

Managing the Despair



Monitoring report:
asylum seekers at the Holot facility
April–September 2014

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About the Hotline for Refugees and Migrants:

The Hotline for Refugees and Migrants is a nonpartisan nonprofit organization which aims to protect and promote the human rights of migrant workers and refugees and prevent human trafficking in Israel. We are committed to eradicating the exploitation of migrants, ensuring they receive respectful and fair treatment, and formulating government policy to this end. We seek to lend our voice to those who are not heard in the public sphere and build a just, equal, and democratic Israeli society. The organization acts by providing information, counsel, and legal representation to migrants, educating the Israeli public, and promoting legislation and public policy.

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About Physicians for Human Rights – Israel

Physicians for Human Rights works towards the realization of human rights in general and the right to health in particular, in Israel and in the Occupied Territories. Our volunteers provide healthcare with the mobile clinic in the West Bank and the Gaza Strip, and the open clinic in Jaffa.

Our staff is active on the public, media, and judicial levels, towards policy change and in promoting a society based on values of human rights, solidarity, social justice, equality, and mutual aid, among all populations under the control of the State of Israel – Palestinians in the Occupied Territories, prisoners and detainees in Israeli prisons, refugees and undocumented persons, and residents of Israel.

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Photography: Malin Fezehai

1.

Introduction

The rapidly-enacted fourth amendment of the Anti-Infiltration Law, which was passed in December 2013, brought about the opening of the Holot facility, a facility surrounded by a tall fence and operated by the Israel Prison Service (IPS), but not defined as a prison because those detained within it are free to exit its gates between the three daily roll calls they are required to attend. The creation of Holot was a turning point in the lives of asylum seekers in Israel. Thousands of men were summoned to report to the facility, whether they met the criteria set by the Ministry of the Interior or not.

On 12 June 2014, the media reported that the authorities were considering turning certain wings of the adjacent Saharonim prison into "open" wings, similar to Holot, in order to provide enough space for all the asylum seekers summoned to Holot¹. According to the current criteria, all Eritrean asylum seekers who came to Israel before the end of May 2009 (about 19% of the Eritrean community in Israel) and all Sudanese asylum seekers who arrived before the end of May 2011 (approximately 56% of the Sudanese community in Israel) are to be imprisoned at Holot. At the same time, imprisonment at Holot excludes minors, women, and men who manage to prove they are fathers to children in Israel or are married in Israel. According to Ministry of the Interior (MOI) figures, almost twelve thousand people meet these criteria – about three-and-a-half times the number of beds at Holot.

This report follows up on *From One Prison to Another*, a report published by the Hotline for Refugees and Migrants (hereafter "the Hotline") on 30 March 2014, as part of the Hotline's ongoing monitoring. This is the second report examining the situation at the Holot facility and its impact on the asylum seeker community in Israel. This report was written together with Physicians for Human Rights (hereinafter "PHR") and also discusses the right to healthcare of detainees at the facility and its realization in practice. In the five months since the first report, Hotline and PHR employees and volunteers have continued visiting the facility, conversing with the staff and detainees, and documenting the goings-on.

¹ Yerushalmi, Tamar, "Is Holot out of space? Transfer of foreigners to Saharonim prison under consideration," Galei Tzahal [Army Radio], 12 June, 2014: <http://glz.co.il/1064-44203-he/Galatz.aspx>



Photography: Malin Fezehai

2.

Review of the situation at the Holot facility

The report *From One Prison to Another* focused on people summoned to Holot and on the living conditions at the facility from its establishment and through March 2014. During the five months since, we note a significant improvement in the physical conditions at the facility: the classrooms have been opened, food has improved, some of those requesting leaves of absence receive them, and there are shorter queues for the infirmary and for entering and exiting the facility.

Part of the improvement can be attributed to the fact that at the end of June, nearly half of the Holot detainees embarked on a protest march towards Egypt (discussed further in this report) and as a result, 756 of them were transferred to Saharonim prison. There is no doubt that the reduction in the number of detainees by half has helped alleviate the harsh overcrowding in facility rooms and the waiting times in different queues. Nonetheless, as time passes with no change in the situation, and with the weekly flights to Africa on which asylum seekers are deported, the despair has grown deeper and registration for “voluntary return” to Sudan, Eritrea, Uganda, and Rwanda has increased.

According to Immigration Authority figures, as of the end of August 2014, the facility was fit to house 3,360 detainees, but only 1,658 resided there, of them 288 from Eritrea and 1,370 from Sudan. Although current criteria allow almost 12,000 people to be summoned, as of the end of August the Immigration Authority had summoned only 6,942 asylum seekers to Holot, and in 1,450 cases the Border Control Officer decided to cancel the summons. We estimate that such summonses were cancelled upon appeals from human rights organizations or private lawyers with proof that the summoned person is the father of children in Israel, married in Israel, or that special circumstances apply, which prevent him from being summoned to Holot. Of those asylum seekers who were supposed to report to Holot by the end of August 2014, 1,029 asylum seekers chose not to go (614 from Eritrea and 415 from Sudan.) Of those who did report to the facility on the appointed date, 409 have chosen to desert it (224 from Eritrea and 185 from Sudan.)²

² The figures were provided by the Head of the Coordination and Monitoring Division at the Enforcement and Foreigners Administration of the Immigration Authority’s Legal Bureau on 31 August 2014, in a letter titled “Current data regarding the Holot detention center”

Freedom of movement

Currently six wings are active in two sections of the facility. As opposed to the situation at the beginning of the year, when detainees could freely choose the wing and room they would stay in, now their rights have been curtailed, and they are required to fill out forms and receive authorization before they can change rooms.

An additional restriction on detainees' freedom of movement, limiting also visitors on behalf of human rights organizations, is presented by the newly installed carousel barriers between the wings. Until June 2014, when the protest started (discussed in a later chapter), the passage between wings was free and unsupervised. At the beginning of June these barriers were installed, and can be opened only with a resident's fingerprint and card. If a person who is not detained at the facility wishes to enter or exit, they must call a guard to open the gate for them. The Hotline was unable to get an explanation for the installation of these barriers, and it is not known whether and where data about the asylum seekers' movement is stored. When the system malfunctions, detainees are delayed in entering and exiting the wing they are held in. The facility's entry and exit points as well have been equipped with biometric gates.

Alongside the restriction created using the carousel barriers, the detainee cards and biometric gates into and out of the facility speed up entry and exit procedures,



Photography: Sigal Rozen

preventing long queues. Ever since the biometric gates were installed, it is apparent that detainees are no longer forced to stand in long lines on their way in and out of the facility, letting them spend a longer period of time outside of Holot.

An additional difficulty the asylum seekers have been forced to cope with has been the inaccessibility of protected spaces at the beginning of the prolonged fighting in Gaza and rocket fire towards Israeli communities. Every wing of the facility has a space which serves as a protected space, but at the beginning of the war these spaces were kept locked, even while sirens sounded. After the Hotline contacted the MOI, wardens made sure to open the protected space at every alarm, and noted that many of the asylum seekers did not use it, even after it was opened.

"Honestly, when there are sirens we stay put. Come on already, let a rocket fall on us and get it over with this, with our lives in Holot, they're worthless anyway."

(Mubarak, asylum seeker from Darfur, Sudan)

In August, the policy for detainees' leave of absence saw a change for the better. Many of those who were sent for a month of imprisonment at Saharonim after the protest at Nitzana, discussed further in a later chapter, were given 48 hours' leave, as were some of the Sudanese asylum seekers who observe the month-long fast of Ramadan. Although many requests for leave were still denied, many others were approved. An examination of detainees' complaints regarding the issue indicates there has been an improvement, and more leaves of absence have been issued in the past two months.

Encouragement of voluntary return

An additional change that took place in the past months is the extent of activity on the part of MOI and Population and Immigration Authority personnel. Whereas in prisons a "voluntary return procedure" was enacted, there is no need for the procedure in Holot, as the asylum seekers there are not defined as prisoners. In Holot, as in other prisons, intensive work is dedicated to convincing asylum seekers to return to their country of origin or another country in Africa. At the beginning of July 2014, newspaper headlines featured the Population Authority's request to augment the "voluntary emigration encouragement" program budget by NIS 100 million, after a budget of NIS 440 million had been approved³. During the first

³ Singer, Roni, "Immigration Authority asks for another 100 million Shekel for the "voluntary emigration encouragement" program for infiltrators," Calcalist, 3 July 2014: <http://www.calcalist.co.il/local/articles/0,7340,L-3635193,00.html>

months after the opening of the Holot facility, detainees reported that the Prison Service and MOI personnel responsible for the facility took every opportunity to offer detainees to leave Israel. For example, detainees who requested a leave of absence were told their leave was stipulated on them leaving the country.

"The people here from Immigration always tell us, 'what will you do with yourself your whole life in the desert, just sign already and go back to your country.' They keep telling us, 'sign, sign.' But I cannot go back to Sudan. I am afraid for my family. I will stay in prison as long as I have to. Even now they are killing people from Darfur there. One minute there, and they will kill me too."

(Anwar, Sudanese asylum seeker)

In July 2014, detainees started reporting that representatives of the Population and Immigration Authority speaking different languages were walking around the facility, sometimes in uniform and sometimes in plain clothes, starting small talk with detainees and recommending that they sign up for the voluntary return program by the end of August 2014, while it is still possible to leave for a third country and receive a "departure grant" of USD 3,500. Afterwards, they were told, it would not be possible to fly to Uganda and Rwanda, and the grant budget would be depleted. The representatives promised nothing as to what would happen to the asylum seekers in these countries, but also avoided mentioning that in those countries, nobody had been appointed to ensure the safety and wellbeing of the asylum seekers, who come there without knowing a soul. And indeed, according to Immigration Authority figures, by the end of August 2014, 8,000 asylum seekers had left Israel through the program. 861 asylum seekers left Israel after receiving a Holot residency order (of them 69 Eritreans and 792 Sudanese), while 2,174 other asylum seekers who met the criteria for a Holot summons, but did not wait for a summons, left the country before being summoned to report to Holot (of them 361 Eritreans and 1,813 Sudanese.)⁴

Many attempts by human rights organization to contact people who had left have failed, and even with those which succeed it is very hard to paint a clear picture of the fate of those who leave. Testimonies collected by human rights organizations in Israel indicate that many of those who leave to Rwanda and Uganda then continue on their journey to further countries, in search of refuge. Most of them had intended to do so before leaving, and the few who had hoped to find refuge there for a few years understand upon arrival that they are there

⁴ These figures were provided by the Head of the Coordination and Monitoring Division at the Enforcement and Foreigners Administration of the Immigration Authority's Legal Bureau on 31 August 2014, in a letter titled "Current data regarding the Holot detention center"

illegally and without all identifying documents, prompting them to make an effort to escape to countries where they have an acquaintance or relative who can be of assistance in their absorption. International human rights organization Human Rights Watch reported this month (14 September) that seven Sudanese asylum seekers who had returned to Sudan within the "voluntary emigration" operation had been arrested upon arrival in their home country. "Three [...] were held for long periods - one was tortured, one put in solitary confinement, and a third charged with treason" for having visited Israel. The others were released after short periods of time.⁵

Detainees at the Holot facility report that about half of their fellow detainees are already signed up for voluntary emigration. Nonetheless, human rights organizations and fellow detainees only learn about a detainee's departure when

⁵ Human Rights Watch. "Make Their Lives Miserable." September 2014. <http://www.hrw.org/reports/2014/09/09/make-their-lives-miserable-0>



Photography: Malin Fezehai

they are given notice by the Immigration Authority, just 24 hours before the flight. Many of those registered for voluntary emigration avoid telling even their friends about it, whether out of concern for what awaits them at their destination and a wish that as few people as possible know what the destination is, or because they wish to avoid friends' attempts to convince them not to leave. Holot detainees report that on each of the three weekly flights, an average of ten detainees leave the country.

Food

There was no improvement with regard to the food at the facility from April through June. According to testimonies received, the food served was undercooked, not fresh, lacked variety, and did not fulfill facility residents' nutritional requirements. In early July 2014, Holot detainees began reporting improvements in the amount and quality of food provided to them. The improvement may be the result of the drastic reduction in the number of detainees on site, after 756 of them were transferred to Saharonim prison in late June 2014. Hopefully, the facility will prepare accordingly for the renewed intake of the hundreds of detainees expected to return to Holot from Saharonim at the end of September 2014.

In July 2014 the Muslim month-long fast of Ramadan took place, requiring those fasting to prepare accordingly in terms of food. Many of the detainees at the facility, especially Sudanese, observe this fast. When Ramadan began, no change was noted in the IPS's treatment of the fasting asylum seekers. However, following an appeal by the Hotline for Refugees and Migrants, the IPS acquiesced to the fasting detainees' request to set aside and refrigerate their breakfasts and lunches and serve them to those fasting during dinner, with the addition of a nightly meal at 3 a.m. The content and quantity of meals stayed the same and no attempt was made to adjust them for the changing needs of the fasting detainees. The IPS stated that as the month wore on, the number of fasting detainees dwindled.

A change was made in the nutritional infrastructure at Holot in July 2014, when refrigerators were placed in each wing's recreation room. This is a positive step, as the facility's official policy is a sweeping ban on bringing food inside. This seems to be a case where the authorities adapt to the reality on the ground, as testimonies from asylum seekers and facility employees alike indicate that detainees find creative ways to bring food into the facility.

Food smuggling is only one of the alternatives detainees have created to the food offered in the facility. In the first months of the facility's operation, detainees used to collect money, most of it coming from their life savings

from working in Israeli cities, and send a representative to Be'er Sheva to bring food. It was common to see asylum seekers cooking for themselves at the entrance to the facility. As time went by, most of the asylum seekers' savings were depleted, and many of them came to depend on the food offered at the facility.

Detainees requiring special nutrition, such as celiac patients and diabetics, did not always see their needs properly addressed. One of the most common solutions to these medical problems is to serve a meal identical in composition to the standard one, with the problematic component removed, without ensuring any appropriate substitute for that component. Testimonies collected by the Hotline for Refugees and Migrants indicate that insofar as any specially adjusted meals are found at the facility, they are served cold, probably due to several days of refrigeration. Detainees whose problem is not chronic do not receive any treatment at all, and have to adjust to their new situation, as described by Isaias, a detainee from Eritrea who underwent a tooth removal:



Photography: Malin Fezehai

"I cannot eat anything here because of the tooth pain. I told them from the beginning and they do not listen to me. I have to take care of myself. I cannot buy food, I have no money. I take food from here and dissolve it in hot water."

The narrowing in detainees' economic possibilities is apparent in all areas of their lives. When they arrived at the facility, most of the asylum seekers had savings from their work as free people. These savings ran out quickly, as detainees needed them for rides to Be'er Sheva, buying food, and paying for medical treatment (a matter discussed further in this report,) and most of them are now dependent on the stipend provided to them by the IPS, from Israeli taxpayer money. This is a stipend of 16 NIS per day; for the sake of comparison, a one way trip from Holot to Be'er Sheva costs 19.30 NIS.

Fines

According to testimonies which reached the Hotline in August 2014, Population and Immigration Authority personnel put up a notice in the various wings, listing detainees who had committed various infractions, for which it was decided to fine them and cut their allowance.

N., an asylum seeker and a survivor of the genocide in Darfur, who is held at the facility and can read Hebrew, noted that the nature of the infractions was not detailed in these lists. "Most of the people do not even understand what they have done and why they were punished," he added. According to him, only about half of the detainees received the full sum – the rest received lower sums than they were entitled to (40 or 60 Shekel,) or received no allowance at all.

By law, detainees are entitled not only to know what infraction they committed before any punitive action is taken against them, but also to state their version and claims: "The Center manager or his deputy may take disciplinary measures against a resident who has not fulfilled an obligation he is obliged to fulfill in accordance with the provisions of this chapter or instructions issued in accordance therewith, after granting him an opportunity to state his claims". (Article 32S(b))

The testimony of Mutasim Ali, a Sudanese asylum seeker held at the facility, illustrates the opacity of infractions rather well:

"I sat with another friend on the benches outside the facility, something normal that happens all the time and everybody does, and suddenly the facility's manager comes out and says we are not allowed to sit here because the bench had been moved and it was in the wrong place. I told him I did not move anything and that I did not know about this, and said

we have no problem going to sit somewhere else if needed. He said if we could not say immediately who moved them – we would be the ones punished. Anyway, I think the benches weren't even moved and that was just a lie."

This odd "infraction" cost Ali a fine of 100 NIS, and he received only 60 NIS of allowance for ten days, while his friend who sat on the same bench with him – supposedly his "accomplice" – was not fined at all. It should be noted that Ali was one of those who led the Holot asylum seekers' protest strike in June; he was punished with a month of imprisonment in Saharonim and was released in July.

The arbitrariness and uncertainty regarding the punishment are not foreign to the Holot detainees: During weekly visits, Hotline representatives often hear about detainees receiving the maximum punishment for missing roll call once – 30 days' imprisonment in Saharonim – while others, who missed roll call several times, were not punished at all.

Further testimonies indicate there has been a change in the quota of detainees allowed to go on leave: the MOI is supposed to approve short leaves of absence for asylum seekers under special circumstances – such as referral to medical treatment at a hospital or to allow them to arrange for compensation from a former employer. In practice, very few are allowed to go on leave, approved only after many attempts and many ignored requests.

Days on which detainees were off site are now also deducted from their allowance, although Holot residents are barred from working outside the facility: "I went to Tel Aviv a few weeks ago to meet the lawyer about my wages. I had a leave of absence for 12 hours," says Tsegay, an asylum seeker from Eritrea. "I was back on time, but then they deducted 16 Shekels, just like that. I showed them I had [permission to] leave and they said – 'it doesn't matter, you weren't here.' This happens to a lot of people here now, and those who go out for longer have more deducted."

Employment

As we reported in the previous report, the possibility of employment at the Holot facility is quite limited, and in February 2014 only about five per cent of detainees were employed. There is no official information on the number employed at the facility, but according to detainees, the number of those employed in facility maintenance has gone up. Despite the low wage (NIS 12 per hour) many of the asylum seekers are forced to work to pay for rides to the hospital and other required services which are not covered by the authorities, and which cost above and beyond their paltry allowance.

Holot detainees report another new phenomenon: detainees appointed to report to the authorities on the goings-on at the facility, including gatherings and attempts to organize. After the Holot asylum seekers' protests in June 2014 when a thousand of them – about half of the detainees – marched out towards the Egyptian border, the authorities may have found it important to keep track of the detainees in order to prevent similar events in the future.

Social activities

As the IPS promised at the time when the first report was written, social and educational activities have been added to the detainees' daily schedule.

The asylum seekers criticized the activities offered at Holot, saying they were childish and not appropriate for the detainees' interests. Beyond the existing schedule, the Holot employment officer plans to open professional courses. A conversation at the beginning of this year with the Holot Prisoners' Officer indicated that the goal of these courses would be to provide detainees with tools and vocational training in preparation for their return to their home countries.

מערכת שעות					
מדריכים					
שעילות	שם מורה/מדריך	יום בשבוע	שעות	מיקום - מועדון מרכזי	
מגדלות	איילה	ג'	9:00 - 15:00	פלה 9	
ספורט	כפיר	ג'	8:00 - 16:00	פלה 3 פלה 9	12:30 - 9:00 15:00 - 13:00
אומנות	יעל	ד', ה'	9:00 - 15:00	יום ד' - פלה 3 יום ה' - פלה 9	
אומנות	אורח	ה'	9:00 - 13:00	פלה 3	
ספריה	ספרן תורן	א'	9:00 - 13:00	פלה 3	
מורה					
לימוד אנגלית	ריצ'רד	א', ב', ג'	8:30 - 12:30	יום א' - פלה 3 יום ב' - פלה 9	A, B D, B
לימודי מתמטיקה	תהילה	א', ב', ג', ד'	12:30 - 8:30	יום א', ג', ד' - פלה 9 יום ב', ד' - פלה 3	D+B B+A

חינוך מרכזי חולות

3.

The Protest of Asylum Seekers at Holot

At the time the Hotline's first report was published in March, the number of detainees at Holot was 1,522. At the end of August 2014, Holot interred 1,658 asylum seekers. This appears at first to be a rather small increase in the number of prisoners. In practice, the small gap is due to 756 asylum seekers being transferred from Holot to the Saharonim prison on 29 June 2014, their overwhelming majority for a period of three months. So in practice, during this period nearly 900 asylum seekers were summoned and presented themselves.

The transfer of detainees to Saharonim was the result of one of the most significant events at the facility in the past months: the asylum seekers' protest and its violent repression. On Monday, 16 June 2014, many of the asylum seekers at Holot started a quiet protest by not presenting themselves for the three daily roll calls in the wings or at the exit from the facility. Community leaders made it clear that the asylum seekers who had not reported for roll call were prepared to be imprisoned at Saharonim for their protest.

The protest resulted from a deterioration in living conditions at the facility, as well as the fact that there was no release date from the facility. At the time the protest



Photography: Oren Ziv, Activestills



broke out, asylum seekers complained that the MOI had enacted a policy by which only ten people a day could receive a leave of absence in order to run errands, get medical treatment outside of Soroka Hospital, or attend special family events. As a result, many asylum seekers complained they were forced to wait some five months for their turn to go on a short leave of absence for 48 hours. Additionally, the IPS started installing electronic barriers between sections of the facility, and it appeared that once these would become operational, asylum seekers' movement within the facility would be limited all the more. Many of the asylum seekers complained about the limited medical services on site. In the days preceding the protest, due to the great number of asylum seekers summoned and delays in preparing new sections of the facility, a situation arose in which some of the asylum seekers arrived to find there was no free bed waiting for him. The overcrowding was harsh.

We can assume that it was this overcrowding that caused the Immigration Authority to implement the provisions of the Anti-Infiltration Law more draconically. Whereas in previous months an asylum seeker who had missed roll call just once was only warned or had allowance deducted, starting in June, someone missing even one roll call was punished with imprisonment in Saharonim, making room for those newly summoned to Holot.



Alongside the exacerbated punishment, overcrowding, and restrictions on leaving Holot, asylum seekers at the facility continued to complain about the low quality of food, lack of psychological care, and poor medical services endangering their lives.

Some of those suspected of being leaders of the protest were even summoned for questioning at the Holot police station. It appears that Israeli police officers as well have a hard time internalizing that Holot is not a prison and have difficulty remembering that those held in Holot are defined as "residents" and not "prisoners." When Holot police summoned those "residents" who dared to stage a sit-in strike over their indefinite "residence" at Holot, they ordered them to bring along to their questioning a "prisoner card" and then had to correct themselves, strike that out, and add "resident card" instead.

Ultimately, no indictments were filed against the protesters, presumably because they did not break any law. The asylum seekers' protest was answered on 23 June 2014 with the arrest of protest leaders Mutasim Ali and Anwar Suleiman and their transfer to Saharonim prison, together with some fifty other asylum seekers who had missed roll call a number of times.

The Asylum Seekers' March to Egypt

At the end of that week, on Friday afternoon, 27 June 2014, some 1,000 asylum seekers, Sudanese and Eritreans, exited Holot, saying they had no intention of returning. In a press release the asylum seekers sent out that same day, they explained that they were protesting the fact that they were imprisoned in a facility in which their movement was limited, that they could not leave for 48 hours once a month as they were told they would, and that the State of Israel was ignoring their requests for asylum.

The protesters presented a list of demands⁶ including: appropriate medical care for the ill, release of all asylum seekers imprisoned for two years or longer, handing over their cases back to the UNHCR, resettlement in third countries by the UNHCR, the release from Saharonim of the protest leaders who were arrested in Holot and transferred there for organizing the protest.

After a short time, the protesters reached the border at Nitzana, where the IDF stopped them and prevented them from continuing towards Egypt. Because the asylum seekers wished to prevent violence by all means, they did as the soldiers said and went about 300 meters back, to Nitzana Forest, where they built a tent camp. They stayed at the camp for 48 hours, until Sunday afternoon.

On Sunday afternoon, 29 June 2014, a large force of Immigration Authority personnel, police, and military, came to Nitzana Forest and surrounded the striking asylum seekers. The Immigration personnel addressed the asylum seekers and gave them five minutes to board the buses on their own. When the asylum seekers did not do so, they began to load them onto the buses, at times using excessive force.

"The police and Immigration people started using force to put us on the buses. Four of them grabbed me and demanded I get on the bus. I refused and answered that I had not come all this way just to go back to Holot. I grabbed a big stone jutting out of the ground while two of them held my legs, two others my arms. Two other inspectors or policemen joined them to separate me from the rock and carry me towards the bus. They pushed me to the ground and sat on me. They clutched my arms and legs strongly, pushed their knees into my belly, and handcuffed me. They then started beating me in the face, forehead and nose. They mashed my face into the ground with their knees. Others were kicking me in the stomach at the same time. Even now, a week after the assault, the signs of the beating

⁶ From the "Holot Project" Facebook page: <https://www.facebook.com/helpholot/posts/428798860596000>

are visible on my stomach, eyes, forehead, and arms. I still suffer also from harsh pain in my ribs. The officers put me on the bus and one of them slapped me hard in the face. I was saved from his blows by the people who were already on the bus and called out to him to stop beating me. My nose was bleeding furiously and I could feel that my ribs had broken."

(From the testimony of Tesfay, an Eritrean asylum seeker who participated in the march.)

Several asylum seekers were taken from Nitzana Forest directly to Soroka hospital by ambulance. The Hotline for Refugees and Migrants received reports of seven injured asylum seekers transferred directly to Saharonim prison. Of them, three asked the organization for assistance in filing a complaint against the Immigration or police officers who hurt them, and are awaiting investigation into the matter.



Photography: Malin Fezehai

Transfer of asylum seekers to Saharonim and failure to provide a hearing within the appointed timeframe

756 protesters were transferred to Saharonim prison, their punishment for leaving the facility and failing to present themselves for roll call.

According to the Anti-Infiltration Law, article 32B(d)⁷, a person may not be placed in custody for breaking facility rules without being given a chance to voice their claims: "The Head of Border Control will not grant an order to a resident [...] until after he has been given an opportunity to state his claims before him. If it is not possible to locate him, the Head of Border Control may order, in absentia, that he is to be returned to detention, provided that he is granted an opportunity to state his claims no later than 24 hours after being returned to detention". Although there was no difficulty locating the asylum seekers, they were not given an opportunity to state their claims before the arrest. Even after 24 hours, the authorities had no legal reference for many asylum seekers being held, as the MOI was forced to handle 756 new detainees who came to Saharonim all at once, for the first time in its history.

Testimonies which reached the Hotline from prisoners of wing number 7 indicate that even on the evening of 30 June, 24 hours after the arrests, at least 70 asylum seekers remained who had not had a hearing. The next day, 48 hours from the moment of arrest, reports came in of at least 20 more people who still awaited hearings. Some of the asylum seekers only had a hearing on Sunday, a week after their imprisonment.

Other reports indicated that even when hearings were held, they were conducted hastily and poorly: "They asked us 'why did you miss count' or why we did not come back within 48 hours, then notified us that we would stay in Saharonim now for three to six months," recounts Tesfay, an asylum seeker from Eritrea. "We were not allowed to add anything or say something. Everything was very fast, within a few minutes." If so, according to the testimonies, even when the hearings were held at last, they were meaningless, and detainees were given no opportunity to state their claims.

⁷ Anti-Infiltration Law (Offences and Jurisdiction) (Amendment no. 4 and Temporary Order) 2013, article 32B(d)

WE ARE
REFUGEE
100%
why we
are in
Holot
prison
ISRAEL

Photography: Sigal Rozen

4.

Health services provided at the Holot facility

The National Health Insurance Law (1994) which guarantees all Israeli citizens and residents access to health services, does not apply to asylum seekers or other persons without civil status. In addition, the law excludes prisoners (even such who are citizens or residents)⁸. Prisoners' rights are enshrined in the Prisons Ordinance (1971)⁹.

The Prisons Ordinance defines explicitly what health services prisoners held by the IPS are entitled to, equivalent to the health services Israeli citizens are entitled to. However, because the Holot facility is defined as an "open" facility, the Prisons Ordinance does not apply to its residents.

The amendment to the Anti-Infiltration Law states that "appropriate living conditions will be provided for the residents in the residency center, including health and welfare services."¹⁰ There is no clear definition in the law as to the nature and extent of these services, nor as to who is responsible for providing such conditions.

The government regulations of 24 November 2013 regarding the Holot residency center indicate that the government determined the responsibility for health services to the residents at Holot would lie with the Ministry of Health (MOH), but the health services at the facility itself are supposed to be operated by the IPS according to professional guidance to be provided by the MOH and resources allocated by the MOH¹¹.

In practice, the health services at the center are provided by a private company. The IPS put out the request for tender, while the MOH is indeed professionally responsible for the infirmary.

According to the government regulations, the MOH, with the consent of the Ministry of Finance and in coordination with the Ministry of Public Security, was supposed to determine the extent of health services for residents of the center by

⁸ National Health Insurance Law, 1994

⁹ Prisons Ordinance [new version], 1971

¹⁰ Anti-Infiltration Law (Offences and Jurisdiction) (Amendment no. 4 and Temporary Order), article 32E(a), 2013

¹¹ Decision 960 of the 33rd Government, "Combined and adjusted plan for handling the phenomenon of illegal infiltration." (24 November 2012)

10 December 2013. The scope of services may indeed have been determined, but such a decision has not been made public so far.

In addition, the regulations state that in medical cases, the MOH would cover the cost of escort and transportation services, from Holot and back, but only in medical emergencies in which self-evacuation cannot take place. The MOH would also cover the costs for external hospitalization of center residents.

Both the amendment to the Anti-Infiltration Law and the government regulations on the matter contain no further information about the extent of health services, nor appropriate criteria for conditions ensuring an environment for optimal health. This leads to failures in the medical infrastructure, sometimes even at the cost of irreversible damage to detainees' health.

"I have been here for more than five months. I always just eat soft rice with warm water, no salt, the vegetables are not always fresh. Because of the



Photography: Malin Fezehai

food I have no energy. If I am sick, my body cannot cope.”

(Berhane, asylum seeker from Eritrea, imprisoned at Holot.)

The government regulations regarding Holot state that “health services at the center will be provided by the IPS according to ongoing professional guidance provided by the Ministry of Health,”¹² while in practice the health services at the center are provided by an external company. Until May, Magen David Adom (Israel’s emergency medical services society) operated the Holot infirmary on a provisional basis. In May, a private company providing health services won the tender to operate the health services at Holot.

The privatization of the health services on site raises questions about the quality and scope of the services provided. The health services provided by private companies often tend to be profit-oriented, and the employees in a private company may

¹² Ibid



Photography: Malin Fezehai

find themselves with "split loyalties" (that is, loyalty to the employer and their needs, at the expense of their commitment to the health of the patients), as opposed to national and public health services, which are supposed to provide full service and minimize the occurrence of split loyalties.

Until July 2014, the ongoing presence of a doctor at the center could not ensure reasonable waiting times for medical care. Because there is no system for appointments in place, residents show up at the infirmary when it opens, and wait until it is their turn or until they give up.

A survey conducted by the Hotline and PHR among 62 asylum seekers who had required medical care indicated that from April through June, the average number of visits before receiving medical attention was six. Detainees' reports indicate that sometimes their requests were ignored, or that the response they received did not improve their situation, so they had to visit again and again before receiving the medication, examination, or hospital referral they needed. However, starting in July 2014, a significant improvement took place. The queues became much shorter and during the visits at the center, only a few asylum seekers at any given time were seen waiting for a doctor's appointment.

Nonetheless, health services are still insufficient: when the asylum seeker reaches the doctor, no interpretation services are offered. If he does not speak Hebrew or English, the detainee is forced to use one of his friends, an embarrassing situation which sometimes prevents him from revealing his problem in full, and which may harm his chances of receiving appropriate care. The absence of an interpreter leads to an injury of the right to privacy, a right enshrined in the Patient's Rights Law¹³.

If the asylum seeker faces a problem which requires more extensive medical care than that offered at the Holot infirmary, he needs a referral from the physician at the center. After receiving the referral, he often needs an approval from the MOI to go on leave for a few hours, in which he will miss roll call once. After receiving approval, a process which can take some two days – a significant period of time in cases of urgent medical problems – the asylum seeker must go to the hospital independently. Of 28 interviewees who had gone to Soroka Hospital in Be'er Sheva, 20 had taken a bus, one a taxi, and seven were evacuated by ambulance. The cost of two bus rides, in addition to the cost of internal lines in Be'er Sheva, reaches a sum equivalent to three days'

¹³ The Patients Rights Law, article 10, 19. 1996.

allowance, all at the resident's own expense. In case the detainee is evacuated by ambulance, the IPS pays the cost of evacuation. Therefore, it is more prudent, economically, to wait for one's condition to deteriorate than to get medical care on time.

Leaving the asylum seekers responsible for their transportation to the hospital and navigation within it greatly confuses many of them, causing them to be late for appointments made a long time in advance or even miss them altogether. Many of the detainees at Holot were caught at the Egyptian border and transferred directly to Saharonim, then later to Holot, so that they never left prison and never entered Israeli cities. They do not command the language, do not know the conduct customary at hospitals, and have difficulty asking for help. Conversations with asylum seekers indicate that most of them made use of passers-by or more experienced asylum seekers in order to find their way around. A few of them get accompanied by volunteers from Ben Gurion University Students for Refugees and Asylum Seekers, a civil association active in the Be'er Sheva and Arad area.

If the asylum seeker does manage to find the right doctor at the hospital and receive treatment, he faces two additional challenges. First is the ongoing medical follow-up required in many cases. Every additional test, doctor's visit, or referral to a specialist requires that the detainee go through the whole process anew: receiving approval from the MOI, paying for transportation, and finding his way around a complicated environment. The second challenge is access to medication prescribed by the doctor. The inventory of medicine at Holot is limited, and physicians sometimes send residents to purchase medicine outside the center at their own expense. This could conceivably be solved with a written request, but there are asylum seekers who prefer to take the opportunity to exit the center to purchase the medications rather than having the authorities pay for the medicine. Other residents reported they were forced to wait several days until the medicine was in stock. There were cases in which PHR had to intervene and contact the MOH in order to make a medicine accessible to a detainee.

In summary, it can be said that there was an improvement in medical care at Holot; however, it remains unclear who is authorized to release residents for medical reasons or to recommend a release for medical reasons, each responsible body pointing to another. The multitude of different bodies responsible for the detainees at the center, lacking clear regulations and a division of responsibilities among them – the IPS, the MOI, private medical services provider Bikur Rofe, and the MOH – can cause harm to the health of the asylum seekers detained at the center.



Photography: Sigal Rozen

5.

Psychological effects of incarceration

Almost every detainee (especially first-time detainees) will attest that the very fact of confinement puts them in a state of stress¹⁴. Even a person who does not suffer from any defined or diagnosed mental health disorder can, under such circumstances of significant psychological stress, develop generalized anxiety disorder, depression, post-traumatic stress disorder (PTSD), psychosis, or addiction, and lacking appropriate treatment these will become more grievous chronic disorders and cause significant mental impairment¹⁵.

Conditions of confinement, and especially the lack of sufficient medical care and reasonable psychiatric monitoring, cause severe psychological stress and may cause even those of the detainees whose mental disorder was balanced at the time of arrest to fall out of balance, causing the disorder to break out and manifest in a variety of symptoms, even withdrawal syndrome – life-threatening without medical monitoring – or suicide.

The relationship between confinement and negative effects on the mental state of asylum seekers is demonstrated unequivocally in surveys, samples, and studies from different countries and across many ethnic groups. In fact, many studies indicate that imprisoning asylum seekers causes them psychological damage. In particular, it has been found that asylum seekers held in confinement exhibit high rates of depression and post-traumatic stress disorder (PTSD)¹⁶, and that the degree of mental illness they experience is correlated with the duration of their confinement.^{17 18}

¹⁴ Letter of Dr. Zvi Lankovsky, Commander, chief police physician, Israel Police, 10 December 2000, to Physicians for Human Rights.

¹⁵ Rabkin J. Stress and Psychiatric Disorders. In Goldberg and Breznitz (eds) Handbook of Stress. New York: The Free Press, 1993. pp.477-495

¹⁶ Robjant, K., Hassan, R., & Katona, C. (2009). Mental Health Implications of Detaining Asylum Seekers: Systematic Review. *The British Journal of Psychiatry*, 194, 306-312.

¹⁷ Eagar, K., Green, J., Innes, K., Jones, L., Cheney-Fielding, C., Samsa, P., et al. (2007). *The Health of People in Australian Detention Centers, Health Profile and Ongoing Information Requirements*. Wollongong, NSW: Centre for Health Service Development, University of Wollongong.

¹⁸ Physicians for Human Rights and the Bellevue/NYU Program for Survivors of Torture. (2003). *From Persecution to Prison: The Health Consequences of Detention for Asylum Seekers*. Boston/New York: Physicians for Human Rights and the Bellevue/NYU Program for Survivors of Torture.

¹⁹ ²⁰ ²¹ Steel and colleagues²² reached the conclusion that prolonged confinement is also related to increased mental illness, as compared to the control group, for as long as three years after release.

It is important to note that in the first place, asylum seekers worldwide, and in Israel in particular, exhibit high rates of exposure to trauma in their country of origin²³ and on their way to Israel, and as a result suffer from psychological problems even before internment. The prevalence of psychiatric illness, and especially PTSD, among asylum seekers and refugees who reach countries in the West can be as much as 10 times as high as that in the local population at the same age²⁴. Therefore, because the asylum seekers are more psychologically vulnerable, due to exposure to trauma prior to their arrival in the countries of refuge, many clinicians²⁵ ²⁶ ²⁷ believe that imprisoning asylum seekers increases the rate of mental illness among them. In addition, mental health professionals worldwide commonly consider a safe, supportive, and predictable environment necessary for asylum seekers' recovery from the mental pathologies that result from their exposure to mass trauma in their country of origin or on their way to the country of refuge²⁸. Studies also indicate that rapid recovery is critical, as there is evidence that the longer symptoms of PTSD persist, the lower the potential for full recovery²⁹.

¹⁹ Sultan, A., & O'Sullivan, K. (2001). Psychological Disturbances in Asylum Seekers Held in Long Term Detention: a Participante Observer account. *eMedical Journal of Australia*, 175, 593-596.

²⁰ Keller AS, Rosenfeld B, Trinh-Shvrin C, Meserve C, Sachs E, Leviss J, et al. Mental Health of Detained Asylum Seekers. *Lancet* 2003; 362: 1721-3.

²¹ Steel Z, Silove D, Brooks R, Momartin S, Alzuhairi B, Susljik I. Impact of Immigration Detention and Temporary Protection on the Mental Health of Refugees. *Br J Psychiatry* 2006; 188: 58-64.

²² Ibid

²³ Sinnerbrink I, Silove D, Field A, Steel Z, Manicavasagar V. Compounding of Premigration Trauma and Postmigration Stress in Asylum Seekers. *J Psychol* 1997; 131: 463-70.

²⁴ Fazel M, Wheeler J & Danesh J : Prevalence of Serious Mental Disorder in 7000 Refugees Resettled in Western countries: a Systematic Review, *Lancet*, 2005, 9-15;365(9467):1309-14

²⁵ Salinsky M. Detaining Asylum Seekers. *BMJ* 1997; 314: 456.

²⁶ Koopowitz LF, Abhary S. Psychiatric Aspects of Detention: Illustrative Case Studies. *Aust N Z J Psychiatry* 2004; 38: 495-500.

²⁷ Fazel M, Stein A. UK Immigration Law Disregards the Best Interests of Children. *Lancet* 2004; 363: 1749-50.

²⁸ Gandek B, Ware JE, Aaronson NK, Apolone G, Bjorner JB, Brazier JE, et al. Cross-Validation of Item Selection and Scoring for the SF-12 Health Survey in Nine Countries: Results from the IQOLA Project. *International Quality of Life Assessment. J Clin Epidemiol* 1998; 51: 1171-8.

²⁹ Steel Z, Momartin S, Bateman C, Hafshejani A, Silove D. Psychiatric Status of Asylum Seeker families Held for a Protracted Period in a Remote Detention Centre in Australia. *Aust N Z J Public Health* 2004; 28: 527-36.

6.

Psychological state of Holot detainees

"At Holot we get up in the morning, punch our card, and go back to sleep. Afterwards in the afternoon you eat something, punch the card again, then go back to sleep, because there is nothing to do here. You always have to punch in, so you can't go anywhere."

(Tsegay, asylum seeker from Eritrea, imprisoned at Holot)

It was clear before the improvement in physical conditions at Holot and it still is clear that the detainees' main distress in Holot is not caused by the physical conditions. The lack of employment, the boredom, inactivity, hopelessness, and despair are the main causes for the detainees' distress. There are additional reasons for the worsening of the detainees' mental distress: knowing that the law makes it possible to hold them at the facility until they decide to return to their country of origin, understanding that their life would be in danger if they returned, lack of faith that the Israeli law or the regime in their homeland could change any time soon, the pressure Immigration inspectors place on them to sign up for the voluntary departure program, their fellow detainees leaving Holot week after week, and reports of those arrested, tortured, or disappeared in their countries of origin. In addition, many of the detainees at Holot suffered torture in the prisons of their country of origin or on the way to Israel, and returning to a closed facility can awaken past traumas.

"Since the attack in Sudan, I suffer from nightmares at night and trouble sleeping. Here in prison my situation is very difficult, they gave me some pills but it affected me very badly. I feel a huge pressure on me. They ask me if I want to go back to Sudan and I get stressed out and anxious. I find it hard in prison, I'm very afraid."

(M., an asylum seeker from Sudan, imprisoned at Holot)

In order to manage the difficulties asylum seekers are subject to due to imprisonment, seven social workers are employed at Holot, as well as two interpreters: one for Tigrinya and one for Arabic. There is no psychologist or psychiatrist at the facility.

The head of social work at Holot told a Hotline volunteer that there are weekly group meetings for coping and support. Attendance at the group is voluntary, and the activity is provided by an external workshop mediator. In the conversation, held in April, the head of social work repeatedly emphasized that the responsibility

of turning to therapy lay with the detainee, and that apart from cases where a person endangers themselves or others, the social workers did not intend to intervene. She says that life at Holot is like life in asylum seeker communities across the country, where each person is responsible for their own mental state.

Among the asylum seekers there is considerable confusion about the role of the social workers. Most of the detainees PHR and Hotline representatives spoke with are aware of the existence of the social workers and know where to find them, but none of the interviewees had heard of the support groups. In addition, residents clearly found it difficult to define the role of the social workers. Many approached them with medical, bureaucratic, and technical problems, the handling of which would exceed the scope of their role.

Lacking a proactive attitude on the part of the staff, and lacking clarity regarding the social workers' areas of responsibility, the mental state of the asylum seekers may continue to further deteriorate.

"Everybody just sits and thinks all day. You see someone lying in bed, eyes closed, but he isn't sleeping. He's thinking. 'Why am I here, what did I do, until when will I be here.' There are people whose heads are so full of thoughts, things go wrong."

(Amer, asylum seeker from Sudan, held at Holot for six months.)

At Holot there are no mental health services, even though some of the residents clearly need these services urgently. For instance, Holot detainees say there is an Eritrean man there who was dependent on his friends even before coming to Holot, as his mental health prevented him from working. At the center, he makes no contact with the people around him, and just wanders around in the desert all day. His friends have to bring him back into the facility in the evening; if he is not found he will be forced to spend the night alone in the desert. The detainee can indeed ask for leave to go to a psychiatrist at Soroka hospital, but if he is not aware of his condition and does not do this, the facility is not defined as a prison so there is nobody to do this for him – so long as he does not endanger himself or the detainees around him.

The professional literature and the data collected indicate that there is cause for concern about the mental and physical health of residents at the Holot confinement center and their possibility of recovering. It is doubtful that the creation of such a facility meets the requirements of the international treaties Israel is signatory to.



Photography: Malin Fezehai

7.

Summary and recommendations

"They call the place an 'open facility,' but you can't go out. There's roll call three times a day and you aren't allowed to miss roll call. To go out, you have to make your request five times, and even then they usually don't approve it. The facility is divided into wings and after ten o'clock every night we are forbidden from moving between them. There are guards, and a lot of desert in all directions. There isn't really anything to do here, it's a prison."

(Mubarak, an asylum seeker from Sudan, imprisoned at Holot)

Despite the significant improvement in the conditions of confinement, the heart of the problem is the conceptual infrastructure Holot was built on. It is an "open" facility where people are supposedly free to come and go as they wish, but still a long list of rules and limitations apply to them, preventing them from taking care of their own needs, from managing their own time as they see fit, and from managing their lives in a way that suits them. This framework allows the authorities to shirk their responsibility for the condition of the detainees at Holot, claiming they are not detained, and at the same time to control their every movement and all details of their lives.

The Immigration Authority inspectors at the facility make it clear to the detainees again and again that the law determines they must stay at Holot until they choose to go back to their country of origin. And indeed, unless the Supreme Court nullifies Amendment no. 4 to the Anti-Infiltration Law, the detainees at Holot may indeed only be able to leave the facility to return to their countries of origin. There is no judicial oversight of the confinement at Holot, and there are no causes for release, a situation which leads to more and more asylum seekers giving in to "voluntary departure" to any country offered to them, so long as they are not forced to spend the rest of their lives in prison.

As before, our recommendation for the future does not concern the conditions at the facility, but its very existence. There is no way to legitimize the confinement of asylum seekers at a facility in the middle of the desert. Reversing the fourth amendment to the Anti-Infiltration Law, releasing all of the asylum seekers from their prisons, and individually reviewing their requests for asylum is the only way to meet the moral obligations Israel took upon itself when signing the UN Convention Relating to the Status of Refugees.

Photography: Malin Fezehai



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