

March 2013

### **Israel's Policy towards Refugees and Asylum Seekers: Prolonged Administrative Detention**

On 16 August 2012, Interior Minister Eli Yishai announced his plan to make the lives of infiltrators in Israel "miserable." Minister Yishai and the Israeli government as a whole use the word "infiltrators" when describing the African refugees and asylum seekers living in the country. Yishai's goal sums up Israel's deterrence policy, which aims to render the living conditions of asylum seekers unbearable, and ultimately aims to deter others from coming to Israel. This policy is cemented in legislation that grants the government legal authority to hold migrants in administrative detention centers for a minimum of three years. In order to realize this objective, the government has been expanding Israel's detention facilities to accommodate thousands of additional detainees.

Over the last two months, Israel has begun implementing a policy of encouraged deportations of those in detention under the Infiltration Law. In February 2013, Minister of Interior Eli Yishai reported in the Knesset that at least 1,000 "infiltrators" have "voluntarily returned" to north Sudan. In the same month, Eritrean asylum seekers held at Saharonim prison reported about a possible deportation of 23 Eritrean nationals from Israel to Eritrea. These individuals had signed consent forms to travel to Uganda. Instead of being offered the option to stay in prison with an uncertain future under the Infiltration Law or deportation to a hostile home country, asylum seekers should be offered the possibility of entering asylum proceedings.

Deporting asylum seekers back to Eritrea or Sudan is a grave violation of the non-refoulement principle and the 1951 UN Refugee Convention. Israel is considered an enemy state by the Sudanese government, and deportation to Sudan almost certainly leads to imprisonment, torture and ultimately, a death sentence. In Eritrea, similar fates await those who are forced to return.

The Israeli government recently completed the construction of a 230-kilometer fence on the border between Israel and Egypt. While human rights groups recognize Israel's right to protect its borders and regulate immigration, it should be stressed that this right is restricted by international law. Under international law, migrants who seek asylum cannot be turned away. As we have seen from the past several weeks, Israel does not always abide by this obligation.

A series of amendments to the Infiltration Law, approved by the Knesset in January 2012, allows for the automatic detention of anyone – including



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asylum seekers – who enters Israel illegally. Moreover, the law authorizes the State to incarcerate these migrants, without pressing charges or holding trial, for a period of three years or longer. Migrants who arrive from countries that are considered hostile to Israel, including Sudan, can remain in detention indefinitely. Under this law, children who arrive with their parents face spending the rest of their childhood in jail.

Since June 2012, hundreds of asylum seekers have been imprisoned under the Infiltration Law in two detention facilities. Furthermore, as result of a new procedure issued on 24 September 2012, dozens of individuals who are "involved in criminal proceedings" have been jailed under the same law. Human rights groups have submitted a petition against the legislation to the High Court of Justice on 4 October 2012 and a hearing is set for mid-March.

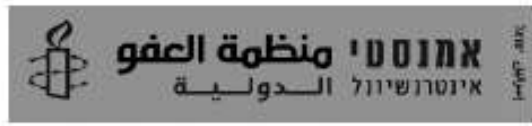
In order to carry out its plan to detain refugees and asylum seekers, the government has significantly expanded the detention facilities located in Israel's southern desert. While refugees and asylum seekers are currently held in Saharonim and Ktziot detention centers, the government plans to increase detention capacity beyond these two facilities throughout 2013.

These details paint a grim picture of the events to come: Imagine thousands of asylum seekers – many of them victims of human trafficking and torture – detained with their children and infants in tight quarters, often in tents, and exposed to the extreme summer heat and bone-chilling winter and nighttime temperatures. Thousands of men, women and children huddled together in line for food, showers and bathrooms, none of which are provided in sufficient quantities. Thousands living without privacy, without space to store their belongings, without employment or activity, without proper education, mental health or social services and without proper healthcare that includes gynecology, psychiatry, rehabilitation and pediatrics. There aren't enough phones, calling cards or visits. Women separated from their husbands, children torn away from their fathers. Caged for years within closed walls, fences, barbed wire and locked metal gates. Led once in a while to the local court, which cannot set them free, and forced to await a hearing inside a cramped cage with scarcely a place to sit. The ground between the fences is devoid of greenery, the living quarters devoid of color. This is a terrible picture that does not belong in the Israel of today.<sup>1</sup>

Cruelty for the sake of deterrence is unjustified and the prolonged detention of thousands of men, women and children is disproportional and unnecessary. It represents a blatant violation of international standards and law. Therefore,

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<sup>1</sup>This paragraph was taken from a critique of the detention facilities, submitted by human rights groups to the National Planning and Building Council.



Israel must immediately cease detaining asylum seekers and allow them to work and enjoy healthcare and social rights.