

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*

January 2012

Israeli Government Plan for the World's Largest Prison for Asylum Seekers

During the summer of 2011, Israeli NGOs promoting the rights of refugees in Israel learned of a government plan to establish an enormous prison on Israel's southern border, near Saharonim Prison, where 2,000 refugees are detained immediately upon their arrival in Israel. According to the last government decision, the new prison will have a capacity to house 12,400 "infiltrators" and the new Infiltration Prevention Law will enable Israeli authorities to hold asylum seekers in administrative detention with no trial for at least three years, and citizens of enemy states (such as Sudan) can be kept in indefinite detention.

According to an official notice published by the Israeli Ministry of Justice on January 23, 2012, five of the members of the Administrative Tribunal for illegal residents were appointed to review the cases of those who will be detained according to the new Infiltration Prevention Law. The Judges appointed are: Meni Feshititski, Michael Zilbershmid, Rivka Adler, Marat Dorfman and Ilan Halavga. The Infiltration Prevention Law makes it very difficult for these Judges to release enemy nationals at all and to release "infiltrators" from other countries before the minimum period of three years had passed.

On November 6, 2011, five Israeli NGOs (ACRI - Association for Civil Rights in Israel, ASSAF Aid Organization for Refugees and Asylum Seekers, HMW - Hotline for Migrant Workers, Amnesty Israel, and PHR - Physicians for Human Rights) submitted reservations regarding the plan for the large prison the Israeli government submitted to the National Planning and Building Council.

The NGOs' position is that the plan to establish the largest prison in the world for asylum seekers and their children is immoral and draconian, and it disregards the State of Israel's international obligations and undermines the fundamental principles of Israel's justice system.

On December 11, 2011, the Israeli government passed a decision (no. 707) to "block illegal infiltration into Israel", which included six clauses. One of the clauses ordered the addition of rooms for 3,400 detainees, on top of the current capacity of 2,000 prisoners at Saharonim Prison. Another clause was accelerating the establishment of an enormous prison that will have the capacity to hold

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7,000 additional detainees. The government decision instructs the relevant offices to do whatever is necessary to have 3,000 places ready to absorb "infiltrators" within six months (by June 11, 2012).

NGO representatives met with national planners and government representatives in late December 2011 to discuss the planned facilities that will be constructed for detained "infiltrators". The government will not wait for approval of the national master plan before starting construction of the new facility, as the Planning and Construction Law allows the Interior Minister, following consultations with the National Planning and Building Council, to grant exemptions for construction permits. To date such exemptions were granted very rarely, issued only in the wake of the urgent need to place caravans for residents evacuated during the 2005 disengagement from Gaza, or individuals whose houses were destroyed in the 2010 Carmel fire.

The NGOs' representatives presented their opposition to the facility for the detention of asylum seekers on the grounds that it will violate the basic rights of the population for which the facility is intended, as well as the expected benefit of the facility. The civil society representatives stressed the prohibition on jailing refugees, children, and individuals who cannot be deported, and stated that detention is expected to have terrible consequences on refugees and their children.

It was noted that the expansion of the existing Saharonim prison is not legal (the national planners stated that as there is no master plan, no construction permits were issued). According to the National Planning and Building Council, upon completion of the expansion, Saharonim will have a holding capacity for 3,000 people, and the planned facility is expected to have a capacity for 7,000 individuals. Yet the December 11, 2011 government decision instructed that 2,400 additional places be created in Saharonim prison, which means that the entire complex will house 12,400 "infiltrators." The new facility will be divided into seven sections, each with a capacity for 1,000 people. Each section will be divided into four buildings, each with a capacity to hold 250 people. Each building will be surrounded by an area that the detainees can access, and there will be a central courtyard serving the four buildings in the section, where supervised activities will be held. A decision on whether the facility will be operated as "open" or "closed" has not yet been made. In an "open facility" detainees do not need to stay in rooms for the duration of the day and may wander around the building in which they reside, as well as the area around it. Depending on conditions, meetings between residents of the different buildings may be permitted in the main courtyard of their area.

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Furthermore, the option to grant furloughs will be considered (Avital Steinberg, from the Justice Department, claimed the custody orders in the Infiltration Prevention Law permits this).

The Israel Prison Service (IPS) assumes that detainees will be held at the facility against their will, and will therefore hope to be given furloughs from time to time. The daily routine, which is yet to be determined, will include professional training and educational options. Furthermore, different populations will be separated, including men and women (even those who are members of the same family), as well as Eritreans and Sudanese. The IPS states that it aims to treat the detainees as civilians and not as criminals, although it admits that social assistance will be minimal. While it suggested adding positions for social workers from the Ministry of Welfare, the Ministry refused.

The planners and government representatives justified the expected crowded conditions at the planned facility, explaining that sharing small rooms will prevent the detainees from feeling lonely. In addition, the facility was planned in accordance with budgetary constraints, which limit the number of rooms and buildings.

Another issue pertaining to the planned facility is that of sewage. A sewage system at the accepted standards, which can contain and remove the amount of sewage that will be produced, cannot be put in place in less than three years. Therefore, oxygenation pools will be used during the first three years, which will result in a stench in the area.

Six members of the NPBC voted in favor of the plan, with modifications, one member (the representative from the Prime Minister's Office) voted in favor of the plan as is, and one member (a Society from the Preservation of Nature representative) abstained.

The following modifications will be implemented:

- The area per detainee will not be less than 4.5 square meters, and Saharonim must be rehabilitated to meet the standards of the new facility.
- Building permits will not be issued for six of the seven sections in the new facility, until all services (including sewage) are completed. A building permit will be granted for one section, in coordination with the Ramat Negev Regional Council.
- The facility will be handicap accessible.

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- An area for agricultural training and a professional education program will be located adjacent to the facility.

If all of the modifications are applied, less people than planned will fit in the facility and the new facility will be able to hold 3,733 "infiltrators" at a time.

Following the expected approval of the plan by the sub-committee on planning, the Prime Minister's Office will appeal the decision and request a deliberation by the National Planning and Building Council to adopt the original plan.

The NGOs are following these rapid and hasty decisions with great concern and warn that such an enormous prison, which will serve thousands upon thousands of asylum seekers, will be an oppressive apparatus, which will have a very adverse effect on asylum seekers detained there for many years, and particularly on their children.

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