

Hotline for Migrant Workers

"You shall not wrong a stranger or oppress him, for you were strangers in the land of Egypt" - *Exodus 22:20*

July 15, 2012

Detention of Sinai Torture Victims for 3 Years under the Anti Infiltration Law

On June 3, 2012, the Immigration Authority began detaining asylum seekers under the new Anti-Infiltration Law. Among the hundreds of asylum seekers now detained under this law for at least three years, several dozen torture victims are also detained.

The Legal Aid Department at the Israeli Ministry of Justice has already designated about 30 asylum seekers as human trafficking victims. They are waiting (many of them since early April 2012) for a free room in one of the shelters, which would allow their release from Saharonim prison. Two victims, one whose throat was badly burned by the smugglers in front of her child and the other who became pregnant as a result of long months of repeating rape by the smugglers, were released last month to battered women's shelters. No other victim who was detained under the new Anti-Infiltration Law has been released so far.

Thus far, the *Hotline for Migrant Workers* received only four protocols out of these dozens and since the Hotline has been barred from entering the prison starting this month, the volunteers were not even able to interview these four victims and try to collect details about the others.

According to the protocols of the Administrative Tribunal at Saharonim Prison that were brought to the attention of the Hotline for Migrant Workers, at least four Eritrean torture victims were brought on June 27 in front of the Judge Marat Dorfman. These four torture victims entered Israel between June 12 to June 15 and were detained according to the new Anti-Infiltration Law, which passed into law in January 2012.

The four, three men and one woman, related to the judge that they were detained between 40 days to a whole year in Sinai by the traffickers and tortured severely until their family members came up with the ransom (the sums vary from \$33,000 to \$43,000) for their release. The judge mentions in the protocols that the detainees have burns and torture marks on their bodies.

The woman and one of the men related to the judge that they were kidnapped from Sudan, which indicates that they did not have an intention to enter Israel.

The four decisions are identical. The judge states in his decisions: I'm aware of the fact that 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 infiltrator who is entitled to a group protection to the one who is not entitled to such protection. Therefore, I believe that the interpretation of the law does not allow differentiation between infiltrators and that there is no order in the law stating that a group protection is a reason for release."

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Due to the signs on their bodies, and testimonies of torture, the judge refers the victims' protocols to the Legal Aid Department to check the possibility of representation. He also instructs the police to interrogate the asylum seekers and check the possibility of transferring the victims to the trafficking victims' shelter, stating that he would like to receive the response from the police by July 11, 2012.

Up until today (July 15), the police have not responded regarding these torture survivors or the dozens of other victims who are detained in Saharonim Prison.

The judge summarizes by stating that at this stage, he is not convinced that the detainee met the conditions to be released under the new Anti-Infiltration Law and therefore he approves the detention order.

These decisions mean that unless the Legal Aid Department will find the torture victims to be slavery victims as well, and unless the police will decide that they deserve a place in the extremely overcrowded trafficking shelter, these four torture victims will have to spend their next three years in prison, together with many other survivors.

The ***Hotline for Migrant Workers*** is following these cases, in order to act for the release of these victims on humanitarian grounds, based on their medical and mental state due to the horrible torture they have undergone.

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