will be able to gain their freedom. Yet there are many more recognized victims of slavery who will have to keep on waiting in the prison due to lack of space in the shelters.

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<sup>50</sup> See more about the shelters in Dr. Daphna Hacker and Dr. Orna Cohen, "The shelters in Israel for Survivors of Human Trafficking", March 2012, p. 54-57.

<sup>51</sup> There, p.67.

<sup>52</sup> According to information provided to the Hotline for Migrant Workers on September 5, 2012 by the shelters manager, Ms. Vika Goltsman.

The Israeli NGO *ARDC* (African Refugees Development Center) and the Messianic Jewish community are operating additional shelters, funded privately, in which not only slavery survivors, but also torture survivors often find refuge as well, if released from prison.

### **Rehabilitation Visa for Trafficking and Slavery Victims**

Over the years, thanks to legal proceedings, the *Hotline for Migrant Workers*, the Ministry of Interior (MoI) out in place procedure under which trafficking victims receive rehabilitation work permits. This procedure was first applied to trafficking victims who were brought to Israel for the sex trade, mostly from the former Soviet Union. Due to pressure, mostly of the NGO *Kav Laoved*, the MoI began issuing work visa for slavery victims from Thailand as well. Yet, despite the fact that right now 41 asylum seekers who survived the torture camps and were recognized as slavery victims reside in the shelters, not one of them received a work permit as the MoI procedures demand.

The Justice Ministry's Legal Aid Department requested work permits for some of these survivors from the Immigration Authority more than two years ago, but no one has been able to receive them.

In a Knesset hearing held on July 11, 2011 by the Committee to Combat Trafficking in Women, the head of the committee MK Orit Zuaretz demanded that Ms. Michal Yosifov, in charge of this issue at the Immigration Authority, reply to these requests within one week. Several reminders made by MK Zuaretz did not result in any official answer. According to unofficial information, Immigration clerks stated that they are waiting for governmental decision on this issue.



Eritrean torture survivor, Tel Aviv, May 2012

## Information Gathered from the Administrative Tribunal Protocols of Torture Survivors Detained under the Anti-Infiltration Law (June – September 2012)

Below are the findings based on protocols of the Administrative Tribunal in the Saharonim internment camp. The Saharonim internment camp currently houses 1,700-1,800 asylum seekers and the nearby Ktziot internment camp holds 600-700 asylum seekers. Saharonim prison is undergoing an expansion (while another internment camp called 'Sadot' is also being constructed near Saharonim). By the end of November 2012, the two facilities will be able to hold 9,000 detainees.

The *Hotline for Migrant Workers* managed to obtain only those protocols in which the Administrative Tribunal directed its decision to the Israeli Police and the Legal Aid Department., asking them to examine whether the detainee might be considered a slavery victim according to the Israeli legal definition.

Out of 1,543 asylum seekers who arrived in Israel through Sinai during these three months, and were detained under the Anti-Infiltration Law for three years, only 30 told the Administrative Tribunal about the experience in a convincing enough manner for the Tribunal to transfer the protocols for further examination.

After examining these 30 protocols, these are the main findings:

### **General Information about the Torture Victims**

29 of the torture survivors are Eritreans. One of them is claimed to be Ethiopian by the Israeli MoI, but he claims to be an Eritrean as well.

22 of the survivors are women. Eight are men.

Out of the six detainees who mentioned their age, one is 18, one is 20. Two are 22, one is 23 and one is 30 years-old.

### **The Torture Camps**

The torture survivors were held in the torture camps in Sinai for 140 days on average before being released. The survivors paid an average ransom of \$33,660 for their release.

18 of the women reported to the Tribunal that they were raped by the smugglers. Two other women felt a need to make it clear to the Tribunal that they were not raped by the smugglers. One of the women, who claimed to be raped, arrived pregnant and asked the Tribunal to undergo an abortion.

14 torture victims testified that they were kidnapped by the smugglers (eight of them were kidnapped from Sudan and six from the border of Ethiopia and Sudan). 12 of them declared that they had no intention of ever coming to Israel.



## About the Administrative Tribunal Protocols

While examining the Administrative Tribunal protocols, one should bear in mind its heavy load of work as described in the Public Defender report we quoted before.

One needs to bear in mind that these are the conditions in which the torture survivors are held prior to the hearing in front of the over-worked judges and as a result, protocols might lack important and crucial information.

From the 30 detainees whose protocols are analyzed:

21 were brought in front of Judge Marat Dorfman.

Six were brought in front of Judge Michael Zilbershmid.

Two were brought in front of Judge Ilan Halavga.

One was brought in front of Judge Marzuk Raja'.



The torture survivors were brought in front of the Administrative Tribunal for the first time, ten days on average after their entry to Israel, as the Anti-Infiltration Law permits.

The tribunal bothers to mention in nine protocols out of the 30, that there are visible marks of torture on the detainee's body (mainly burns, which are a result of smugglers throwing burning plastic bags on the captives). Yet it does not mean that others did not have visible marks.

Due to the large number of cases presented to each judge in Saharonim prison, they resort to using templates of protocols, in which some of the statements, allegedly stated by the detainee, are written ahead of the hearing. For example, in all the 21 protocols of the Judge Marat Dorfman, the detainee opens his statement by saying: "I'm a citizen of Eritrea." In all the six protocols of the Judge Michael Zilbershmid, the two protocols of the Judge Ilan Halavga and the one protocol of the Judge Marzuk Raja, the detainee opens his words by saying: "I'm not represented." Conducting hearings in this manner contributes to the detainee's reluctance from sharing their individual experience with the Tribunal.

Out of the 30 protocols, in 17 protocols the detainee says that he arrived in Israel in order to work. Whenever the detainee was not kidnapped to/in Sinai, he supposedly clarifies to the tribunal that he arrived in Israel to work.

All 14 detainees who stated that they were kidnapped told it to Judge Marat Dorfman. It is likely that there were detainees who appeared in front of other judges who were kidnapped as well, but the judges did not ask about this possibility, and thus they did not hear this from the detainees.

Out of the 21 protocols of Judge Marat Dorfman, there were 11 survivors who reported that they were kidnapped. Nine survivors allegedly made this exact statement: "I came to Israel to work."

Out of the six protocols of Judge Michael Zilbershmid, all the survivors supposedly stated: "I arrived in Israel to live here and work."

Out of the two protocols of Judge Ilan Halavga, the two survivors stated: "I arrived in Israel for the purpose of work."

The fact that each Judge chose the exact same words to describe the reason the detainee arrived in Israel increases the probability that the detainee might have said something different, but his words were already written in the protocol.

In 26 protocols of the survivors the judge stated that the detainee said he was tortured while in the torture camp.

In 18 protocols of the survivors the judge stated that the detainee said she was raped while in the torture camp.

In eight protocols of the survivors the judge stated that the detainee said he was electrocuted while in the torture camp.

In ten protocols of the survivors the judge stated that the detainee said he was tortured with burning plastic bags while in the torture camp.

### **Present Situation of the Torture and Slavery Survivors**

Despite the fact that ten of the asylum seekers arrived in Israel during June 2012 and eight more arrived on July 2012, except one who was transferred to the Atlas shelter for trafficking and slavery victims, they are all still detained in the harsh conditions of the Saharonim internment camp.

Six of the torture survivors were already recognized by the Israeli Police as slavery victims according to Israeli law, and are therefore entitled to certain rights, as detailed before. Yet, due to lack of space, only one of the asylum seekers was released to the shelter. Six other survivors were not recognized as slavery victims.

All the others are still waiting for the Israeli authorities to decide about their fate. Since we already know that recognized victims who arrived in Israel in April 2012 are about to be released during this month, October 2012, we can conclude that the average waiting period for the completion of the procedure is about four to six months.

The Administrative Tribunal decisions regarding the torture survivors, mean that unless the Legal Aid Department will find the torture survivors to be slavery victims according to Israeli

law as well, and unless the police will decide to recognize them as such and decide that they deserve a place in the extremely overcrowded trafficking and slavery victims shelter, these torture survivors will have to spend the next three years in prison.

## Recommendations to Israeli Authorities regarding Torture and Slavery Survivors

- Israel has the right to protect its borders, but it also bears an obligation to respect the Refugees Convention, and the Convention against Torture to which it is a signatory. Israel has to maintain policies that are in accordance with its obligations under these Conventions.
- Israel should strengthen its victim identification system and ensure rehabilitation services for survivors of torture in accordance with the EU Guidelines on Torture, as well as providing access to basic services in detention and in the community.
- Israel should not return asylum seekers to Egypt via the 'coordinated return' procedure, which prevents asylum seekers and torture and slavery survivors from realizing their rights and endangers their lives.

## Recommendations to Israeli Authorities regarding All Asylum Seekers

- Israel should adopt domestic legislation and earmark sufficient resources to ensure that all asylum seekers who reach Israel have access to a fair procedure for examining their asylum requests, regardless of their country of origin.
- Israel should refrain from using retrogressive legislation in the form of the Anti-Infiltration Law and make sure the internationally-recognized rights of asylum seekers to a fair process will be safeguarded.
- Israel should not detain asylum seekers for a longer period than the one required for determination of their identity and confirmation that they do not pose a threat to society. Children and unaccompanied minors should not be detained at all and should be referred to the welfare system.
- All asylum seekers should receive work permits pending a decision regarding their status to ensure that they can support themselves in a dignified manner; or conversely, the government should provide asylum seekers with housing and other basic needs outside the framework of detention pending a decision on their case.
- Israel should respect the freedom of movement of asylum seekers within the country.
- Israel should grant asylum seekers with "social residency" status that will enable immediate access to the health and welfare services.
- Asylum seekers who are determined to be eligible for refugee status must be granted this status in accordance with the UN Refugees Convention.

***The Hotline for Migrant Workers** is a non governmental, not for profit association, dedicated to protecting the rights of migrant workers, asylum seekers and refugees and eliminating human trafficking in Israel. Our activities include providing information, offering consultation services and legal representation, heightening public awareness, and promoting public policy that eliminates modern slavery in Israel.*

***Physicians for Human Rights-Israel (PHR-IL)**, established in 1988, is committed to ensuring human rights, and the right to health in particular, for all individuals living in Israel and the Occupied Palestinian Territories. PHR-IL promotes the equal right to health through advocacy work, legal action, lobby work, awareness raising and publications. In addition PHR-IL provides medical aid through volunteer clinics.*

## Annex I: Sample Protocol of a Hearing at the Administrative Tribunal

This torture survivor, whose protocol is translated below, **does not comply** with the demands of the Israeli TIP law, according to the Israeli police and therefore was not recognized as a slavery victim who deserves certain rights, among them, release from prison to a government-funded shelter.

### **The Court for the Review of Custody of Infiltrators**

Protocol dated 27-06-2012 location of custody: Saharonim

Name of detainee in custody: W.H.

Detainee number: 1445503                      Citizenship: Eritrea

Present: the detainee, translator Ms. Sendal Abraham

Valid passport: No                      Arrested for: infiltration and illegal residency

Date of entry into Israel: 14-06-12

Date of first deportation order in accordance with Anti-Infiltration Law (offenses and trial): 14-06-12

Date of second deportation order in accordance with the Anti-Infiltration Law (offenses and trial): 26-06-12

Proceedings with the detainee were carried out in the Tigrinya language with translation to Hebrew by the translator.

**Detainee's statement:** I am a [male] citizen of Eritrea. I came to Israel to work. I know that my stay in Israel is illegal and that I entered it illegally. I am not willing to return to Eritrea now. **I want to say that in Sudan, the smugglers kidnapped me and transferred me to Sinai. In Sinai I stayed for a whole year and underwent severe physical abuse, including torture by electrocution. They also dripped melted plastic on my body and I received beatings [the detainee has signs of burns on his arms and legs – Tribunal note]. I was also chained with a metal chain for a whole year. The smugglers forced me to pay a total of \$36,000 to release me and transfer me to Israel.**

### **Decision**

The detainee infiltrated the Israeli-Egyptian border illegally and was arrested by the IDF. A first deportation order was issued for the detainee, valid for 90 days from the date of issue, in accordance with the Anti-Infiltration Law (offenses and trial), 5714-1954 (referred to here as the Anti-Infiltration Law). Before the expiration of the first deportation order a second deportation order was issued for the detainee, with no time limit. It should be emphasized that this deportation order constitutes legal authorization for the holding of the detainee in custody until his deportation. In addition, the detainee was brought before the Border Control supervisor in a timely manner, who decided not to release the detainee on bail.

The detainee is now brought before judicial review, within 14 days from the day the detainee was first held in custody in accordance with the directive of clause 30H of the Anti-Infiltration Law. Under these circumstances and balancing the parties' interests, I am of the opinion that there exist no procedural flaws or deficiencies in holding the detainee in custody.

It should be emphasized that there is no disagreement regarding the detainee being an infiltrator according to the definition of this term in clause 1 (definitions clause) of the Anti-Infiltration Law, and the State has determined in this law that the rule is that an infiltrator be kept in custody until his deportation from Israel. It should further be noted that: **"the authority to forbid entry to foreigners or to make their entry contingent upon**

**certain conditions is largely accepted as inherent in the principle of sovereignty and is considered essential for a state's self-definition"** (see "Dealing With Global Immigration: An Outline for a Policy for Emigration to Israel", pg. 28, Attorney Ruth Gavizon, Jerusalem, 2009).

I am indeed aware of the fact that as of today there is no operative possibility to deport infiltrators back to Eritrea and that they are entitled to group protection due to the danger to their lives in their native country. Yet the Anti-Infiltration Law does not differentiate between an infiltrator who is entitled to a group protection and one who is not entitled to such protection. Therefore, I believe that the interpretation of the Anti-Infiltration Law does not allow differentiation amongst groups of infiltrators and that there is no order in the law stating that temporary group protection constitutes grounds for release.

However, the detainee testified today for the first time before the court that while on his way to cross the border illegally into Israel he was held in the Sinai desert for a very long time and underwent extreme physical torture while being held, including electrocution and being burned. **Allegedly, in the event that the detainee's story is correct, it can be inferred that the detainee is a victim of the offense of being held in conditions of slavery.** Accordingly, under the circumstances of this case and in light of the extreme physical torture allegedly inflicted on the detainee, I am referring his case to the Legal Aid Department which is requested to examine the possibility of representing the detainee.

Additionally, I am transferring my decision to the Police Center for the Fight Against Human Trafficking, which is requested to investigate the case and express its stance **within 14 days from today and no later than 11-07-12**, on whether the detainee should be transferred to the shelter for victims of male trafficking, which is funded and supervised by the Department of Welfare.

The social worker of Saharonim prison has been asked to provide the detainee with psychological assistance during the length of his custody.

In summary, after reviewing the detainee's file and hearing his testimony before me, I am unconvinced that at this time the conditions necessary for his release on bail have been met, according to clause 30A(B) or (C) of the Anti-Infiltration Law.

At this time I approve the deportation order with no changes.

The administration will provide a copy of this decision to the Immigration Service, Saharonim" prison authorities, the Legal Aid Department, and the Police Center for the Fight Against Human Trafficking.

This decision may be made public excluding identifying details of the detainee.

The decision was given today, 27-06-2012, in the presence of the detainee.

Judge Marat Dorfman

Signature



## Annex II – Translated Testimonies of Eritreans Slavery and Torture Survivors

### June – September 2012, Israel

Below are 14 translated testimonies given to Administrative Tribunal in Saharonim during June – September 2012, by torture victims who entered Israel after June 3, 2012 and were detained under the Anti-Infiltration Law for three years. All highlights are in the original.

#### **Testimony 1 given to the Administrative Tribunal in Saharonim on June 27, 2012 (arrived in Israel on June 14, 2012)**

I am a [male] citizen of Eritrea. I came to Israel to work. I know that my stay in Israel is illegal and that I entered it illegally. I am not willing to return to Eritrea now. **I want to say that in Sudan, the smugglers kidnapped me and transferred me to Sinai. In Sinai I stayed for a whole year and underwent severe physical abuse, including torture by electrocution. They also dripped melted plastic on my body and I received beatings [the detainee has signs of burns on his arms and legs – Tribunal note]. I was also chained with a metal chain for a whole year. The smugglers forced me to pay a total of \$36,000 to release me and transfer me to Israel.**

#### **Testimony 2 given to the Administrative Tribunal in Saharonim on July 2, 2012 (arrived in Israel on June 21, 2012)**

I am a citizen of Eritrea. I came to Israel to work. I know that my stay in Israel is illegal and that I entered it illegally. I am not willing to return to Eritrea now. **I would also like to say that in Sudan, on the way to Sinai, one smuggler raped me. I the rape lasted for about 20 minutes. It was at night. After the rape, he left me in the desert. As a result of the rape I became pregnant. I am now three months pregnant. I would like to have an abortion. I am asking for your help.**

#### **Testimony 3 given to the Administrative Tribunal in Saharonim on July 4, 2012 (arrived in Israel on June 22, 2012)**

I am a citizen of Eritrea. I came to Israel to work. I know that my stay in Israel is illegal and that I entered it illegally. I am not willing to return to Eritrea now. **I would like to add that on my way to Israel, in Sinai, one smuggler named Abdul Aziz raped me for two days. He came and took me to his room at night and held a knife against my throat and threatened that if I don't agree to have sex with him, he will kill me. So I was scared and I agreed. During the night he raped me twice. The smuggler did not use any kind of contraception so I'm afraid I might have gotten some disease. I would like to see a gynecologist. This smuggler came back the second night too, and took me to his room, and there he raped me twice. After two nights it ended.**

**Testimony 4 given to the Administrative Tribunal in Saharonim on July 10, 2012 (arrived in Israel on June 30, 2012)**

I am a citizen of Eritrea. I came to Israel because the smugglers kidnapped me in Sudan. I planned to get to Sudan from Eritrea. I know that my stay in Israel is illegal and that I entered it illegally. I am not willing to return to Eritrea now. **I would like to say that in Sudan three smugglers kidnapped me. I stayed with these smugglers for three days. After that, they transferred us to Sinai. I stayed in Sinai for six months. My legs were chained with a metal chain. I was also beaten with a stick by the smugglers. They also burned me with melted plastic. Also, I was raped for two months. Four smugglers raped me. Their names: Jinji, Michael, Fox and Heitham. They all looked like Bedouins, sometimes two smugglers would rape me every day, and at times just one of them. They raped me every day for two months. They did not use contraceptives. I did not say anything about this in the hearing because I was not asked about it at all. Eventually, I had to pay \$28,300 [for my release – HMW]. My family in Eritrea paid the money.**

**Testimony 5 given to the Administrative Tribunal in Saharonim on July 11, 2012 (arrived in Israel on July 3, 2012)**

I am not represented [by a lawyer – HMW]. I repeat what I said in the hearing. I am 22 and single. I entered Israel through the Egyptian border. I paid money to be smuggled into Israel. I am healthy and I don't have medical issues [Erroneous copy from previous protocol, see rest of the testimony – HMW]. I understand that my stay in Israel is illegal and that I entered it illegally. I came to Israel to live here and to work. I am not willing to return to Eritrea. I would like to share that I underwent abuse on my way to Israel. I was chained in metal chains. I was electrocuted. They touched my body. My family had to pay a large sum of money for my release – about \$36,000. The abuse lasted for three months. I was not forced to work. I was tied and the smugglers beat us and touched us in different places. I would like to see a doctor. I am suffering from hypertension and dizziness. I want to see a social worker.

**Testimony 6 given to the Administrative Tribunal in Saharonim on July 22, 2012 (arrived in Israel on June 12, 2012)**

I am citizen of Eritrea. I came to Israel to work. I stayed in Sinai for five months. The smugglers chained both of my legs with a metal chain. During this whole period I received beatings with a hose. I received the beatings around my back, arms and thighs. Also, the smugglers would electrocute me, and as a result, I would pass out.

I would also like to say that for five months, the smugglers and the Eritreans who were tied with me raped me. There were seven Eritreans who raped me. I was raped while I was chained. Every day they raped me. Every day there was someone else who raped me. In some of the times, the smugglers would put their genitals in my mouth until I would choke. Also, they forced me to lick their semen. None of the smugglers used contraceptives, but the smugglers

did give me birth-control pills, each time before the rape. They themselves told me it was a birth-control pill. I would like to mention that the Eritreans who had sex with me did it against their will – the smugglers would force them to rape us, and the smugglers would watch the rape. Any Eritrean who did not want to have sex was beaten by the smugglers.

Eventually, I paid them \$36,400 to release me and smuggle me to Israel. If I had known that I'd have to go through all of this suffering, I never would have dared to come to Israel. I know that my stay in Israel is illegal and that I entered it illegally. I am not willing to return to Eritrea now.

**Testimony 7 given to the Administrative Tribunal in Saharonim on August, 8, 2012  
(arrived in Israel on July 7, 2012)**

I am a citizen of Eritrea. I 2010 I arrived at the Mai Ayni in Ethiopia where I stayed for two years and five months. Then I left to Sudan to reach Israel, but I was kidnapped on the border between Ethiopia and Sudan by Bedouin smugglers. They took me and group of eight other people to a desert in Sudan. We were there for two weeks and then they transferred us to Sinai by car. I stayed in Sinai for five months. I underwent physical and sexual abuse. The smugglers chained both of my legs with a metal chain. They also blindfolded me with a piece of cloth, so that I couldn't see light for five months. Also, during that time I received beatings with a water hose. I received beatings on my head and all over my body. Until now my head hurts and I get dizzy spells. I also suffered from hunger and thirst. They only gave us pita bread to eat.

I would also like to tell that during the last two months of my stay in Sinai I was raped every day by the smugglers. On one day, two men raped me. I did not see them because I was blindfolded. I identified them based on their voice alone. Based on this, I think about eight guards raped me during this period. The rape would occur this way: A man would come to us, release one of the women from the chains, take her to the bathroom, rape her there and bring her back. The smugglers also inserted their genitals into my mouth and not just into my genitals. I would like to mention that they would insert them into our mouths when we were tied too, and not just when they took us to the bathroom. These rapists did not use some sort of contraceptives. In the clinic here they examined me and told me I was not pregnant. I have headaches. I would like to see a doctor.

Eventually, I paid them \$40,000 to release me and smuggle to me Israel. My father in Eritrea collected it and transferred all the money to the smugglers. I know that my stay in Israel is illegal and that I entered it illegally. I am not willing to return to Eritrea now.

**Testimony 8 given to the Administrative Tribunal in Saharonim on August 8, 2012  
(arrived in Israel on July 27, 2012)**

I am a citizen of Eritrea. I came to Israel to work and live with my husband who is already in Israel. We have a son, 4-years-old, who stayed with my mother in Eritrea. I left Eritrea to Sudan and first wanted to arrive to the Shagareb refugee camp, but on the way, I was kidnapped by Bedouin smugglers who kept us for two weeks in the desert in Sudan. After that they transferred me and three other people to Sinai. I stayed in Sinai for five months. I underwent physical and sexual abuse. The smugglers chained both of my legs with a metal chain. They also

blindfolded me with a piece of fabric so I did not see any light for five months. Also, during that time I received beatings with a water hose, with a stick, with rubber. I received the beatings on my arms, legs, around my ears and on my back. [The detainee shows injuries and cuts on her body – Tribunal note]. To this day my ears hurt from the beatings. Also, the smugglers burned me with cigarettes [the detainee shows burns – Tribunal note]. I suffered from hunger, and received food only once every two days, they only gave us pita bread.

I would also like to tell that in Sinai, one Bedouin guard named Haitham wanted to rape me, but I did not agree. So he beat me and burned my chest with cigarettes, and then raped me while I was chained with another girl. I did not see him because I was blindfolded. At first, this guard placed his genitals into my mouth, and then he inserted his genitals into my genitals. He raped me for four days straight. After that, they replaced him and the rape stopped. This rapist did not use contraceptives. They examined me at the clinic and told me I am not pregnant. I feel pain in my ears and legs. I would like to see a doctor.

Eventually, I paid them \$40,000 to release me and smuggle me to Israel. My husband and his friends transferred all this money to the smugglers. I know that my stay in Israel is illegal and that I entered it illegally. I am not willing to return to Eritrea now.

#### **Testimony 9 given to the Administrative Tribunal in Saharonim on August 15, 2012 (arrived in Israel on August 5, 2012)**

I am a citizen of Eritrea. I defected from the army and planned on getting to Sudan. The Bedouin smugglers kidnapped me in the desert, on the border between Eritrea and Sudan, after I had crossed to Sudan. After that they took me to their place in Sudan, where I stayed for a week, and then they transferred me to Sinai by car. In Sinai, I stayed with a smuggler named Abdullah for six months. I had to pay a very high sum of money for my release. I underwent severe physical abuse. Also, they tried to rape me but I screamed, so they let go of me, and I did not undergo sexual abuse.

The smugglers also chained both of my legs with a metal chain. They also blindfolded me with a piece of cloth, so that I didn't see any light for six months. Also, during the entire time I received beatings with a stick and shoes. I received beatings all over my body, especially my back, head and ears. They also dripped melted plastic on my skin and I have burns now [the detainee shows severe burns on her body – Tribunal note]. One of my fingers was broken as a result of these beatings. I would like to see a doctor. I also suffered from hunger and thirst, they gave us food only once a day. Sometimes, they wouldn't give us water for even three days in a row.

Eventually, I paid them **\$35,000** to release me and smuggle me to Israel. My parents in Eritrea collected the money and transferred it to me for the smugglers. I did not plan on coming to Israel. I know that my stay in Israel is illegal and that I entered it illegally.

**Testimony 10 given to the Administrative Tribunal in Saharonim on August 15, 2012  
(arrived in Israel on August 5, 2012)**

I am a citizen of Eritrea. I defected from the army and planned on getting to Sudan. The Bedouin smugglers kidnapped me in the desert, on the border between Eritrea and Sudan, after I had crossed to Sudan. After that they took me to their place in Sudan, where I stayed for a week, and then they transferred me to Sinai by car. In Sinai, I stayed with a smuggler named Abdullah for six months. I had to pay a very high sum of money for my release. I underwent physical and sexual abuse. The smugglers also chained both of my legs with a metal chain. They also blindfolded me with a piece of cloth, so that I didn't see any light for five [meant, six. Error of the Tribunal is due to faulty copy from a previous protocol – HMW] months. During that whole time I received beatings with a stick and shoes. I received the beatings on my head, back and my entire body. They also dripped melted plastic on my body and I have burns [the detainee shows burns on her arms – Tribunal note]. I also suffered from hunger and thirst, they gave us food one a day – pita bread. **I also had to work as a cleaner in Sinai for the last month of my stay there, after I had paid all the money to the smugglers. I did not receive any pay for my work. I cleaned bathrooms at the homes of the smugglers.**

I would also like to say that in Sinai I was raped three times by one of the smugglers named Min'am. He would come to me, release me from the chain, and supposedly ask me to help him with the cleaning. He brought me to his house and there, after I finished cleaning, he wanted to rape me in the mouth, but I did not agree, so he beat me hard and then raped me in a regular way [vaginally – HMW]. The rape lasted about 15 minutes. This smuggler came back twice more and took me to his home, where he beat me and raped me in a regular way. He did not use any contraceptives. The clinic here examined me and told me that I'm not pregnant.

Eventually, I paid them \$35,000 to release me and smuggle me to Israel. My family in Eritrea collected and transferred all the money to the smugglers. I did not plan on coming to Israel. I know that my stay in Israel is illegal and that I entered it illegally.

**Testimony 11 given to the Administrative Tribunal in Saharonim on August 16, 2012  
(arrived in Israel on June 18, 2012)**

I am not represented [by a lawyer – HMW]. I don't want to return to Eritrea. On the way to Israel I underwent sexual abuse, they raped me for a month, inserted their genitals into my mouth. Three men would rape me whenever they wanted. I did not say this in the previous hearing because I had a headache due to the beatings I received and I couldn't concentrate. They beat me all over my body with a water hose and also electrocuted me.

**Testimony 12 given to the Administrative Tribunal in Saharonim on August 21, 2012  
(arrived in Israel on August 11, 2012)**

I am not represented. I repeat what I said in the hearing. I am 22, single and have one child. I entered Israel through the Egyptian border. I paid money to be smuggled into Israel. I am healthy and I don't have medical problems [an erroneous copy from a previous protocol, see the

rest of the testimony – HWM]. I understand that I entered Israel illegally and that my stay here is illegal. I came to Israel to live here and to work. I am not interested in returning to Eritrea. I would like to state that I was severely abused on the way to Israel. The smugglers kept me in captivity for 11 months. They tied my arms and legs. They beat me a lot. They did not give me enough food. They electrocuted me. I forgot how to speak due to all of the beatings. I paid \$22,000 to be released. They burned me with hot coals. During my stay in captivity, I had to do cleaning work. I do not feel well and ask to see a doctor. I'm interested in meeting a social worker.

**Testimony 13 given to the Administrative Tribunal in Saharonim on August 23, 2012  
(arrived in Israel on August 15, 2012)**

I am not represented [male form in Hebrew, due to erroneous copy from a previous protocol – HMW]. I repeat what I said in the hearing. I am 23 and single [female form – HMW]. I entered Israel through the Egyptian border. I paid money to be smuggled. I am healthy [male form again – HMW]. I understand that I entered Israel illegally and that my stay here is illegal. I came to Israel to live here and to work. I am not interested in returning to Eritrea. I would like to state that I underwent abuse on my way to Israel by the smugglers. I had to pay \$35,000 for my release. During my stay in Sinai, they beat me severely. In addition, the smugglers put out their genitals and put them in my mouth. It's hard for me to say this, but they also raped me. I was in Sinai for six months. I would like to see a social worker and a doctor.

**Testimony 14 given to the Administrative Tribunal in Saharonim on September 4, 2012  
(arrived in Israel on August 26, 2012)**

I am not represented. I am 18 and single. There are seven members in my family. My father passed away in 2012. I stopped my studies in 2011. I first infiltrated Sudan in 2011 but I was deported. I spent eight months in jail in Eritrea for the escape attempt. In May of this year I again infiltrated Sudan. I would like to say that I underwent severe sexual abuse by the smugglers who raped me numerous times. First they took me to work, and then the rape began. All of them raped me. They raped me every day. I will never forget what I went through in Sinai. I was there for three and a half months. My family had to pay about \$30,000 to the smugglers for my release. I met the social worker in prison but I did not tell her everything.