

HOTLINE for REFUGEES and MIGRANTS

Rwanda or Saharonim

Monitoring report:
Asylum seekers at the Holot facility
July 2015

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Asylum seekers at the Holot facility

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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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Abbreviations

RSD - Refugee Status Determination

MOI - Ministry of Interior

IPS - Israeli Prison Service

HRM - Hotline for Refugees and Migrants

PHR - Physicians for Human Rights

ACRI - Association for Civil Rights in Israel

HCJ - High Court of Justice

SOP - standard operating procedures

Preface and Summary

" Going back now it is as if I'm the enemy. It is as if I stepped all over the blood and bones of those who fought the independence war".

(S.L., served 20 years in the Eritrean national service before his escape)

" It is underground. No light, no clothes to change, only during the night they allow you to come up one time... There is no trial. Without a trial, they jail you".

(B.Y.T., served 11 years in the Eritrean national service, before his escape)

" I escaped the country. What awaits for me there is prison or death"

(T.S., served a year and a half in the Eritrean national service before his escape)

These quotes are taken from RSD (Refugee Status Determination) interviews of Eritreans detained in Holot, whose asylum claims were rejected. They were summoned in April and May 2015 to interviews and forced to choose between "voluntary" transfer to Rwanda and indefinite detention in the Saharonim prison.

So far, 43 Eritreans were subjected to this new Israeli government policy aiming to deport "infiltrators". Human rights organizations call this policy "Rwanda or Saharonim", reflecting the two choices the asylum seekers have. The quotes above and others, revealed throughout this report, shed light on past experiences of Holot detainees, as well as on the profile of the asylum requests that the Israeli MOI rejects.

19 of the 43 Eritreans did not officially file an asylum claim before they were summoned to the MOI and told to go to Rwanda. 24 others filed an asylum claim and were rejected. Of those rejected, four managed to escape Eritrea prior to their conscription to the indefinite national service. The other 20 asylum seekers served, on average, 11 years in the army, before they managed to escape. All of them heard about friends who left to Rwanda, were forced to continue to Uganda, and were brutally murdered by ISIS in Libya before reaching the Mediterranean Sea, or later drowned in the Mediterranean Sea on their way to Europe.

This third monitoring report focuses on these rejected asylum seekers because

the policy that determines their future will subsequently affect everyone at Holot. The fate of these 24 people is of great concern to other Holot detainees who fear that they too will be forced to make the choice between indefinite imprisonment and deportation.

The report describes the current situation of Eritreans and Sudanese in Holot and relates the changes in the legal framework since October 2014: The last amendment to the Anti-Infiltration Law, legislated on December 2014, which still allows clerks to sentence Holot detainees to imprisonment in Saharonim. The report reveals that more than half of Holot detainees have experienced at least one punishment of transfer to Saharonim for a one to more than three months sentence.

The Report continues to monitor the facility, mentions the improvements that have been made in the last several months as well as the shortcomings. There were improvements in the medical services, the vacations from the facility, the possibility to continue accessing bank accounts and the installation of air-conditioners. Yet, there are still problems with the quality of food and detainees are still often fined. Other failures, that are not connected to the management of the facility, but influence its detainees, are the inability of some of the detainees to access the national insurance grants they're legally entitled to, rejection and closing of asylum claims, delayed notifications of asylum claims rejections and on top of it all – the new Rwanda or Saharonim policy.

The report ends with our recommendations for the Israeli government:

- Release all asylum seekers from detention and grant them work permits.
- Reverse the last amendment to the Anti-Infiltration Law and abolish the "Rwanda or Saharonim" policy of coercing asylum seekers to leave Israel.
- Review asylum requests individually, according to international standards and UNHCR guidelines and recommendations.

Background

According to the Israeli Ministry of Interior (MOI), by the end of March 2015 there were 45,711 African asylum seekers in Israel, among them 33,506 Eritreans and 8,637 Sudanese. From the beginning of 2015 until the end of March 2015, 747 asylum seekers left Israel under the "voluntary return" process, joining the 9,026 asylum seekers who had already left the country during the previous two years.¹

In the last two years the Israeli MOI has used various methods to coerce Africans to leave Israel and return to their homelands or to third countries. The systematic pressure used includes:

- Imprisonment in Saharonim prison;
- Detention at the Holot facility;²
- Withholding of legal status;³
- Withholding of work permits;⁴
- Requirement to frequently renew the permits and conditioning the renewal in obtaining documents such as salary slips and apartment rent contracts that many asylum seekers cannot obtain;
- Spreading information about agreements with third countries that agree to accept asylum seekers from Israel;
- And offering \$3,500 in cash to those who "agree" to leave.

Furthermore the Israeli Immigration Authority continually subjects asylum seekers to degrading and humiliating treatment.⁵

1 Population, Immigration and Border Authorities, Foreigners in Israel - version 1/2015, Table A2 and A3 (April 2015) , available in Hebrew at: <http://piba.gov.il/PublicationAndTender/ForeignWorkersStat/Documents/april2015.pdf>

2 Hotline for Refugees and Migrants, From One Prison to Another, June, 2014, available at: <http://hotline.org.il/en/publication/holotreporteng/>

3 Hotline for Refugees and Migrants, No safe Haven, December 21, 2014, available at: <http://hotline.org.il/en/publication/no-safe-haven/>

4 Hotline for Refugees and Migrants, Streaming the Process, March, 2014, available at: <http://hotline.org.il/en/publication/streamlining-the-process/>

5 For more details see: <http://hotline.org.il/en/the-ministry-of-interiors-abuse-of-married-asylum-seekers/>

The “Voluntary Return” procedure

According to the MOI, during the year 2014 a total of 4,112 Sudanese and 1,691 Eritreans voluntarily left Israel for unspecified destinations.⁶

In January 2015 the authorities confirmed the existence of agreements with third countries for the voluntary transfer of asylum seekers, without revealing the nature of these agreements or the names of the states with which the agreements were signed. The authorities said that until the end of that month, a total of 1,093 asylum seekers had voluntarily left Israel to go to these undisclosed countries.⁷

Testimonies of Eritrean and Sudanese nationals who have been coerced to leave Israel show that they went to Rwanda or Uganda. Upon arrival in these countries, the local authorities confiscated their Israeli travel document. Some have faced arbitrary arrest; demands for a bribe by the local immigration authorities that meet them; or problems accessing the asylum process due to a lack of documentation. Those who reached Rwanda claim they were forced to leave the country shortly upon arrival and cross the border into Uganda illegally.⁸

These countries have not confirmed the existence of “voluntary return” agreements. At the beginning of April 2015, the Ugandan acting Foreign Affairs Minister Henry Okello Oryem said Uganda has no formal arrangement with Israel. This was already the second time that Uganda had to deny the existence of such agreements.⁹ On April 2, East African media reported that Rwandan President Paul Kagame confirmed that Rwanda had been “approached” by Israel regarding such arrangements¹⁰.

As shown in our latest report “[Where There is No Free Will](#)”, the testimonies of those who left Israel further reveal that many of them continue their journey towards Europe and face exploitation and abuses along the way. Others have reached South Sudan, Kenya, Egypt and Jordan, ultimately ending up in the similar or worse situations to those they have faced before arriving in Israel.¹¹

6 According to of the State’s response on February 16th, 2015, on HCJ 8665/14 Desta et al. v. the Knesset et al. available at: <http://www.acri.org.il/he/wp-content/uploads/2015/02/hit8665meshivim2-5-0215.pdf>

7 According to of the State’s response on February 5th, 2015, on HCJ 8665/14 Desta et al. v. the Knesset et al. (article 45): 1093 asylum seekers left to third countries. Available at: <http://www.acri.org.il/he/wp-content/uploads/2015/01/hit8665meshivim2-5-0115.pdf>

8 Hotline for Refugees and Migrants and ASSAF, [Where there is no free will](#), April 16, 2015 available at: <http://hotline.org.il/en/publication/where-there-is-no-free-will/>, pages 25-28.

9 Frederic Musisi, “Government protests dumping of immigrants into country” Saturday Monitor, April 3rd, 2015. Available at: <http://www.monitor.co.ug/News/National/Government-protests-dumping-immigrants-country/-/688334/2674334/-/g3gab4z/-/index.html>

10 Edmund Kagire, “President Paul Kagame confirms Rwanda-Israel deal to host African immigrants”, The EastAfrican, April 2, 2015. Available at: <http://www.theeastafrican.co.ke/news/Rwanda-confirms-Israel-talks-on-hosting-African-immigrants/-/2558/2674228/-/item/0/-/1ppafxz/-/index.html>

11 Hotline for Refugees and Migrants and ASSAF, [Where there is no free will](#), page 33.

The legal situation of asylum seekers in Israel and in Holot

The Fourth Amendment to the Anti-Infiltration Law,¹² which was passed in December 2013, created Holot. This facility is surrounded by two tall fences and operated by the Israel Prison Service (IPS), but is not defined as a prison because those detained within it are free to exit its gates during certain hours in the day. From its establishment in December 2013 until September 2014, detainees could leave the facility between the three daily roll calls they were required to attend. In September 2014, the High Court of Justice (HCJ) repealed the law, and instructed that until the MOI enacts a new law, Holot detainees will be required to attend only two roll calls a day.¹³

The Amendment to the Anti-Infiltration Law and to Ensure the Departure of infiltrators From Israel (2014).¹⁴

On December 17, 2014 the Israeli Knesset enacted a new amendment to the Anti-Infiltration Law, limiting the automatic detention period of newly arrived asylum seekers to three months, the "residence" period in Holot facility to 20 months and reduced the number of daily roll calls to one. This last amendment added economic sanctions on employers and "infiltrators", significantly decreasing their pay.

Hotline for Refugees and Migrants (HRM) together with the other human rights organizations, appealed again to the HCJ, arguing that this last amendment is not constitutional as well.¹⁵ As of this report's publication, the HCJ still has not ruled regarding the legality of the last amendment to the Anti-infiltration Law.

12 Hebrew version of the law is available at: www.knesset.gov.il/privatelaw/data/19/3/817_3_1.rtf

13 Unofficial English translation of the HCJ verdict 8425/13 Gebresilasi et al. v. the Knesset et al., dated September 22, 2014, available at: <http://hotline.org.il/wp-content/uploads/2015/06/Gabrisilasi-English-Summation.pdf>

14 Available in Hebrew at: https://knesset.gov.il/privatelaw/data/19/3/904_3_1.rtf

15 For more information about the last amendment to the Anti-Infiltration law see: <http://hotline.org.il/en/press/israeli-high-court-held-a-hearing-on-the-petition-against-the-new-anti-infiltration-law-the-restrictions-of-the-law-still-has-constitutional-difficulties/>

Review of the Situation in Holot Facility

The first monitoring report "From One Prison to Another"¹⁶ focused on the people summoned to Holot and on the living conditions at the facility from its establishment until March 2014. The second monitoring report "Managing the Despair"¹⁷ focused on the protests of Holot's detainees, the psychological effects of incarceration and the health services provided to the detainees.

The facility currently has four areas: three residential sections that are each divided into three wings, and a fourth section for administrative purposes. Each of the three sections can hold up to 1,120 detainees, meaning the facility is equipped for a total of 3,360 people. At this report's publication, six of the nine wings are populated, but they are not at full capacity. The IPS manages the facility and ensures that ten people reside in each room. If people leave, the IPS transfers detainees from one room to another in order to fill the gaps and locks the extra rooms.

Holot operation procedures

Since the establishment of Holot in December 2013, HRM has attempted to discover the rights and obligations of those detainees to ensure their rights are maintained. The IPS has different standard operating procedures (SOP) for different type of facilities or situations and therefore could be expected to have an SOP that regulate Holot.

In June 2014, HRM asked the IPS for Holot's SOP under the Freedom of Information Law. Half a year later, on December 21, 2014, HRM received the IPS coordinator's response: "Since the new Anti-Infiltration law passed recently, which influences the operation of the facility, we are working on adapting the operational procedures to the new law. After it will be ready and approved by the IPS, we will share it with you".

When HRM asked for the old SOP, the IPS answered that there were no such procedures, meaning that for the entire year of Holot's operation, it was operated without any clear legal operational procedures.¹⁸

16 Hotline for Refugees and Migrants "From One Prison to Another", June, 2014, available at: <http://hotline.org.il/en/publication/holotreporteng/>

17 Hotline for Refugees and Migrants and Physicians for Human Rights "Managing the Despair", November, 2014, available at: <http://hotline.org.il/en/publication/managing-the-despair/>

18 IPS answer was provided under the Freedom of Information law on January 5, 2015 to Emi Saar, HRM.

Who is detained in Holot?

Since the publication of the last monitoring report, the criteria for being summoned to Holot did not change: All male Sudanese who “infiltrated” Israel before May 31, 2011 and all Eritreans who “infiltrated” Israel before May 31, 2009, excluding those who have a wife and / or children they provide for in Israel. In addition, the MOI can summons Sudanese and Eritreans who do not fit the above mentioned criteria if they were involved in criminal activities in Israel.¹⁹ The last amendment to the Anti Infiltration Law officially excludes from detention in Holot the following groups: minors, women, people who are over 60 years-old, a parent who provides for a child in Israel, recognized trafficking victims and people whose physical or mental health will be harmed by detention in Holot, and there is no other way of preventing that harm other than releasing the person.²⁰

Data provided to us by the MOI demonstrates that over time, there have been more Sudanese and less Eritreans detained at Holot:

Until July 20, 2014, there were 6,770 Sudanese and Eritreans summoned to Holot, although there were only 3,360 beds there. The MOI did not answer HRM’s questions about how many Sudanese and how many Eritreans were summoned.²¹ Yet, at the beginning of 2015, 20.7% of Sudanese nationals in Israel are detained in Holot, deprived of any income, and that they are much less likely to leave the facility, unless they choose “voluntary return” and look for refuge abroad. At the same time, only 1.3% of Eritreans in Israel are detained in Holot.

On May 2014 the IPS presented data to the Israeli parliament showing that there were 2,352 asylum seekers in Holot, of which 1,680 were Sudanese (71.4% of the detainees) and 672 Eritreans (28.6% of the detainees).²²

By July 20, 2014, out of the 6,770 people the MOI summoned to Holot, 525 Eritreans and 435 Sudanese chose to ignore those summons, despite losing their conditional release status that enabled them to work. Of those who followed the MOI summons and went to Holot, 198 Eritreans and 92 Sudanese decided one day not to return and illegally ended their detention in Holot. Additionally, by this date 14 Eritreans and 74 Sudanese left Holot with the “voluntary return” option to go back to their

19 The criteria are available at the MOI website: http://www.piba.gov.il/SPOKESMANSHIPMESSAGES/Pages/11122013_2.aspx

20 [The Amendment to the Anti-Infiltration Law and to Ensure the Departure of infiltrators From Israel \(2014\)](#), Available in Hebrew at: [https://knesset.gov.il/privatelaw/data/19/3/904_3_1.rtf_Article32\(D\)B](https://knesset.gov.il/privatelaw/data/19/3/904_3_1.rtf_Article32(D)B)

21 MOI answer was provided under the Freedom of Information law on November 3rd, 2014 to Emi Saar, HRM

22 The Knesset Migrants Workers Committee, ‘Criteria and authorities in summoning and releasing inmates in Holot’, Protocol dated May 14th, 2015 p.23 (Hebrew).

homelands.²³

By February 9, 2015 there were 1,940 detainees in Holot. 1,476 (76%) of them were Sudanese and 464 (24%) of them were Eritrean.²⁴

As explained in detail in the first Holot monitoring report, the growing Sudanese population in Holot and the decreasing Eritrean population is a result of a deliberate policy to detain as many Sudanese as possible. Experience shows that Sudanese are more easily coerced to leave Israel than Eritreans. Furthermore, this data shows most asylum seekers, both Sudanese and Eritreans, do whatever is legally required of them by the changing Israeli policies and will show up to Holot when summoned. Yet, there are more Eritreans who ignore the summons or leave Holot, likely because of the stronger Eritrean community that can provide a security blanket for them.



Photo by Sigal Rozen, Graffiti near Holot

²³ MOI answer was provided under the Freedom of Information law on November 3rd, 2014 to Emi Saar, HRM

²⁴ According to of the State's response on February 16th, 2015, on HCJ 8665/14 Desta et al. v. the Knesset et al. available at: <http://www.acri.org.il/he/wp-content/uploads/2015/02/hit8665otrim0215.pdf>

The new "Rwanda or Saharonim" Policy

According to the new policy announced first to the media by the Israeli Ministry of Interior (MOI) at the end of March 2015, "infiltrators" who reside in Holot and have no asylum claim will have to choose within a month between leaving to Rwanda or an indefinite detention in Saharonim prison. Reading the Former Minister of Interior, Gilad Erden's message, one can assume that according to Israeli authorities, the detention can be justified under article 13F(b)(1) to the Entry to Israel law (1952). This article states that "a detainee will not be released if (1) his removal from Israel is prevented or delayed as a result of lack of full cooperation on his side, including revealing his identity or arranging his removal from Israel procedures".

The message distributed to the media on March 31 2015, states as follows:

Proactive Procedure for Removal of Infiltrators who are Residing in the Holot Residency Center to a Third Country

In the coming days, a proactive procedure will be implemented for the removal of infiltrators residing in the Holot residency center to a third country.

The Minister Erdan: "The move will encourage infiltrators to leave Israel in a safe and dignified manner, and will be an effective tool to implement our obligation to the residents of Israel and south Tel Aviv to restore the quality of life they've been accustomed to [prior to the entry of asylum-seekers]."

The Minister of Interior, Gilad Erdan, has developed an avenue to expand the framework of the voluntary departure of infiltration to a third country. Starting in the coming days, in addition to approaches initiated by the infiltrator himself [to depart "voluntarily"], infiltrators residing in Holot will be offered to depart to a safe third country. Minister Erdan is working to ensure that the guidelines of the upcoming government will include the completion of removal of infiltrators from Israel and returning them to their countries of origin or to other countries, with the goal of returning life to normal in Tel Aviv.

The State of Israel has achieved an arrangement with two "third" African countries [not the countries of origin of the asylum-seekers], which are willing to accept infiltrators who've infiltrated Israel and cannot be removed to their countries of origin [as it is illegal to deport them under Israeli Law and the non-refoulement principle]. The arrangement allows the infiltrator to leave

Israel and reside safely in the third country. Since the start of 2014, about 1,500 infiltrators left Israel voluntarily, on top of over 7,000 infiltrators who left to their country of origin during this period.

The outline of action, led by Minister of Interior Erdan, has been approved by the Attorney General and in fact will be implemented in the coming days. Accordingly, Minister Erdan instructed that in the first phase, Immigration Authority representatives in the Holot residency center will examine which is the first group of infiltrators that suit the [forcible] exit to a third country [procedure], a group that does not have outstanding asylum requests, and will proactively offer the infiltrator the aforementioned avenue for exit. The infiltrator will be provided will all the information about the process of departure, [and] the process of absorption in the third country where he is supposed to be absorbed. The process of departure, including plane tickets, hotel [stay] and the grant for departure [\$3,500] will be the responsibility of the State of Israel and funded by it.

The infiltrator who will be offered the exit avenue will be given 30 days to prepare to leave Israel. An infiltrator who will agree to the procedure will begin arranging his exit, and an infiltrator who will refuse, will undergo a hearing that will determine whether he'll be transferred to a detention facility [Saharonim prison], as a person who is not cooperating with his removal [from Israel] under article 13 in the Entry to Israel Law [detention under this article in indefinite].

On April 2 2015, Eritreans detained in Holot were summoned to the Immigration authority and received the following letter in Tigrinya:

Important information for refugees who want to leave Israel voluntarily

After many months of trying we have managed to find a country that will accept you. This country is safe for you and will be able to provide work and living permit.

This country, for the past ten years has been developing and many of its citizens have returned from abroad. It has also created opportunity for other citizens from African countries to work in the country.

This country for the past years has recorded economic growth; it is considered one of the biggest in Africa. It was praised by European and American experts.

As this country's economic growth is very good it has a stable government, it

has helped it to have good infrastructure in education, health, transportation.

The Ministry Of The Interior of Israel, will give 3,500\$ per person for Eritreans and Sudanese who are willing to leave the country. This money is good compensation.

For Eritrean and Sudanese nationals willing to leave voluntarily, representatives of immigration, Israel will provide assistance in getting the travel document before departure, they are ready to answer any questions you might have.

The money you will receive will be provided at the time of departure.

When you arrive at the third country, there will be someone to receive you at the airport, give you information on how you can live in the country and other necessary information.

The first day of arrival in the country you will be placed in a hotel. Everything that you need, work and living permit (Visa) will be given to you.

Those Eritrean and Sudanese who left previously to a third country through the help of the Israeli government are very happy in that country. They have informed us that they are learning English, working and earning good pay, some have opened a business and are living well.

Despite the fact that the name of the country of destination is not mentioned in the above message, the immigration officers revealed to the asylum seekers that this country is Rwanda.

On April 30, 2015, the Tel Aviv University Refugee Rights Law Clinic served a petition to Beer Sheva District court on behalf of HRM, fellow human rights organizations and two detained Eritrean asylum seekers. The question the Court had to determine was: Can people who are entitled to protection from refoulement be detained, based on the claim that they "refuse to cooperate" with their removal to a country that is not their homeland; as part of a secret deal, the details of which have not publicized or made known to them, and when there's a well-founded fear that in reality, that country will not offer them protection.

The petition included testimonies and an affidavit demonstrating the great gap between the written promises of the Israeli government and the actual fate of those who believed those promises and left.²⁵

The petition was erased since the MOI claimed that no one was yet summoned

25 For the affidavit's testimony see: HRM "I believed Israel that I will find shelter in Uganda", available at: <http://hotline.org.il/en/i-believed-israel-that-i-will-find-shelter-in-uganda/>

to a hearing in which he was sentenced to imprisonment in Saharonim and that when conducting such a hearing, the detainee will receive three additional days to weigh his future actions.²⁶ Judge Bitan expressed his opinion that detainees should be granted two weeks for that purpose and the MOI accepted his opinion.²⁷ On June 22, 2015, six out of the 24 detainees were called for another hearing. Four of them explained that they are in the middle of resettlement processes to other Western countries and to the best of their understanding, this is why they were not instructed to move to Saharonim. The other two were ordered to leave to Rwanda within two weeks or move to Saharonim prison on July 6, 2015. Israeli human rights organizations, including the HRM, will file another petition on their behalf.

International Law regulation regarding third countries

Transfers under such agreements should comply with relevant international law obligations, most notably the obligation of non-refoulement. International law, including the 1951 Convention relating to the Status of Refugees and other international treaties which both Israel, Uganda and Rwanda have ratified, prohibits states from returning or otherwise transferring anyone to a country where they would be at real risk of persecution or other serious human rights violations or abuses, or to a country where they would not be protected against such return or transfer (the obligation of non-refoulement).²⁸

Who are the people forced to choose between Rwanda and Saharonim?

" Death waits for me... prison, torture, death... they will not forgive me for deserting the army... if I escaped the military service it is as if I revealed all the secrets".

" My grandfather is handicapped and I take care of him, carrying him, washing him. This is why I could not go (to the army)... On the third

26 Administrative petition 54836-04-15 Hagos et Al. v. MOI et Al. (Beer Sheva Regional Court) Judge Bitan's ruling dated May 14, 2015.

27 According to letter from Ms. Dina Zilber, the deputy attorney general to Adv. Anat Ben Dor and Adv. Elad Kahana from the Refugee Law Clinic at Tel Aviv University, dated May 21, 2015.

28 UNHCR, Guidance Note on bilateral and/or multilateral transfer arrangements of asylum-seekers, May 2013. For more information about states' obligations toward asylum seekers while attempting to transfer them to third countries, please see also Hotline for Refugees and Migrants and ASSAF, "Where there is no free will", April 16, 2015 available at: <http://hotline.org.il/en/publication/where-there-is-no-free-will/> , pages 38-42.

month they took people by force and they took me. They told me that I am a traitor. They jailed me in a container.... If I return, they will kill me or arrest me. There is no other alternative".

" They accused me of something that I did not do, that I assisted people to cross the border and escape. If I stayed there, they would incarcerate me in a pit or a container... a relative told me that if I will not leave at that hour, they will be looking for me..²⁹"

As stated above, since the beginning of April 2015, the MOI summoned 43 asylum seekers, all of them from Eritrea, and encouraged them to leave to Rwanda, promising them work, refuge and education opportunities there. Out of the 43 there were 19 who did not fill the correct forms to formally apply for asylum status, forms that the MOI required since 2013. These 19 asylum seekers filled out the forms after their summons by the MOI. 24 of the 43 Eritreans offered "voluntary return" were those whose asylum requests were rejected. By June 23, 2015, two of them were ordered to move to Saharonim prison on July 6, 2015.

This chapter will focus on the 24 Eritreans whose asylum requests were rejected and might be sent any day to indefinite detention, as they refuse to leave to Rwanda, knowing that nothing awaits them there. We will focus on their asylum claims, their rejections and the alternatives that the Israeli authorities force them to choose from.

Out of the 24 asylum seekers interviewed by HRM, no-one believed the authorities' claims about the agreement with Rwanda and the rights they will enjoy there, since they all heard about the fate of their friends who left to go to Rwanda during the last two and a half years.

A.M.A., an Eritrean asylum seeker, told HRM:

" I told them that I'm waiting for a family reunification in Canada and that in Rwanda I will have no rights. Rwanda does not even protect those from Zimbabwe. I know friends who left to Rwanda and receive no protection. If the government wants me to go to Saharonim, I will go to Saharonim but I will not go to Rwanda."

D.H.T., an Eritrean asylum seeker, told HRM:

"There are people who went to Rwanda and now they are dead. It is

²⁹ These three quotations were taken from the RSD interview protocols of three out of the 24 Eritreans that their asylum requests were rejected and they were forced to choose between leaving to Rwanda or indefinite detention in Saharonim. The detainee's full details are with the HRM.

dangerous to go without UNHCR. If UNHCR will tell me to go, I will go. I have a sponsor in Sweden and I hope to go there quickly."

B.Y.T., an Eritrean asylum seeker, told HRM:

" Those who went to Rwanda said it was not good. Rwanda is not my country. I cannot stay there. If you continue elsewhere, maybe you die like the three guys who were beheaded by ISIS in Libya."

A.T., an Eritrean asylum seeker, told HRM:

" I don't believe in the words of the Israeli government. I know it is not true."

All of them heard about Tesfay Kidane, one of their friends in Holot who left to Rwanda, smuggled himself to Uganda, and managed to find his way to Libya with the hope of finding refuge in Europe. The last he was heard of was when he was arrested by the Libyans. Yet on April 20, 2015, his friends and family in Israel were horrified to discover him in a video distributed by ISIS, showing his beheading, together with dozens of Eritreans and Ethiopians on a Libyan beach.³⁰

One of the 24 Eritreans who were forced to choose between Rwanda and Saharonim decided to leave to Uganda, since his wife and child already left there, when it was still possible to fly legally to Uganda from Israel under the "voluntary return" procedure. "I need to support my wife and child and cannot do it from here. I don't know if I will be able to do it there, but here, for sure I cannot help them, waiting in endless detention", he told HRM. Despite expressing his willingness to leave to Uganda, for the last two months the MOI did not inform him when he will be able to leave. Another asylum seeker who addressed the MOI and asked to leave to Uganda in March 2015, is also waiting for his travel date. That, adding to the fact that the MOI offers only Rwanda as an option lately, may indicate that Uganda no longer accepts asylum seekers coerced to leave Israel.

All other Eritreans are determined, at this stage, to remain in Saharonim prison for as long as it takes since they are afraid for their lives if they leave to Rwanda. Returning back to Eritrea is not an option for them as well.

All of them managed to escape Eritrea illegally, crossing the borders to Ethiopia or Sudan by foot, risking their lives due to the "shoot to kill" policy on the Eritrean

30 Ilan Lior, 3 asylum seekers who left Israel executed by ISIS, Haaretz, April 21, 2015. Available at: <http://www.haaretz.com/news/israel/premium-1.652834> and Emily Harris " From Israel To ISIS: How A Search For A Safe Haven Took A Wrong Turn, NPR, May 5th, 2015. Available at: http://www.npr.org/sections/parallels/2015/05/05/404352548/from-israel-to-isis-how-a-search-for-a-safe-haven-took-a-wrong-turn?utm_campaign=storyshare&utm_source=facebook.com&utm_medium=social&fb_ref=Default

borders.

Four of them managed to escape Eritrea before they were conscripted into their army service and presented the Israeli Immigration Authorities sound reasons for their escape.

The other 20 Eritreans all defected from their army or national service. One of them, who participated in the Liberation War served in the Eritrean army for 25 years before his evasion. Two others served for 18 and 19 years before their evasion. On average, these 20 Eritreans served 11 years in the army before they managed to escape.

Out of 19 Eritreans who answered questions regarding detention in their homeland, 12 were jailed in various Eritrean prisons. Two of them were detained for a whole year and three more for six months. One of them who managed to escape told the MOI that his wife and son were arrested after his escape to pressure him to return. Another one told the MOI that his wife and children had to leave their hometown and hide after his escape since soldiers came looking for them in order to arrest them.

These details, as well as descriptions of the Eritrean prisons provided by the rejected asylum seekers, are similar to those described in various international reports. The latest international report to describe this situation is the [UN Report of the Commission of Inquiry on Human Rights in Eritrea](#), which was published on June 2015 and stated that "The detention of persons, which begins arbitrarily at the time of arrest and continues unlawfully for long periods of time, is not subject to judicial review... Conditions of detention are extremely harsh. When not held in solitary confinement or being used for labor (both common practices), detainees are locked night and day in extremely overcrowded cells characterized by unspeakable hygienic conditions. Proper toilets are not available in cells, and detainees are sometimes forced to sleep in human waste overflowing from the insufficient containers provided for this purpose. Access to fresh air and natural light is limited to the bare minimum, often on purpose. Food rations are minimal and of poor nutritional quality, leading to hunger and starvation. Drinking water is frequently unclean and limited in quantity, despite the high temperatures experienced in many detention locations. In addition, the absence of health facilities and the lack or deliberate denial of medical care and medicines, coupled with the arbitrary imposition of punishment, exposes detainees to illnesses, epidemics and death. The harsh conditions of detention push some detainees to suicide."³¹

31 HRC Report of the commission of inquiry on human rights in Eritrea, June 4th, 2015, available at: https://docs.google.com/viewer?url=http%3A%2F%2Fwww.ohchr.org%2FDocuments%2FHRBo dies%2FHRCouncil%2FCoIEritrea%2FA-HRC-29-42_en.doc , p. 11, article 48-49.

The most common reason for being imprisoned in Eritrea is leaving the military service, even for a short vacation, or expressing an opinion that might imply criticism of the regime. D.H.T., an Eritrean asylum seeker detained in Holot told the MOI officer in his asylum interview:

" Over there, when you leave your house, there are no medical services. Maybe she (my mother) died of hunger, maybe she died of a disease... They sent a letter to the Army (that my mother died). I was informed only six months or maybe a year later... When I heard that my parents died... I asked permission to visit their graves, to see the family. They put me in prison... When I heard that my father died, I wanted to attend his funeral... They said that I cannot go. I said that I wanted to see my family. They said that there is no one to replace me and that there are not enough people and that I cannot go... So I tried to go without their permission. So they caught me and put me in prison for three days."

A.M.A., an Eritrean asylum seeker detained in Holot, told HRM:

" On May 6th, 2015 I was called by the Immigration officers and they told me that I need to leave to Rwanda and that if I will not agree to leave within a month, I will be transferred to the Saharonim prison. I told them I cannot go. I told them that I know people who left Israel to Rwanda and received no protection. I told them about Tesfay who left from here to Rwanda through Turkey and from there he was taken to Uganda where he could not stay either. He continued to Libya, where he was murdered by ISIS people. We all saw him on the ISIS movie. He is dead now. Therefore, I cannot go to Rwanda. If the Israeli government wants me to move to Saharonim, I will move to Saharonim. I have relatives in Canada who attempt to bring me there. Until they will succeed, I will wait in Saharonim. I cannot go back to Eritrea".

From A.M.A.'s RSD interview protocol:

" I escaped the army service after nine years... I was arrested there because they told me that I wanted to escape to Sudan. .. I left Eritrea since there is no end to the military service there. There is no democracy and one cannot speak. Even after ten years in the army, a man cannot get married since he cannot afford it. So many people are in prisons, even ministers. There is no court or justice... If I go back, they will put me in prison. All people there are in prison, and no one knows where they are...

There is no law there. They will ask me why did I leave. People there are being detained without breaking any law. I was in the army. If I return, prison or death awaits for me.... I was wounded in my leg and suffered a lot, but they did not release me... I was wounded during the war with Ethiopia, from a bomb shrapnel.... If I go back they will detain or even kill me... I left Sudan because at the time I was there, many Eritreans were sent back to Eritrea and in Egypt it is the same. Three months ago, Sudan returned people to Eritrea. Egypt the same - return them".

On September 2014 A.M.A.'s asylum request was rejected. The RSD unit wrote, among other things:

" You claimed that you are afraid to return to your country since you are deserted from the military and left Eritrean illegally therefore you expected to face an imprisonment and punishment By decision of the Minister of Interior, evasion of Army service or deserting army duties in and of themselves, are not sufficient to establish persecution based on Convention grounds. Thus, requests based solely on draft evasion or desertion of the Eritrean army shall not grant an asylum seeker with refugee status".

S.L., an Eritrean asylum seeker detained in Holot, told HRM:

" I escaped Eritrea since I was wounded during the war and failed to receive medical treatment while I was serving in the Eritrean army. I was a commander of 60 soldiers and served the army from 1988 until 2007. When I entered Israel I said that I came for protection, but lately the Immigration said that this is not a request for asylum and that I need to fill a form. I filled the form, but I was rejected in a summary proceeding. I was rejected twice, once in January 7th, 2015 and the second time, in March 12, 2015.

From S.L.'s RSD interview protocol:

" The reason I left Eritrea is because of my wounds. I have fragmentation in my body. I asked for a vacation, for medical treatment and I was not granted a vacation. For 20 years, without vacation, I served the state as a soldier and I had enough. I cannot raise my children and live in their house. They did not allow me and this is why I left my country. They sent soldiers to my house and wanted to take me to prison.... I told them that I'm in the middle of a medical treatment and that I'll return when it ends...

Then I escaped to Ethiopia..."

In the opinion form of the summary proceeding rejecting S.L.'s asylum claim, the RSD unit states:

" According to the applicant, as a result of him leaving the country, soldiers arrived at his house and arrested his wife and one of his children for two weeks. According to the applicant, 3-4 days after their release, they arrested his wife again for another month during which she was interrogated regarding his whereabouts."

When asked why he cannot return to his homeland, S.L. answered:

" The way I escaped, I was responsible for the soldiers and I left everything. Going back now it is as if I'm the enemy. It is as if I stepped all over the blood and bones of those who fought the independence war".

O.M., arrived in Israel on December 2008 and was summoned to Holot on March 2014. He applied for asylum on June 2014 and his asylum request was rejected on November 2014.

In his asylum interview, O.M., told the immigration officer that he served for 18 years in the Eritrean compulsory army. When asked by the Immigration officer why he was arrested in Eritrea he answered:

" Because I was against the regime and because of the defiance of all the young people of Eritrea who left to Sudan. They told me that I object (the regime) and that there is no law and I said that it should be a state of law. Because I objected, they said that I'm leaving the country... they said that I intend to leave Eritrea and therefore put me in prison. Before that I had no intention to leave the country and I did not believe that I will leave the country. I said that there is no law that there is a need for new law and for that they detained me for five months.... It is an underground military prison. No light, darkness, no air. You get out only for food."

When asked why he cannot return to his homeland, O.M. answered:

"... I was there in prison for five months, underground. If I return I know what is waiting for me. Because of that my wife was arrested as well for a whole month. This is why I cannot return. What is waiting for me there is prison without a trial. When you leave the country and the place, it is a

problem.... After I left Eritrea they came and asked my wife where am I, and they arrested her for a whole month as well".

In the MOI rejection letter it is stated in reply to O.M.'s request:

" You stated that you were in the army between the years 1990-2008 and you were in charge of 100 soldiers. You also stated that you were arrested on August 2007 due to the fact that you were against the government and the suspicions that you are going to leave your country. After examination of your asylum request, it seems like you left your country after you fed up with the military service and the general situation in your country. Based on the aforementioned elements, your claim could not be established with regard to the 1951 Refugee Convention and the 1967 Protocol. Therefore, your refugee claim is rejected".

G., an Eritrean asylum seeker detained in Holot, arrived in Israel on December 2008 and was summoned to Holot on February 2014. He applied for asylum on February 2014 and his asylum request was rejected on April 2014.

In his asylum claim, G. stated that he served in the Eritrean army for 25 years, from 1983 until 2008. He wrote in his request:

" In 1999 I was injured in my legs in the war with Ethiopia. In 2001, 15 of the most important generals and government ministers were arrested and have never been heard from since... As I could not live normal life I began to ask questions about the government. As time passed political oppression became very bad. Many of my friends were sent to jail for making comments about the government. In 2008 I also questioned the government to express my (unclear word) with the system and ask for change. Fearing imprisonment like my friends I fled to Sudan.... If I return to Eritrea I would be put in prison for life or be killed. Since I left my family had to pay money to the government because of me and they have moved to another village to avoid persecution. Because of my statements I cannot go home. My family would also suffer further".

According to the MOI, out of the 1,691 Eritreans who left voluntarily, 286 left from the detention facilities and 209 of them, had an open asylum claim when they decided to leave.³²

³² According to of the State's response on February 16th, 2015, on HCJ 8665/14 Desta et al. v. the Knesset et al. available at: <http://www.acri.org.il/he/wp-content/uploads/2015/02/hit8665otrim0215.pdf> p. 9.

Sudanese in Holot, improvements and shortcomings

While the "Rwanda or Saharonim" policy influences Eritreans only thus far, and no Sudanese were summoned and "offered" to choose between Rwanda and Saharonim prison, Sudanese residing in Holot suffer from tremendous pressure because of another reason: The recognition rate of Sudanese in Israel as refugees is zero. So far not even one Sudanese received a refugee status and most of Holot detainees know it.

According to the Israeli Immigration Authority, 3,165 citizens of Sudan applied for asylum in Israel between July 2009 and early 2015. Israeli NGOs estimate that most of them are from Darfur. By February 2015, the state had replied to only 40 of them – and refused refugee status to all 40. One third of asylum seekers from Sudan have either left Israel in the meantime or withdrew their applications.³³

The MOI promised the court that preference would be given to the examination of the asylum claims of detainees of Holot facility. While the MOI managed to examine and reject 40 asylum requests of Sudanese from all over Sudan, not even one of the hundred Darfuris received an answer to his asylum request.³⁴

In a hearing held on April 13, 2015, Judge Alon at the Beer Sheva district court wrote in his verdict in a petition served by HRM on behalf of Mutasim Ali, an asylum seeker from Darfur and a leader of the refugee community, that the MOI "should do every possible effort in order to grant a decision in the plaintiff's asylum request until May 31, 2015".³⁵ Since a decision was not given on that date, HRM addressed the court again and two days later, the office of the Attorney General responded, acknowledging that only "on May 28, 2015 the refugee committee gathered to discuss the case. Examining the plaintiff file shows that in addition to the specific claims regarding his case, his file raises general questions regarding the situation of Sudanese from the Darfur region. Therefore, the committee members thought that it is impossible to discuss the case without discussing the general issue of Sudanese from the Darfur region. As a result, the committee members would like to gather once more on June 24, 2015 in order to discuss the issue of the plaintiff

33 Ilan Lior, "Israel ignores court order on jailed refugee leader", Haaretz, June 3rd, 2015, available at: <http://www.haaretz.com/news/israel/1.659374>

34 According to of the State's response on February 16th, 2015, on HCJ 8665/14 Desta et al. v. the Knesset et al. available at: <http://www.acri.org.il/he/wp-content/uploads/2015/02/hit8665otrim0215.pdf>

35 Administrative Petition 60469-02-15 Mutasim Ali v. the MOI, Beer Sheva District Court, Judge Alon's verdict, dated April 13, 2015, article 8.

after a general position was established".³⁶

The entire Sudanese community in Holot follows Mutasim Ali's asylum case with great attention, anxiety and fear.³⁷

Out of the 4,112 Sudanese who left voluntarily, 999 left from the detention facilities and 613 of them, had an open asylum claim while they decided to leave.³⁸

Improvements in the conditions of Holot

Medical services: PHR, which monitors the medical services in Holot, reports that since April 2014, when "Bikur Rofe" company took over the responsibility for the health services in the facility, the situation gradually improved and as of September 2014 one could see that there have been improvements both in the length of time that a patient has to wait in order to see a doctor and the variety of medicines supplied in the facility. In addition, more patients were sent to special doctors in Soroka in time of need. Yet there are still complaints by Holot detainees about not receiving proper care by the doctors. Some detainees say that they only prescribe pain medication, even when they have a variety of problems.

Vacations: During the first 19 months in Holot, the detainees asked 1,492 vacations of up to 48 hours.³⁹ It means that on average, almost every detainee in Holot asked for one vacation. 1,379 requests were approved, yet more than half of them (814) were for fewer hours than requested. 113 requests were denied.⁴⁰

Although HRM managed to receive information only up to July 2014 from the MOI, numerous discussions with detainees reveals that it seems as if more vacation requests are being approved during the last several months. In addition, the last amendment allows vacations up to 96 hours, in comparison to the previous one that allowed only 48 hours.

Bank accounts: At the time Holot was opened, many asylum seekers who were

36 Administrative Petition 60469-02-15 Mutasim Ali v. the MOI, Reply dated June 2nd, 2015, article 5, from Adv. Shunit Shahar, office of the legal advisor to the government to Adv. Orit Kertz, Attorney General office, Southern branch.

37 Ilan Lior, "Israel has no policy on Sudanese asylum seekers from Darfur, ministry admits", June 8, 2015. Available at: <http://www.haaretz.com/news/israel/.premium-1.660048>

38 According to of the State's response on February 16th, 2015, on HCJ 8665/14 Desta et al. v. the Knesset et al. available at: <http://www.acri.org.il/he/wp-content/uploads/2015/02/hit8665otrim0215.pdf>

39 Data was provided by the MOI under the Freedom of Information law on November 3rd, 2014 to Emi Saar, HRM

40 Ibid

summoned to Holot and had an open bank account in Israel discovered that after their 2A5 conditional release permit was taken away from them, they were no longer able to access their bank accounts. HRM addressed the Supervisor of banks, but for many months no action was taken. It was only after the MOI informed the Banks about the new identification cards of Holot detainees that it was possible for them to continue accessing their bank accounts.

Air conditioners: Since Holot was created in the Negev desert, detainees suffer from the extreme desert weather conditions. Last winter was extremely difficult, especially with the temperature drop to minus-two degrees Celsius (28 Fahrenheit) in December 2014. Since the detainees are not allowed to have heaters (not even hot-water heaters for tea) in their rooms, they complained about the situation.

HRM and ACRI petitioned the HCJ demanding that the State provide bedroom heaters for Holot detainees. The court asked the State to respond within a day and the IPS immediately started installing air conditioners (which also provide heat) in the rooms.⁴¹

Punitive Detention in Holot

Under the Fourth Amendment to the Anti-Infiltration Law, and MOI clerk had the legal right to sentence detainees in Holot for punitive detention of up to one whole year.⁴² The MOI's answer to a Freedom of Information request revealed the scale of usage of this power only in November 2014.

HRM asked the MOI for the numbers of asylum seekers who were punished and sentenced to imprisonment in Saharonim for not appearing on time for roll calls or for violating the facility rules. The MOI answered that until July 20, 2014, there were 70 asylum seekers who were punished and transferred to Saharonim for not appearing for roll calls on time. In addition, there were 387 who were punished and transferred to Saharonim for violating the facility's rules. Most detainees were transferred for periods of one to three months and then returned to Holot. Five of them were sentenced to more than three months in Saharonim.⁴³

41 For more details see Yael Marom, "Provide asylum seekers with heaters, rights groups demand in court", 972 Magazine, January 11, 2015, available at: <http://972mag.com/provide-asylum-seekers-with-heaters-rights-groups-demand-in-court/101217/>

42 See the Fourth Amendment to the Anti-Infiltration Law at: www.knesset.gov.il/privatelaw/data/19/3/817_3_1.rtf (Hebrew), Article 32K (B)3(c)

43 Data provided by the MOI under the Freedom of Information Law, on November 3rd, 2014 to Emi Saar, HRM.

Yet, according to information that was provided to HRM by the IPS and was widely documented by the media, on June 29, 2014 alone, 756 detainees from Holot were sentenced to punishment in Saharonim after attempting to cross the border back to Egypt and remaining in Nitsana to protest their conditions in Holot.⁴⁴ When adding these detainees to the data provided by the MOI, the number of Holot detainees who were punished within the first 19 months of Holot is 1,213 people: more than half of the detainees in Holot were punished and transferred to Saharonim prison at one occasion or another for at least one month, and in five cases more than three months.

Confiscation of Personal Belongings

Groups of armed, uniformed officers continue to break into the detainees' room in order to search and confiscate belongings that are not allowed in the rooms, such as small heaters or kettles.

An example of these search operations can be seen in the [short video](#) taken by a Holot detainee on February 25, 2015.⁴⁵

Food

HRM worked with Megan Cohen, an executive Masters of Public Health student at Tel Aviv University, to collect data about food and nutrition at Holot.⁴⁶

Detainees report that the vast majority of detainees do not wake up for breakfast since it is only served until 7:30 AM, and, as one of them stated, "there is nothing to do the whole day, so why wake up early?" Breakfast includes one slice of bread, one slice or one small circle packet of cheese, a small amount of jam, and sometimes yogurt or chocolate.

Lunch also contains small portions. Protein is only served about three times a week, in the form of a couple mini-hot dogs, a piece of chicken, a meatball or a hamburger. Occasionally beans are served in the form of humus or tahini that is given to eat with white rice on Saturdays. One piece of fruit, such as a small

44 Gideon Levi and Alex Leavac "If Israel does not want us we will go back to Egypt", Haaretz, July 4th, 2014, available at: <http://www.haaretz.com/weekend/twilight-zone/premium-1.602919>

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

46 Ms. Cohen has previously completed a Bachelors of Science in Anthropology & Global Health and worked with community health and nutrition in West Africa; therefore she was very familiar with using semi-structured interviews and participant observation methods to analyze the nutritional situation at Holot.

apple, orange, nectarine, or melon, is served at lunch, although on Saturday there are often no fruits at all. These fruits are often of poor quality, either over-ripe or under-ripe, and very tiny. Poorly cooked white rice is served daily.

Dinners usually contain dry, flavorless, under cooked white rice, with one hard boiled egg. Sometimes a cucumber, tomato, sweet bell pepper, carrots, or a whole head of cabbage is served, but some days there are no vegetables given at all. The 'vegetable' soup served on Saturday is usually just broth.

According to Ms. Cohen, the food provided by Holot is not enough to meet basic nutritional requirements.

" Even in emergency contexts where there are limited resources available, international organizations consistently strive to uphold a minimum standard of basic nutrition for the population they are serving. This includes 2,100 calories per person, 10% of those derived from fat sources and 17% derived from protein sources."⁴⁷

The information collected in the detainees' testimonies shows that some days the only protein sources provided to them are one single hard boiled egg, and, a small packet of cheese. Furthermore, some days there is only one fruit or vegetable available, severely limiting the amount of vitamins and minerals available for consumption. The majority of detainees' diets are empty calories in the form of a slice of bread and white rice. The fact that nutritional information is not provided to us by the IPS makes it difficult to form nutrient calculations, but the information gathered from testimonies leads me to believe that basic nutrient requirements for an adult male are not being met."

Detainees requiring special nutrition, such as celiac patients and diabetics, are not given separate foods to eat and do not see their needs properly addressed. As previously stated, one of the most common solutions to these medical problems is to serve a meal that is nutritious and fits their dietary requirements. As explained to HRM by Alem, an Eritrean suffering from diabetics:

" Life is difficult for me in Holot since I'm diabetic and cannot find food that fits my situation. Only once a week, on Sunday or Monday there is a meal that fits diabetics. Sometimes I feel how my sugar goes up and I shiver."

These limited food options prompt detainees to establish restaurants outside of

47 The Sphere Project, "Humanitarian Charter and Minimum Standards in Humanitarian Response", 2011, available at: http://www.miusa.org/sites/default/files/documents/resource/The_Sphere_Project_Handbook_2011.pdf

Holot. Some inmates travel to Beer Sheva to bring back fruits and vegetables, while others will collect funds to create traditional dishes like asida (Sudanese wheat porridge), Eritrean Injera-like pitas, grilled chicken wings, or other traditional tomato and okra based sauces and wheat-flour based staples. Unfortunately, with the limited allowance given to them, most people cannot eat these foods as often as they would like, and cooking conditions outside are not ideal. The chicken factory nearby spreads the smell of chicken waste all around outside, and the desert heat sometimes spoils the food and causes inmates to become ill.

Testimonies by Holot detainees indicate a great deal of criticism about the food served in Holot. The most widespread complaints are that the food is of poor quality, often under cooked and under flavored, and served in small portions.

According to Ms. Cohen "The quality of food given to Holot detainees directly affects their mental and physical states, cascading down to how often they get sick and with what ailments, and causing even more problems for the IPS when their ailments must later be cared for. Holot detainees report a variety of health



Photo by Sigal Rozen, Holot detainees prepare chicken wings outside Holot facility

problems relating to their difficult situations. Weight fluctuation, mood swings with frequent anger or depression, frequent exhaustion, frequent headaches, or muscle aches are reported in most of the testimonies. Detainees often worry about what foods they will have to eat. There is the general feeling of being abandoned such as one detainee said "If I am sick, I can't feel healthy. They will leave me here to die." When asked if there is a medical person to speak with, another detainee report that "The social worker is from the police and don't care about the health problems we have and doesn't do much work."

The World Health Organization (WHO) states that food security is "when all people at all times have access to sufficient, safe, nutritious food to maintain a healthy and active life." This standard is built on having sufficient quantities of food available on a consistent basis and having access to appropriate foods for a nutritious diet. It is doubtful that both of these concepts are being maintained at Holot.

"When the Holot Facility fails to provide adequate nutrition options, and the detainees are not given enough money to buy food outside of Holot, a very real food insecurity problem is created" says Ms. Cohen.



A notice hunged at the Entrance to Holot facility

In addition to the lack of money to buy food, the IPS prevents detainees from bringing food into the facility. They explained that because detainees do not have refrigerators, they may end up digesting spoiled food. The authorities also assured the HCJ that " in general, food packed in sealed packages can be brought into the facility,"⁴⁸ but this is false. On June 1, 2015, IPS hung a sign at the entrance to the facility stating that only ten items are allowed in. Under the short list of allowed items, it is stated: "It is forbidden to bring food, snacks, and any kind of beverages into the facility!"

Holot detainees attempt to fill the nutritional gaps by establishing private "restaurants" outside of the facility,

48 According to of the State's response on January 27, 2015, on HCJ 8665/14 Desta et al. v. the Knesset et al. available at: <http://www.acri.org.il/he/wp-content/uploads/2015/01/hit8665meshivim2-5-0115.pdf> , article 92.

servicing traditional Sudanese food. Yet, the shortage of cash prevents many of the detainees from enjoying these restaurants. The authorities demolished some of the restaurants since they were established without proper authorization.



Photo by Sigal Rozen: A restaurant outside Holot, demolished in March 2015



Photo by Hanna Raz: A restaurant outside Holot, demolished in March 2015

Employment

As we have previously reported, the possibility of employment at the Holot facility is quite limited and an extremely small percentage of the detainees work. According to the Israeli authorities, the facility can offer employment in rotation for close to 900 detainees in a month. During the first year of its operation, 652 detainees registered for work. Yet on average, until January 2015 only 143 detainees worked every month. The authorities stated that "It should be emphasized that the vast majority of the residents choose not to cooperate and not to work at the residence center and not to receive the additional compensation for this work."⁴⁹ Officially the detainees are supposed to earn 12 NIS per hour of work, but according to several detainees they are allowed to work only 10 days per month, for which they can earn a total of 360 NIS. The employment possibilities are cleaning the facility public areas, kitchen work in the dining rooms, laundry, barbershop, and IPS car washing. In addition, there are detainees who work as informers who report to the authorities on the going-ons at the facility, including gatherings and attempts to organize. Using informers is a practice that the IPS employs in criminal prisons and is inappropriate to use on the innocent detainees in Holot.

Detainees explained the HRM the low participation rate in the employment possibilities in the facility, despite their desperate need for money, due to the perception that if they agree to work at the facility the authorities will have more of a reason to claim that they are not refugees but economic migrants.

Pocket money

Once every ten days the detainees in Holot receive 160 NIS as pocket money. Most of them spend it on food outside of Holot, soap, shampoo, cigarettes or busses to Beer Sheva or Tel Aviv. That despite the claim of the authorities that hygiene products are being supplied to the detainees.⁵⁰ A trip to Beer Sheva, the nearest city, costs 38.60 NIS while a trip to Tel Aviv costs 74.20 NIS. All detainees who were asked claimed that the pocket money is not enough for their basic needs, and those who manage to keep their savings before they were summoned to Holot find themselves with no other choice but to use those savings.

49 According to of the State's response on January 27, 2015, on HCJ 8665/14 Desta et al. v. the Knesset et al. Available at <http://www.acri.org.il/he/wp-content/uploads/2015/01/hit8665meshivim2-5-0115.pdf>, article 78.

50 Ibid, article 71 (C)

Fines

According to testimonies of detainees in Holot, there is no change in the fines policy. As stated in the previous report, detainees who commit infractions or are suspected of committing an infraction, might lose some or all of his allowance.

" Every detainee who leaves the facility, even with permission and therefore does not attend the night roll call, automatically loses 16 NIS, his daily allowance. This is the only sum that is known in advance. Only when they distribute the allowance, one discovers how much of the 160 you are going to lose this time. Yet, even then, you usually don't know what made you lose it"

said one of the detainees.

" Just this month, some friends who received permission to attend a meeting in Tel Aviv came back to Holot a little bit late. I think it was Saturday night and the buses started late. They were less than one hour late, and still, they were told that they will be fined for 80 NIS each".

" Sometimes they fine you for finding stains on your room walls. They don't ask who made the stains. They transfer us often from one room to another. A person cannot be responsible for the stains of former detainees, but they don't care. They fine you if they will like it."

By law, detainees are entitled not only to know what infraction they committed before any punitive action is taken against them, but also to present their version of the event:

" 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".⁵¹

51 The Amendment to the Anti-Infiltration Law and to Ensure the Departure of infiltrators From Israel (2014), (Article 32S(b)), Available in Hebrew at: https://knesset.gov.il/privatelaw/data/19/3/904_3_1.rtf

Preventing Lawful National Insurance Grants from Holot Detainees

K.S. was wounded while working in Israel. His employer was cooperative and with the assistance of a lawyer, K.S. managed to obtain a letter from the Israeli national insurance informing him that he was recognized as being 10% handicapped and deserve a stipend as a result. Yet, during his long months of detention in Holot, K.S. was not able to obtain his money. Adv. Osnat Cohen Lifshitz, the Director of the Migrants Rights Clinic at Ramat Gan College, addressed the national insurance on behalf of four asylum seekers detained in Holot whose circumstances were similar. The national insurance answered that those detainees who hold 2A5 conditional release document will be able to receive their money, ignoring the fact that while summoning a person to Holot, the MOI withdraw his 2A5 status. In June 2015 the legal department of the national insurance told Adv. Cohen Lifshitz that the issue is still under consideration. Those who paid their national insurance taxes by law and deserve their grants have been waiting for many months for their money.

Rejecting and Closing Asylum Files

According to the MOI, by February 9, 2015, 1,521 of the 1,940 asylum seekers in Holot already filed an asylum claim. 862 of them filed their asylum claim after being summoned to Holot (256 Eritreans and 605 Sudanese). Until this date, the MOI rejected 997 asylum claims of Eritreans and 40 asylum claims of Sudanese.⁵²

Five asylum seekers addressed ARDC (African Refugees Development Center) from Holot after they were told by the MOI that their asylum files were closed. According to the ARDC follow up, their files were closed because they failed to attend their RSD interview in Tel Aviv due to lack of money for transportation. Attempts to receive money for that purpose from the MOI failed. The requests of ARDC to re-open the asylum files remained unanswered so far.⁵³

52. According to of the State's response on February 16th, 2015, on HCJ 8665/14 Desta et al. v. the Knesset et al. available at: <http://www.acri.org.il/he/wp-content/uploads/2015/02/hit8665meshivim2-5-0215.pdf>

53. E-mail correspondence with Itamar Skalka from ARDC, dated June 10, 2015.

Delayed Notifications of Asylum Claims Rejections

Most asylum seekers whose asylum requests are rejected do not appeal the decision. When asked why, the main reason is lack of confidence in the Israeli RSD system and the knowledge that everyone is being rejected. Yet, some did not appeal the rejection because they were unaware of it.

Two of the 24 interviewees did not appeal their rejection since the month for appealing passed before they knew that their asylum claim was rejected: G's asylum request was rejected on March 29, 2015 but he received the rejection letter only on April 28, 2015.

D. was rejected on July 24, 2014 when he was incarcerated in Saharonim prison. He received the rejection letter only upon his return to Holot, on December 14th, 2014. Many others among detainees in Holot reported to the HRM that they received the MOI rejection letters long after they were issued.

Cultural and Educational Activities

Despite all these shortcomings, during the last several months, a greater number of Holot detainees have been involved in cultural and educational activities. Israeli authorities complain that "the number of those participating in the formal and informal educational activities in the facility is extremely low in comparison to the number of the residents. Most of the residents choose, for their own reasons, not to participate in the various activities."⁵⁴ By January 2015, only two groups of detainees (total of 33 participants) successfully graduated courses to become barbers arranged by prison authorities, which offers courses in gardening and construction as well.⁵⁵

The detainees, however, participate in various cultural and educational activities outside of Holot.

During the past year, a group of six asylum seekers detained in Holot, together with four Israelis, directed by Avi Mugarbi and Dr. Chen Alon, worked on the Legislative Theater and created a theater play that attracted hundreds of Israelis to its premiere.⁵⁶

⁵⁴ According to of the State's response on January 27, 2015, on HCJ 8665/14 *Desta et al. v. the Knesset et al.* Available at <http://www.acri.org.il/he/wp-content/uploads/2015/01/hit8665meshivim2-5-0115.pdf>, article 76.

⁵⁵ *Ibid*, article 74.

⁵⁶ Vered Lee, All the desert's a stage for these asylum seekers, *Haaretz*, June 13, 2015. Available at: <http://www.haaretz.com/news/israel/premium-1.660913>

In January 2015, Nureldin Musa, a genocide survivor from Darfur displayed photographs he took in and around Holot in an exhibition called "Waiting" in the Parasite Gallery in Tel Aviv. The Exhibition attracted hundreds of Israelis.⁵⁷

In March 2015, about 100 of Holot detainees began attending a two-months-long academic program as part of the Free your Mind Project, an initiative of the NGO Ben-Gurion Students for Refugees and Asylum-Seekers. The detainees studied Basic and Advanced Hebrew, Introduction to Computer Sciences, Psychology and Education, Politics and Society, Crisis Management and Humanitarian Aid, Introduction to Philosophy, and New Media.⁵⁸

The animation department at Sapir college chose to create their graduation pieces based on the testimonies of detained asylum seekers in Holot. In June 2015, after several meetings with the detainees, the animation department created a short and powerful animation movie⁵⁹ and the movie department created a documentary focusing on Jamal Omar, one of the leaders of the community, detained in Holot for the past year.⁶⁰

57 Vered Lee, From the Holot detention center to an exhibition in Tel Aviv: The story of Nureldin Musa, Haaretz, January 27, 2015. Available at: <http://www.haaretz.com/news/features/.premium-1.639399>

58 Hayah Goldlist-Eichler, 100 refugees and asylum seekers participate in academic program at BGU, Jerusalem Post, May 21, 2015. Available at: <http://www.jpost.com/Israel-News/100-refugees-and-asylum-seekers-participate-in-academic-program-at-BGU-403800>

59 Ynet, Lost in Holot: Asylum Seekers testify in Animaton, June 10, 2015. Available in Hebrew at: <http://www.ynet.co.il/articles/0,7340,L-4667018,00.html>

60 Asher Kasher, You Will Be Surprised: the Refugees Create Films in the Detention Camp, MyNet, June 7, 2015. Available in Hebrew at: <http://www.mynet.co.il/articles/0,7340,L-4664857,00.html>



Photo by Sigal Rozen, Anwar Suliman, one of Holot detainees and a leader in the refugee community lectures to visitors of an exhibition of Holot's photos



Photo by Malin Fezehay

Conclusions and Recommendations

As we stated in previous reports, even significant improvements in the conditions of confinement, will not change the heart of the problem: 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 it is run by the IPS and 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.

Our recommendations do not concern the conditions in 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. We hope that the HCJ will abrogate the last amendment to the Anti Infiltration Law as well. The MOI should reverse its Rwanda or Saharonim policy, release all asylum seekers, and individually review their asylum requests in a way that fits international standards, in accordance with the UNHCR guidelines and recommendations.

* We have asked the Ministry of Interior and the IPS to comment on the information contained in the report. Both agencies have chosen not to respond.



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