Chapter 13. "I Never Told What Happened to Me in the Sinai": Identifying Survivors of Torture

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Introduction

This chapter focuses on the conduct of the Israeli government, specifically the Israeli immigration authorities, towards asylum seekers[2], mostly from Eritrea, but also from Ethiopia, Sudan and other countries, who are survivors of Sinai torture camps and victims of human trafficking and slavery in the Sinai desert. It reviews policy changes since 2009 and describes the situation of these survivors up to 2016, seven years after the first survivor arrived in Israel (Physicians for Human Rights-Israel, 2010).

Human rights organisations estimate that approximately 4,000 survivors of the torture camps remain in Israel today. According to the Ministry of Justice's Office of the National Anti-Trafficking Coordinator, there are approximately 3,000 victims of Sinai torture residing in Israel (Dominitz, D., Coordinator of the Anti-Trafficking Unit, Knesset Subcommittee on the Elimination of Trafficking in Women, 7 March 2018).[3] And according to the United Nations High Commissioner for Refugees (UNHCR), approximately 7,000 Eritrean refugees were victims of torture in the Sinai from 2010 to 2012 (Israeli State Comptroller, 2014; UNHCR, personal communication, 2014). Most of the torture camp survivors entered Israel in 2011, during which year 17,306 asylum seekers arrived in Israel (Population Immigration and Border Authority, 2014). A report published by Europe External Policy Advisors (EEPA) and Tilburg University in the Netherlands, estimated that over 4,000 asylum seekers did not survive the journey to Israel and died in the desert between 2008 and 2012 (Van Reisen, Estefanos, & Rijken, 2012).

Between 2010 and 2012, Physicians for Human Rights-Israel collected testimonies from more than 1,300 camp survivors who visited their open clinic. These testimonies have shed light on the extent of this phenomenon.[4] Analysis of the information collected from these survivors revealed that 7.2% of them were kidnapped from refugee camps in Sudan and Ethiopia and brought involuntarily to the Sinai and Israel; 91% were transferred from captor to captor

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[2] As of 2018, Israel has officially recognised only 10 Eritrean and 1 Sudanese asylum seekers as refugees, who receive the rights and benefits inherent to this status. Although thousands of others have applied for asylum, their status is still either undetermined or defined as temporary protection. For this reason, they are referred to as 'asylum seekers', and not 'refugees', throughout this chapter.

[3] The information was provided during a visit by the Subcommittee on the Elimination of Trafficking in Women to south Tel Aviv on 7 March 2018.

[4] Most of the figures are based on an analysis of 890 testimonies of Eritreans and Ethiopians (511 men and 469 women) collected in interviews conducted by Physicians for Human Rights-Israel between November 2010 and May 2012.

('bought' and 'sold') between three to six different smuggling/trafficking groups; 24% endured severe physical and psychological abuse at the hands of their captors;[5] 59% had severe nutritional deficiencies; and 53% reported having been denied access to water.[6]





Figure 13.1. Photographs of H., an Eritrean asylum seeker who was kidnapped from Sudan and tortured for eight months in Sinai torture camps, until his family managed to collect the USD 30,000 demanded for his release. These images were taken in Tel Aviv, on 18 May 2012, 22 days after his release. Photographs: Sigal Rozen

[5] This abuse included beating, whipping, burning, singeing, electric shock, burial (alive) in sand or dirt, hanging from limbs, exposure to sun, sexual abuse, threat of execution, shooting, and threat of organ extraction for transplants.

[6] Based on the testimonies of 1,142 Eritreans, Sudanese and Ethiopians collected during interviews conducted by Physicians for Human Rights-Israel between November 2010 and May 2012.

With the completion of the border fence between Egypt and Israel in the middle of 2012, asylum seekers stopped coming to Israel almost completely. Those who reached the border were forced to wait on the Egyptian side of the fence until the Israel Defence Forces contacted the Egyptian forces who took them to prisons in Egypt, from where they were usually deported back to their countries of origin or to Ethiopia. Soldiers serving at the border at this time stated that entry to Israel was permitted only to survivors of severe abuse. In an interview to the daily newspaper, Yediot Aharonot, a soldier in the reserves stationed at the border described how the situation with the survivors was handled: "It's true that sometimes it is unpleasant to see people with wounds and thin as skeletons, but they might compromise state security, and what we do is very important in our eyes" (Yahav & Siver, 2012).

The Israeli State Comptroller Report clarified:

> *A torture victim who was not held in conditions of slavery will not be recognized as a human trafficking victim as defined by punitive laws. Thus, if the detainees suffered inhumane torture but were not forced to work or provide any type of services, including sexual services, they will not be recognized as victims of human trafficking, though their immense suffering should not be overlooked, and will receive minimal state services, as received by the entire foreign population.* (Israeli State Comptroller, 2014)

The purpose of this chapter is to describe the conduct of the state authorities in Israel towards survivors of the torture camps, among whom are survivors of trafficking and slavery. It also elaborates on why most of these survivors are not recognised as such and do not enjoy the rights they deserve according to the international conventions signed by Israel and under the national laws of Israel.

Methodology

The data in this chapter is comprised of primary as well as secondary research. The information and data presented was collected primarily by the volunteers and employees of the Hotline for Refugees and Migrants (HRM). This is non-profit organisation for rights of migrants and refugees in Israel.

The staff of HRM went regularly (on average every two weeks) to visit Israeli detention centres in which asylum seekers are held. The material from these visits has been recorded through interview reports, observation reports and other communications. The HRM files are located in their offices. This study is based on an analysis of these files.

In addition, various unpublished documents and testimonies were analysed for the purpose of this research. These include documents related to hearing protocols from the Detention Review Tribunal of torture survivors transferred by the Tribunal adjudicators to the Anti-trafficking Unit for examination and data collected during visit by the Subcommittee on the Elimination of Trafficking in Women to south Tel Aviv and Jaffa, as well as testimonies collected during interviews conducted by Physicians for Human Rights-Israel.

The secondary research has been conducted through a systematic desk research of legal documents, court cases, reports and other relevant publications.

The documents are separately referred to in the text, unless these are part of the HRM files, in which case they are referred to as such. The author has the original files. Given the sensitive nature of this research, all names of torture and human trafficking survivors and asylum seekers are withheld. The names are known to the author.

Definitions: Human trafficking, slavery and torture

This section provides definitions of human trafficking, slavery and torture, as per international law and the laws of Israel.

Human trafficking

In Israel, the Prohibition of Human Trafficking Law defines human trafficking as selling or buying a human being, or carrying out a transaction involving a human being, with or without barter (State of Israel, 1977). This definition is limited in comparison to that in the Palermo Protocol (Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, see United Nations, 2000). The Prohibition of Human Trafficking Law forbids trading in persons, or negotiating for trading in persons, that would bring the person into a state of slavery, forced labour or prostitution, or for committing a sexual offence against that person (State of Israel, 1977, Article 377A).

Slavery

The Universal Declaration of Human Rights states that "No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms" (United Nations, 2017, Article 4). Since that statement was made, slavery has been prohibited by a long list of International Human Rights instruments.[7] In addition, the Prohibition of Human Trafficking Law in Israel prohibits "holding a person for the purpose of providing services or labour, including sex, holding a person in a state in which they are being treated as property, including control of their life and the abrogation of their liberties" (State of Israel, 1977, Article 375A). The legal definition of forced labour is "the use of force or other means of pressure, or threats, or compliance obtained fraudulently, with or without payment" (State of Israel, 1977, Article 376).

Torture

The Convention Against Torture (UN General Assembly, 1984) defines torture as where "An act by pain or suffering, whether physical or psychological, is intentionally inflicted upon a person". The right to be free from torture is one of the core fundamental rights in international law, and one of the legal principles granted the status of customary law, which is binding upon every state in the world. As well as the Convention Against Torture, torture is also prohibited by the International Covenant on Civil and Political Rights (UN General Assembly, 1966a). Both conventions were signed by the State of Israel, although neither is guaranteed by Israeli law.

The main obstacle in persuading the Israeli authorities to recognise the survivors of Sinai torture camps as survivors of torture under international law is that they are non-Israeli survivors who were tortured on Egyptian soil by Egyptian citizens. The Convention Against Torture only applies: "…where such pain or suffering is caused by the approval or

[7] Among these International Human Rights instruments are Article 8 of the International Covenant on Civil and Political Rights (UN General Assembly, 1966a) and Articles 5–8 of the International Covenant on Economic, Social and Cultural Rights (UN General Assembly, 1966b) and more.

acquiescence of a public official or other person serving in an official position or in his solicitation" (UN General Assembly, 1984, Article 1). Israeli government officials claim that survivors of the torture camps in the Sinai are not included in the Convention's definition because they have been tortured by Egyptian citizens and not by Egyptian officials, despite evidence of the involvement of the Egyptian authorities in the existence of the torture camps, or at least evidence of their 'silent consent' to their existence (Human Rights Watch, 2014).

Article 14 of the Convention Against Torture imposes upon its signatories the obligation of rehabilitating survivors of torture in their territory (UN General Assembly, 1984). The UN Committee Against Torture has determined that the states signatory to the Convention are required to establish accessible and available facilities for survivors of torture, as soon as possible after being examined by a physician, and to provide them with rehabilitation services to regain their independence as well as their physical, mental, social and professional capacities. Furthermore, signatories must establish programmes for the identification of survivors, which offer medical, psychological, legal and social aid (United Nations Committee Against Torture, 2012, para. 11–15).

The distinction between slavery and torture is not simple. According to Israeli law, for a person to be recognised as a survivor of slavery, and to be referred to a shelter for trafficking survivors, the Police Anti-Trafficking Unit must be convinced that prima facie proof exists that a crime involving human trafficking or slavery has been committed (Decision 2806, State of Israel, 2002).[8] For example, a person kidnapped from a refugee camp in Sudan, sold to captors in the Sinai for cash, bound in chains and severely tortured for a year will not be recognised as a slavery survivor. If that person was required to prepare food for the captors, wash their clothes or work in their fields for at least a few weeks, it is likely that he or she will be recognised as a survivor of slavery. If that person is raped two or three times during captivity, they are unlikely to be recognised as a slavery survivor. If one or more persons rapes them regularly, they are more likely to be recognised as a slavery survivor for providing sexual services (State of Israel, 2006; Rozen, 2012).

Since the survivors of torture camps began arriving in Israel, the distinction has become clearer. However, the requirement of prima facie evidence is sometimes a liability: the Police Anti-Trafficking Unit only recognises prima facie evidence in which the survivors described the torture they underwent and the services they provided in the first interview conducted by the border control officers and the adjudicators of the Detention Review Tribunal. The Police Unit does not attribute enough importance to the fact that these first interviews do not usually cover the events in the Sinai. In addition, the manner of inquiry by the border control officers and the various tribunal adjudicators does not encourage asylum seekers to talk about their experiences (Rozen, 2012).

Procedures for the absorption of torture camp survivors

In 2010, Maria Rabinovitch, a researcher at the Knesset Research and Information Centre, explained why only a few of survivors of torture and rape reported their experiences to Israeli authorities:

[8] Decision 2806 by the State of Israel regarding human trafficking for the purposes of prostitution states that a shelter should be established "…for all victims of human trafficking for whom the first and foremost offenses against them are trafficking in the prostitution trade, or similar offenses" (State of Israel, 2002).

> *From the border, asylum seekers are transferred to the Interior Ministry's Refugees and Infiltrators unit, which is actually the first to question them. This unit has the first opportunity to notice any signs of problems. However, this does not usually happen because the women are not willing to talk, and those doing the questioning are mostly men. In addition, the questionnaire used in these interviews (to which we gained access) included no questions about the health and mental status of the women.* (Knesset Subcommittee on the Elimination of Trafficking in Women, 2010)

As explained previously, the State of Israel only feels compelled to locate and identify survivors of slavery, and no efforts are made to locate and identify torture survivors who did not provide services for their captors. This section will detail the absorption procedures of the Israeli authorities, including the methods of locating and identifying the survivors of the Sinai torture camps who provided services to their captors and are, therefore, entitled to be recognised as survivors of slavery (Hacker & Cohen, 2012).

Before completion of the border fence in 2012, asylum seekers, including survivors of torture, crossed into Israel and waited for the Israel Defence Forces military patrol on Route 10, which would transfer them to a nearby military base. When there were enough asylum seekers to fill a bus, they would be handed over to the Israel Prison Service, which then transferred them to Saharonim Prison. There, after being registered, they were taken by bus to Soroka Hospital for medical examination and then returned to Saharonim. Survivors of torture and slavery who reached the border with visible injuries or who were in a state of malnutrition were immediately hospitalised at Soroka and returned to prison when their condition improved. After 2012, the process of absorption remained similar, but the medical examinations were conducted at Saharonim (HRM files, Hotline for Refugees and Migrants, 2009, 2010, 2011, 2012, 2013 & 2014). Since the end of 2016 up until the end of April 2019, due to the border fence and the Israeli Defence Force push-back policy, not a single person has crossed Israel's southern border illegally (Population Immigration and Border Authority, 2019).

Many of the survivors of the torture camps entered Israel shortly before or during the period of Amendment No. 3 to the Anti-Infiltration Law, under which they were detained at Saharonim Prison, a facility with 2,000 beds. During that time, four social workers were employed at the prison, one of whom spoke Tigrinya, the language of most of the survivors. A hearing was held for the detainees by the Border Control Office within seven working days of their entry into Israel (Anti-Infiltration Law, State of Israel, 2012, Article 30[a]A). If the detainees showed overt signs of severe torture, the doctor might suggest that they meet with a social worker. If not, the first person to speak to them was the border control officer, an official of the Interior Ministry who was authorised to issue a detention and removal order and continue their administrative detention, or to set conditions for their release from custody (HRM files, Hotline for Refugees and Migrants, 2009, 2010, 2011, 2012, 2013 & 2014).

On 19 February 2012, as a result of tremendous efforts by the National Anti-Trafficking Unit in the Ministry of Justice, the Israel Prison Service introduced a procedure for identifying victims of trafficking and conditions of slavery. Within 15 days, with only one Tigrinya speaking social worker, 24 victims of torture were identified. However, most of them received no treatment because they were not defined as slavery victims. On 7 March 2012, the Ministry of Welfare reported that it was waiting for the conclusions of the government Subcommittee on the Elimination of Trafficking to decide how to deal with the issue of torture survivors

(Protocol of the Subcommittee on the Elimination of Trafficking in Women, State of Israel, 2012). However, in the seven years that have passed since, no treatment has been offered to torture survivors who did not provide services to their captors.

According to the procedure, when a border control officer, adjudicator of the Detention Review Tribunal or a social worker suspects that a detainee is a survivor of slavery they must notify the Legal Aid Department at the Ministry of Justice. The Department sends a lawyer to interview the detainee and to examine whether they are merely a survivor of torture or had also been forced to provide services to traffickers, making them a survivor of slavery. The lawyer documents the testimony of the survivor, includes their own legal opinion, and transfers it to the Legal Aid Department, which then transfers it to the Police Anti-Trafficking Unit. The Unit decides whether the person will be recognised as a survivor of slavery. If the survivor is recognised as a survivor of slavery, and there is a space available in the shelter for trafficking and slavery survivors, the Detention Review Tribunal releases them to the shelter (Israeli law provides the same rights to shelter for victims of slavery and trafficking alike) (State of Israel, 1977). Despite the tremendous efforts and the strenuous work of the Legal Aid Department, most survivors of the torture camps do not enjoy legal representation, because, according to their own testimony, although they were severely tortured, they did not provide services to the traffickers. Of the 5,000–7,000 torture camp survivors who arrived in Israel between 2009 and 2012 (Israeli State Comptroller, 2014), only about 500 had been recognised as survivors of trafficking and slavery by the end of 2018 (Dominitz, D., Coordinator of the Anti-Trafficking Unit, Knesset Subcommittee on the Elimination of Trafficking in Women, personal communication, 7 March 2018).

An examination of the minutes of the Border Control Office's hearings and the Detention Review Tribunal[9] regarding the camp survivors shows that, in most cases, survivors refrain from telling the authorities what happened to them. For example, in a review of protocols carried out by HRM, of the 1,543 asylum seekers who entered Israel in June-September 2012, only 30 (less than 2%) protocols of torture survivors were referred by the Detention Review Tribunal to the authorities to ascertain whether they were survivors of slavery (Rozen, 2012). However, interviews conducted by UNHCR in Israel revealed that, of 33 asylum seekers who arrived in Israel in November 2012, 16 (48%) were tortured in camps in Sinai (UNHCR, 2012).

Additional evidence of a lack of reporting by authorities can be found in the data collected by the open clinic run by Physicians for Human Rights-Israel. Of the 1,996 women who arrived in Israel through the Sinai in 2011, only 54 complained at Saharonim of sexual assault in the Sinai (Zohar, S., Knesset Subcommittee on the Elimination of Trafficking in Women, 15 July 2012).[10] This means that less than 3% of the women claimed, in the presence of Israeli authorities, that they were sexually assaulted. That same year, Physicians for Human Rights-Israel referred 1,585 women to gynaecologists and assisted in 21 abortions. The number reflects all referrals to gynaecologists provided by the Open Clinic run by Physicians for Human Rights. Most of these patients were from Eritrea and Sudan (Rozen, 2012).

[9] HRM reviewed 30 hearing protocols from the Detention Review Tribunal of torture survivors transferred by the Tribunal adjudicators to the Anti-trafficking Unit for examination, between June to September 2012 (out of 1,543 asylum seekers who entered during these months).

[10] This information was provided by Sigalit Zohar, an attorney from the Legal Aid Department, during a visit by the Subcommittee on the Elimination of Trafficking in Women to the Physicians for Human Rights Open Clinic in Jaffa on 15 July 2012.

Not all the women who applied to Physicians for Human Rights-Israel came from the Egyptian border, and not every asylum seeker who needed gynaecological treatment was necessarily a survivor of rape. However, at the same time, although all the survivors of rape reached Saharonim, not all found their way to the Physicians for Human Rights-Israel Open Clinic after their release from prison. The huge gap between the number of rape survivors located and identified by the Israeli authorities in prison and those located and identified by Physicians for Human Rights-Israel reveals the failure of the system in 2011 to identify survivors of slavery, even though they were entitled to assistance and rehabilitation by law.

Identification of slavery survivors

> *I'm a religious person. I grew up in a church ... I never told what happened to me in the Sinai. It is very hard to talk about it even now, with you. How could I talk about it with a stranger I do not know? How could I expose myself to someone I do not know who comes to me for the first time and asks me to talk about what happened to me?* (S.M., interview with Alexandra Roth-Ganor, HRM, Saharonim, 26 March 2015)

These words, which testify to the difficulty survivors of torture camps have in sharing their experiences, were expressed very emotionally by one of the survivors to an HRM activist after several lengthy meetings and conversations between the two.

This section specifies the reasons for the huge gap between the number of actual survivors of slavery and their number reflected in the official interviews conducted with asylum seekers.

A rare news report broadcast on Channel 2 News at the end of 2011 followed the first steps of Sudanese and Eritrean asylum seekers in Saharonim Prison and makes it clear why most of them chose not to share their experiences of captivity in the Sinai. Not only did the Channel 2 camera unit accompany the arrival of the 'infiltrators' from the military base to Saharonim and document the activity of the immigration officers in the prison, it also revealed the names and exposed the faces of dozens of Sudanese and Eritreans, violating basic interview protocol and the interviewee's right to privacy (Channel 2 TV, 2011).

During the interview, Amir Peretz, head of border control at Saharonim at that time, never addressed the asylum seeker directly, did not identify himself to the asylum seeker or explain his authority, nor did he explain to the asylum seeker the purpose of the interview and its possible consequences. He spoke only to Anat, the translator. Peretz also allowed the reporter, Danny Kushmaro, to interrupt and pose questions for the camera and the viewers.

Much can also be learnt from this report about the problems involved in translation between asylum seekers and immigration authorities: Peretz asked Anat to ask Tedros, the asylum seeker (who did not want to be identified on camera, but whose wishes were ignored), if the Bedouins treated him well during the two weeks he spent in the Sinai. Tedros replied in Tigrinya: "They did not beat me" (in Tigrinya, *aytharemkun*). Anat, instead of providing a simple, direct translation, said "There was no problem, they brought them by car to the border, and close to the border they got off, and were told 'go'". Berihu, another asylum seeker from Eritrea, was also summoned for an interview. To the same question, Berihu answered: "There is no one who does not say 'Israel' after opening his eyes" (in Tigrinya, *kulu ayni znqoh Israel zybl yelen*). However, a simple, literal translation was not enough for Anat,

who said, as though translating Berihu's exact words: "All Eritreans want to come to Israel, and anyone who opens his eyes, meaning as soon as he can, everyone wants to come to Israel". The conduct of the border control officer and the flawed translation services revealed in the report clearly explain why so few torture survivors share their experiences with the authorities.

Although more survivors have shared their experiences of torture and slavery with the Detention Review Tribunal adjudicators than with the border control officers, many are still unwilling to share this information with the adjudicators for several reasons. According to the Public Defenders' report on the legal treatment of asylum seekers in Saharonim Prison in 2011, the number of adjudicators and their working hours had not been adjusted to the number of detainees. Consequently, the court found it difficult to keep up with the heavy workload (about 100 hearings per day, 4 times the number of hearings conducted by an adjudicator today). In the same year, additional facilities were allocated for the use of the court, which was a significant improvement. However, the holding conditions during the waiting period were deemed inappropriate: the asylum seekers had to wait in very crowded 'waiting pens', long and narrow cells similar to a cage, while sitting on the floor (Israeli Public Defender's Office, 2011). These conditions while awaiting a hearing, combined with overworked adjudicators, did not encourage the survivors to elaborate on their experiences. For example, during a visit to Saharonim Prison in July 2012, a UNHCR staff member identified five survivors of slavery and torture who did not mention their experiences to the Border Police or the Detention Review Tribunal (Zohar, S., Knesset Subcommittee on the Elimination of Trafficking in Women, 15 July 2012).[11]

The adjudicators, who had to conduct about 100 hearings a day during these years, used a fixed format of protocols and a fixed text for the detainees' statements, some even written before they were brought before the adjudicator. Thus, of the 30 protocols that the adjudicators chose to transfer to the Police Anti-Trafficking Unit, all the minutes of the hearing by Adjudicator Dorfman had an identical opening sentence: "I am a citizen of Eritrea". The opening sentence in the minutes of Adjudicators Silberschmidt, Halabga and Raja, is also identical: "I am not represented".[12]

A total of 17 of the 30 protocols indicate that the survivors said they came to Israel to work. All the survivors who said they had been kidnapped declared this before Adjudicator Dorfman and this is reflected in his protocols. It is possible that survivors who appeared before other adjudicators were also kidnapped from refugee camps in Sudan and Eritrea, but unless the adjudicator specifically asked about the circumstances of their arrival, these details were not mentioned.

A total of 21 of the 30 protocols were written by Adjudicator Dorfman. In these 21 protocols, 11 survivors reported that they had been kidnapped without any intention of coming to Israel, while 9 allegedly declared, "I came to Israel to work". All the survivors brought before

[11] This information was provided by Sigalit Zohar, an attorney from the Legal Aid Department, during a visit by the Subcommittee on the Elimination of Trafficking in Women to the Physicians for Human Rights Open Clinic in Jaffa on 15 July 2012.

[12] HRM reviewed 30 hearing protocols from the Detention Review Tribunal of torture survivors transferred by the Tribunal adjudicators to the Anti-trafficking Unit for examination, between June to September 2012 (out of 1,543 asylum seekers who entered during these months).

Adjudicator Silberschmidt were quoted as saying: “I came to Israel to live and work”. All detainees brought before Adjudicator Halabga were attributed as saying “I arrived in Israel for the purpose of work”. The identical wording of the detainees’ statements is evidence of the great burden placed on the adjudicators, a burden that caused them to ‘copy and paste’ the detainee’s words before they were spoken, and sometimes even caused them to forget to erase the words if the detainee did not say them. The heavy workload discouraged adjudicators from dwelling on and discussing problems and difficulties that detainees did not bring up themselves (HRM files, Hotline for Refugees and Migrants, 2009, 2010, 2011, 2012, 2013 & 2014). Of those 30 survivors, only 6 (4 women and 2 men) were ultimately recognised as survivors of slavery. During 2012, only one of the men (of the 6 who were recognised) was transferred to a shelter. The 4 women and another man waited in prison until 2013, when they were finally transferred to a shelter (HRM files, Hotline for Refugees and Migrants, 2009, 2010, 2011, 2012, 2013 & 2014).

Survivors of torture camps who provided services to their captors often failed to mention the services they were forced to provide. When HRM representatives asked the camp survivors to clarify why they did not say that they worked for their captors in the desert, most of the survivors did not understand the question. Even when asked about torture, they talked about it only to clarify the source of their distress or injuries. Survivors working in the traffickers’ fields, building their homes, or providing cooking, cleaning, or translation services reported that hard work was actually a relief in their routine during captivity. Most of them welcomed the opportunity to be free from the chains that restrained them day and night. They were happy to leave the cramped, stuffy compound, where they were chained with many others, some of whom had died and whose bodies still remained in the chains. The work, at least, released them from the sickening smell of the bodies. Because many reported being trapped in underground structures, often with their eyes covered throughout their long captivity, going out to work was an opportunity to see the light of day. During the long months of captivity, the physical torture was many times worse and, therefore, they did not think it was important to describe the services they provided the traffickers (HRM files, Hotline for Refugees and Migrants, 2009, 2010, 2011, 2012, 2013 & 2014).

Even when the right questions were asked in the right language, many survivors did not understand them correctly. For example, a number of survivors answered me in the negative when asked whether they worked for their captors. However, when I asked them to describe their daily routine in captivity, night construction work was added to the schedule. In another case, preparing food for the detainees and their captors was part of the routine. When I explained to the interviewees that if they prepared food or did construction work under the orders of their captors, they did indeed work, they rejected this: preparing food was not considered a job, as the food was for them as well. A detainee who was engaged in construction work, for example, claimed that it was not work, because he had not received a salary for it. Sexual abuse is even more difficult to report for the survivors of the torture camps in the Sinai. Even when they were asked and understood that reporting sexual abuse would promote their release from detention, many did not dare, and still do not dare to report it, because of the shame involved. These examples illustrate why relying on old protocols when discussing the experiences of slavery survivors, who now seek recognition of their status, is unreasonable (HRM files, Hotline for Refugees and Migrants, 2009, 2010, 2011, 2012, 2013 & 2014).

Imprisonment of torture survivors under the Entry to Israel Law

> *The Bedouin smugglers who promised to transfer us to Israel abused us badly. They tortured my partner before my eyes; they slowly burned parts of his body until he died of his wounds. His body was thrown to the road. I was raped and severely beaten by the smugglers.* (P.M.H., interview with HRM, Saharonim, 22 July 2009)

P.M.H., a 28-year-old asylum seeker who fled Eritrea with her partner and was the victim of trafficking in the Sinai, is one of only six women who told HRM volunteers in 2009 about instances of rape on the way to Israel. Like the other asylum seekers, P.M.H. was held in administrative detention in Saharonim for illegal entry and stay in Israel, under the Entry to Israel Law (State of Israel, 1952).[13] The period of detention and the date of release of asylum seekers was not stated specifically, but can be determined by the number of new asylum seekers entering Israel and, hence, the demand for the 2,000 beds in Saharonim. The detention, which allows for the detention of asylum seekers, is ordered by border control officers and is subject to judicial review by the Detention Review Tribunal within 4 days, and periodic review every 30 days (State of Israel, 1952).

Although there were still no guidelines for the treatment of trafficking and slavery survivors from the Sinai at that time, a Detention Review Tribunal adjudicator referred P.M.H. to a social worker in Saharonim. He later accepted HRM's request to release the woman to a shelter run by a private non-profit organisation in northern Israel.

The following experience was reported by asylum seekers (two sisters) from Ethiopia to HRM volunteers in Saharonim, the bruises still fresh on their bodies, before their detention began in June 2009.

> *I am 26 years old and my sister is 21 years old ... Two attackers entered the place where we slept and said that since we refused to have sexual relations with them, we will no longer receive drinking water ... The attackers ordered to deny us food and drink. The newly arrived Bedouins also beat us and demanded that we have sex with them in exchange for water [...].* (A.T.T. and A.T.T., interview with HRM, Saharonim, 7 July 2009)[14]

HRM requested that the sisters be transferred from the remote Saharonim Prison to Givon Prison, and that an attorney from the Legal Aid Department in the Ministry of Justice be appointed to them.[15] When an attorney failed to be appointed, HRM requested that the Tribunal release them, and in September 2009, the two were released from prison (HRM files, Hotline for Refugees and Migrants, 2009, 2010, 2011, 2012, 2013 & 2014)

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[13] P.M.H was released from prison in September 2009.

[14] These sisters were released from prison in September 2009.

[15] HRM's request was based on the Legal Aid Law, 1972, which was amended according to the Law for the Prevention of Human Trafficking 2003. The amendment ensures that legal aid is provided to all trafficking victims, whether or not they testify against their traffickers. In addition, this amendment stated that legal aid can be provided in stages. During the first stage legal aid was provided to women in the Maagen shelter, and only until 1 August 2006. As of April 2006, legal aid was provided to all trafficking victims, including those detained in immigration detention facilities. On 29 October 2006, the Law against Human Trafficking came into force. At the same time a temporary law was implemented, extending legal aid to victims of slavery trafficking.

Government policy on the rights of torture survivors

In 2010, the severity and extent of the torture camp situation in the Sinai became clear. Serious indictments for extortion, holding people in conditions of slavery and human trafficking were filed in January 2010 by the Jerusalem Magistrate's Court against Negassi Habtai, an Eritrean citizen, and Fitwi Mahari, an Ethiopian immigrant. The indictments raised awareness of the phenomenon. According to the indictments, the two were part of an Egyptian-Eritrean gang that took asylum seekers as hostages and tortured them, while extorting their relatives for ransom for their release (Hananel, 2010).

In the absence of clear guidelines, torture survivors were sometimes released by the Detention Review Tribunal to a private shelter run by volunteers, funded by a messianic Jewish community in northern Israel. Sometimes the release involved difficulties: M.S., a citizen of Eritrea, was raped and severely tortured in the Sinai (M.S., interview with HRM, Saharonim, 3 January 2010), however, the Detention Review Tribunal rejected HRM's request to release her to the shelter, because the adjudicator said that she could receive appropriate medical treatment in the Israel Prison Service clinic. HRM submitted another request to the Tribunal, which demanded a psychiatric opinion, following which the adjudicator ruled that she would be released for 60 days, and even authorised an extension, at the end of which M.S. would have to return to prison (Rozen, Leibowitz & Bornstein, 2010).

On 8 June 2010, HRM initiated a discussion in the Knesset Subcommittee on the Elimination of Trafficking in Women, and accompanied M.S. to speak before the committee members. Rachel Gershuni, head of the Anti-Trafficking Unit in the Ministry of Justice, and an attorney who has, for many years, fought for recognition of the rights of survivors of trafficking and slavery, made it clear that M.S. was entitled to the status of trafficking survivor:

> *M.S.'s case, which we have just heard, is a case I have reviewed and reached the conclusion that there is a suspicion of slavery here. Why? Not because she was raped ... In order for this to be slavery, several conditions must exist, as is in her case, such as being treated as property, being held for three weeks without a chance to leave, being raped by several people, and being claimed as property: the Bedouin who held her said "you are mine forever". These are clear signs that she has been objectified, treated as property, controlled, deprived of liberty. Although it is a short period, it can be regarded as slavery, which is why she was transferred to this shelter.* (Knesset Subcommittee on the Elimination of Trafficking in Women, 2010)

Gershuni's words, and perhaps the fact that M.S. gave her testimony before the Knesset Committee, helped to prevent M.S. from being returned to prison and to be granted recognition as a survivor of slavery.[16] Her words encouraged committee chairwoman, MK Orit Zuaretz, to summarise the matter saying: "We are moving in the direction of understanding the need for an additional shelter that will provide a different solution for victims who are refugees and migrants who come here through the border; this is another requirement" (Knesset Subcommittee on the Elimination of Trafficking in Women, 2010).

Indeed, in the course of 2010, 11 survivors of slavery from the Sinai were recognised and transferred to shelters (Atlas & Maagen Shelters, 2015). In contrast, survivors of torture who

[16] M.S. was released from prison on 15 March 2010.

arrived in the same period were detained in Saharonim in conditions described by the Public Defender's Office as miserable, overcrowded and unsanitary (Israeli Public Defender's Office, 2011, p. 68).

The incarceration of asylum seekers, including survivors of trafficking, torture and slavery

> *Because of the experience involved in seeking asylum and the traumatic events often preceding their escape, asylum seekers may suffer symptoms of psychological illnesses such as trauma, depression, anxiety and aggression. When examining the necessity of detention, such factors must be taken into consideration.* (UNHCR, 2012)

This section describes the laws that have allowed, and still allow, the detention of torture survivors and details the enormous difficulties involved in locating, identifying and releasing those survivors over the years.

In 2010 and 2011, the Israeli government decided to take significant measures to "stop infiltration" from Egypt (Natan, 2011). These included building a fence along the border and a detention camp capable of holding thousands, as well as punitive measures against employers of asylum seekers (Rozen, 2012).[17] In addition, legislation was enacted that would allow the prolonged detention of asylum seekers (Natan, 2011). These decisions began to affect asylum seekers in Israel in the middle of 2012, when the construction of the fence was completed, the capacity of Saharonim was doubled, and Amendment 3 to the Anti-Infiltration Law came into effect (Sabar & Tsurkov, 2015).

In 2011, a record number of 17,306 asylum seekers entered Israel from the Sinai (Population Immigration and Border Authority, 2014), and the practice of trafficking for ransom was thriving. In the absence of places for detainees, the Immigration Authority was forced to release detainees from Saharonim after a very short period. However, the conditions of detention may have been traumatic for the survivors of the crowded Sinai camps. The report of the Public Defender's Office, which reviewed prison conditions in 2011–2012, showed that in Saharonim, each detainee was allocated 2.1 square metres (Israeli Public Defender's Office, 2013, p. 10), while the regulatory minimum area deemed as an appropriate standard is 4.5 square metres (Israeli Public Defender's Office, 2013, p. 5). This is at odds with standard living space in prisons in western countries, which is 8.8 square metres per prisoner (Israeli Public Defender's Office, 2013, p. 4).

Between 2012 and 2015, the Knesset passed three major amendments to the Anti-Infiltration Law aimed at deterring those trying to enter Israel from Egypt and encouraging the departure of those already in Israel. In January 2012, Amendment 3 to the Anti-Infiltration Law was enacted (State of Israel, 2012), although it has been postponed from coming into force repeatedly since 2006 due to severe public criticism. Unfortunately, years of systematic incitement of public opinion against asylum seekers by decision makers and politicians has steered the public to accept the law, which has undergone a number of amendments (Tsurkov, 2012). Amendment 3 of the law (State of Israel, 2012) allowed a detention period of three

[17] Until June 2012, Saharonim prison had 8 sections of tents, each of which held 250 prisoners. In June 2012, additional new wings were added that replaced the tent sections. Each of the new wings could hold 500 prisoners.

years for asylum seekers who did not enter through a regular border crossing. Those coming from an enemy state could be detained indefinitely. A petition by human rights organisations led to the annulment of the amendment in September 2013 (Israel High Court of Justice, 2013b) and the enactment of Amendment 4 within three months in a hasty proceeding. Amendment 4 reduced the detention term to one year, but established the Holot facility, where 'infiltrators' released from Saharonim and 'infiltrators' summoned from around the country could be detained indefinitely (State of Israel, 2013). Human rights organisations again petitioned the High Court of Justice, which annulled Amendment 4 (Israel High Court of Justice, 2014a). In 2014, another amendment, aimed at preventing infiltration and ensuring the departure of 'infiltrators' from Israel, was enacted in less than three months. This amendment reduced the period of detention for new 'infiltrators' from one year to three months and restricted the period of detention in Holot to 20 months. The law included economic sanctions against 'infiltrators' who had yet to be sent to Holot, and their employers. Human rights organisations filed a petition against the law. In August 2015, the High Court of Justice rejected the petition, but reduced the maximum period of detention at Holot to 12 months (Israel High Court of Justice, 2015). On 8 February 2016, the Knesset amended the law accordingly (Hartman, 2016).

During the 15 months in which Amendment 3 was implemented, only 136 people were released from detention (Israel High Court of Justice, 2013a). The law allowed the Border Control Office to release 'infiltrators' if the officer was convinced that incarceration was detrimental to their health (State of Israel, 2012, Section 30A[b]1). Despite the serious medical problems exhibited by some of the detainees, HRM was unable to secure the release of any detainees on the basis of this section. HRM's efforts, in cooperation with the Physicians for Human Rights-Israel, to bring volunteer doctors to the prison to examine the detainees were unsuccessful, and requests for the release of torture camp survivors were denied on the grounds that torture does not constitute a special humanitarian cause for release (Beersheva District Court, 2013a).

The story of Waldo from Eritrea illustrates the difficulties faced by the survivors of the Sinai torture camps. Waldo arrived in Israel on 21 July 2012 after being tortured, beaten, and burned for many months in the Sinai. After his family raised the ransom required for his release, he reached the Israeli border and was transferred to Saharonim Prison. After the Detention Review Tribunal refused to consider torture as a humanitarian cause for his release, HRM attorney Raya Meiler appealed to the District Court of Beersheva. District Court Judge Bitan agreed with the Tribunal, stating:

> *The harassment and torture of infiltrators on their way to Israel is a widespread phenomenon. To view this as a special humanitarian case, there must be a connection to the mental state of the infiltrator which would justify his release.* (Beersheva District Court, 2013a)

Judge Bitan rejected HRM's appeal and attorney Meiler then turned to the Supreme Court, where Judge Fogelman returned the case for re-examination by the Detention Review Tribunal, ruling:

> *There is therefore no place to rule categorically that abduction, imprisonment, torture and other abuses suffered by many of those who made their way from Africa to Israel are*

> *not 'special humanitarian reasons' which provide grounds for release from custody. Each case must be examined individually, based on its specific circumstances.* (High Court of Justice, 2013a, 1689/13)

In accordance with the opinion of a social worker in Saharonim, Detention Review Tribunal adjudicator Marat Dorfman agreed to release Waldo. The Immigration Authority, however, appealed the decision to transfer the case to the District Court of Beersheva (Beersheva District Court, 2013b). Honourable Judge Dovrat accepted the state's appeal and cancelled the decision to release Waldo, but criticised the examination conducted at the prison in English and determined that he would be re-examined. After the examination, the adjudicator again decided to release him. On 27 June 2013, Waldo was released after 11 months of detention at Saharonim (Detention Review Tribunal, 2013a).

During the 15 months of the law's implementation, HRM was able to obtain the release of only five survivors of the torture camps. In 2013, HRM succeeded in having 14 survivors of slavery recognised. The average period between the day of detention and release to a shelter was six months. When the law was annulled in September 2013, 149 survivors of torture were still held at Saharonim, the vast majority of them for over a year (UNHCR, 2013). After several explicit requests submitted by HRM to the Detention Review Tribunal, many of them were released, while others were released when the law was annulled, regardless of their being survivors of torture (HRM files, Hotline for Refugees and Migrants, 2012 & 2013).

In December 2013, approximately 500 asylum seekers, among them survivors of torture camps, were transferred from Saharonim Prison to the Holot facility, a violation by the Immigration Authority of the High Court's instructions to release them (Israel High Court of Justice, 2013b). In 2014, the procedure for recognising slavery survivors among the asylum seekers had not yet been fully implemented. In 2014, HRM volunteers and employees in Saharonim and the Holot identified 87 survivors of torture who had been detained for over two years. HRM succeeded in releasing 42 survivors of torture camps. Two were released due to a petition sent on their behalf to the District Court, while the others were released on 6 November 2014, only because they were part of a group of 138 petitioners who had been detained for more than two years, unrelated to the fact that they were torture survivors (Israel High Court of Justice, 2014c). A total of 29 of the 87 camp survivors provided services to their captors (HRM files, Hotline for Refugees and Migrants, 2014).

In 2014, after more than two years in prison, at least five torture survivors identified by HRM surrendered to the intense pressure exerted on them while in Saharonim and chose to leave Israel 'voluntarily'; their fates remain unknown. During the Passover holiday of 2014, three survivors of the torture camps left Israel, at least one of whom was entitled to the status of survivor of slavery (HRM files, Hotline for Refugees and Migrants, 2014). N.M.S. entered Israel on 23 January 2012 and was detained in Saharonim. In all of the 13 Detention Review Tribunal hearings on his case carried out in Tigrinya, the Eritrean language, he insisted he was a citizen of Eritrea. The Immigration Authority claimed that he was an Ethiopian citizen. In February 2014, N.M.S. met with HRM's volunteers and said:

> *I was in Sinai for a month. They beat me in the head a lot. I have marks of the blows. Every night they took us to work. We built the houses of the Rashida (the smugglers, members of the Rashida tribe). I did not tell this to the Interior Ministry because they did*

not ask me. They only ask all the time if I want to go back to Ethiopia. (N.M.S., interview with HRM, Saharonim, 5 February 2014)

On 23 February 2014, HRM sent a request for his release to the adjudicator, but a month later N.M.S. gave in and left Israel 'voluntarily', after two years and two months in Saharonim.

Other survivors, F.A.M. and J.I., did not even intend to come to Israel. They were abducted from Kassala on the Sudanese border in 2012, held in various torture camps and released along the Israeli border after their ransom was paid in August 2012. They also succumbed to the pressure and returned to Eritrea in March 2014, after a year and five months in prison (HRM files, Hotline for Refugees and Migrants, 2014).

Due to the efforts of the Anti-Trafficking Unit, Amendment No. 3 to the Anti-Infiltration and Assurance of the Departure of Infiltrators from Israel Law specifies that survivors of trafficking and slavery will not be sent to Holot (State of Israel, 2012, Section 32D, Article 6C). However, this law does not grant the right to liberty to survivors of torture who have not worked for their captors. These survivors are sent to Holot like other asylum seekers. To clarify the difficulties involved in releasing survivors of slavery from detention, let us describe the sequence of events in the case of one of them.

S.M., an Eritrean citizen, entered Israel in September 2011 and was released in November 2015 after four years and two months in Saharonim.

[...] There was severe violence in the Sinai. Every morning they would ask us to call [family members] to get the money ... When I was in the second hut, they took me to work in the building at night ... I worked for two weeks every day from eight in the evening until two or three in the morning. Because of all the torture and beatings I got, I became very ill, my whole body swelled up, my mouth too. The children of the smugglers who guarded us with rifles decided not to take me to work anymore ... I could not sit because they burned me in the back ... I sat naked because I was so wounded that I could not wear clothes. I did not tell anyone what happened to me. I was never asked the way you are asking me. (S.M., interview with Alexandra Roth-Ganor, HRM, Saharonim, 26 March 2015)

In April 2015, Emi Saar, head of the HRM human trafficking combat team, sent a request to the Police Anti-Trafficking Unit to recognize S.M. as a slavery survivor, but the request was denied. In October 2015, after the head of the Police Unit was replaced, Saar sent another request. In December 2015, S.M. was finally recognised as a slavery survivor, released from Saharonim Prison and transferred to a shelter (HRM files, Hotline for Refugees and Migrants, 2015a).

During 2015, HRM referred 28 slavery survivors who worked for their captors to the Police Anti-Trafficking Unit; 19 of them (13 men and 6 women) were recognised as survivors during that year. In 2015, additional difficulties arose in preventing the transfer of survivors of torture and slavery from Saharonim to Holot. Although Holot had only 3,360 beds, the Immigration Authority admitted it sent no fewer than 12,425 asylum seekers there during 2015, among them at least 2,000 survivors of the torture camps (Bureau of Democracy, Human Rights and Labor, 2017; HRM files, Hotline for Refugees and Migrants, 2015a). Survivors' testimonies reveal a disturbing picture of how torture survivors who were incarcerated for long periods were re-detained in Holot, while the authorities overlooked the fact that some of them

provided services to their captors and were, therefore, entitled to recognition as survivors of slavery. During 2015, 235 survivors of the torture camps in the Sinai turned to HRM after being sent to Holot, of whom about 200 were detained there (HRM files, Hotline for Refugees and Migrants, 2015a). Although authorities referred to the Holot facility as an 'open stay centre', the High Court of Justice recognised it as a detention facility, in which stay must be limited to a maximum of one year (Israel High Court of Justice, 2015). Although the detainees of Holot could leave the facility during most hours of the day, the conditions in the facility exacerbated the post-traumatic stress symptoms of survivors suffering from this disorder. The authority of the Border Control Office to send asylum seekers to Holot in cases where their health, including mental health, might deteriorate due to their stay there, could be limited (State of Israel, 2012, Anti-Infiltration Law, Section 32D[b]), but in any case the Border Control Office was in no hurry to grant any requests that might result in detainees not being sent to Holot due to medical conditions.

Many survivors cannot explain why staying in Holot worsened their sense of vulnerability and mental state. Yet the following picture emerges from their testimonies: the facility is isolated, located on the Egyptian border, and surrounded by barbed wire. The desert landscape is identical to the landscape in the Sinai. The sounds of sudden and powerful gunfire are often heard from nearby Israel Defence Forces bases and military zones, reminiscent of the sounds of the shootings which killed their friends in the Sinai. From 10 pm at night to 6 am in the morning, Holot inmates are locked in different sections of the facility. The biometric controls required to pass from one section to another, or to leave the facility, are not in operation at night, and the sense of confinement is suffocating. Because of the cold desert nights, especially in the winter, detainees often stay in their rooms, 10 crowded together in 5 bunk beds per room. During the day, they are forced into long queues in the dining room, the Immigration Authority Office (when they need any of their services), and sometimes even at the exit and entrance to the facility, especially when there are visitors coming to meet them. The crowding increases the survivors' sense of trauma. Armed uniformed wardens guard the detainees and control their daily lives. Sometimes they raid the detainees' rooms to search for hot water kettles, ovens, and other prohibited equipment (Hotline for Refugees and Migrants, 2015b). The sudden entry of armed men triggers flashbacks to camps in the Sinai, where their captors would enter and wake them for another round of torture. Sudanese detainees and Arab-speaking guards in Holot reminded the Eritrean prisoners of their captors' language. Even survivors of torture who were not confined to Holot, but who were merely summoned for a hearing, waiting many hours in line, reported that their condition had worsened due to the conditions they encountered at the facility (HRM files, Hotline for Refugees and Migrants, 2014 & 2015a).

The conduct of the Immigration Authority in M.Y.W.'s case is a good example of the way it conducts the summoning of torture survivors to Holot. M.Y.W., 29, was abducted from the Eritrean-Sudanese border to the Sinai at the end of 2010, severely tortured for nine months and then dumped in July 2011, unconscious and in a serious medical condition on the Egyptian-Israeli border. He was taken by the Israel Defence Force to Soroka Hospital and, after his condition improved, was detained for two years and four months starting in November 2013. He was released with hundreds of other Eritreans following a High Court decision (Israel High Court of Justice, 2013). In November 2015, M.Y.W. was summoned to Holot. He turned to HRM, which referred him to a clinical social worker who specialises in psychotherapy. After examining his condition, the expert noted that sending him to Holot would constitute a real

risk to his mental health, after which HRM sent a request to the Detention Review Tribunal, accompanied by the professional opinion. The request was not answered and HRM filed an appeal that was accepted by the Court of Appeals and M.Y.W. was temporarily prevented from being detained in Holot (Beersheva District Court of Appeals, 2015).

M.Y.W.'s situation is similar to the other 235 people who reached out to HRM during the course of 2015, requesting that their summons to the Holot facility be cancelled. However, due to lack of resources, HRM could not handle all the requests and many of the survivors were detained there. Those who could not bear the thought of returning to detention and could not hire legal services decided not to answer the summons to Holot, risking difficulties in finding work in the absence of a visa, arrest and detention in Saharonim Prison (HRM files, Hotline for Refugees and Migrants, 2014 & 2015a).

Camp survivors found it more difficult than other asylum seekers to return to detention facilities. Burdened with a strong sense of debt to relatives who raised tens of thousands of dollars to pay the ransom that saved their lives, they found it hard to return to a facility where they could not work to pay back that money, even in part. This great sense of debt was added to the anxiety brought on by conditions at Holot, which reminded them of the torture camps (HRM files, Hotline for Refugees and Migrants, 2014 & 2015a). And despite the impressive achievements of the Ministry of Justice's Anti-Trafficking Unit in removing survivors of slavery from the list of those summoned to that facility (State of Israel, 2012, Anti-Infiltration Law Section 32D of Article 6C), survivors of slavery were still being legally summoned to Holot.

The hearing prior to being sent to Holot was an opportunity to reveal the details of the situation they had suffered in the Sinai and perhaps avoid being sent there. However, the way hearings were conducted prevented asylum seekers from doing so. HRM representatives attended many hearings during 2015 and found it difficult to understand how torture survivors were expected to describe what they had undergone in the actual hearing conditions. This is how the hearings were described by Ofer Attar, a volunteer from HRM:

> *Sometimes two interviews are conducted simultaneously in the same small room. A man or woman is required to talk about their intimate relationship, while at the same time another person must explain his trauma following the torture, extortion and rape he experienced in the Sinai torture camps on the way to Israel. This happens while officials enter and leave constantly, with a hostile attitude. The officials' basic position is that they are being lied to*. (Attar, 2015)

The following is how a border control officer spoke at a hearing held for B., who was summoned to Holot after a year and a half in Saharonim:

> *I do not accept your words. I have examined the minutes of your hearings in the Detention Review Tribunal at Saharonim, and not once you did you claim that you were raped ... They [officials at Saharonim] are all liars and you are telling the truth?* (Border Control Office, 2015)

Having finally found the courage to tell the border control officer that he had been raped in the Sinai, it is not hard to imagine how this reaction would discourage the detainee from insisting on the matter. Experience shows that even when asylum seekers attend hearings at the Immigration Authority accompanied by an assertive human rights activist, the protocol

does not reflect what is said at the hearing. At a hearing in which I represented a Hebrew-speaking asylum seeker in January 2015, an interpreter was not needed, but when the border control officer asked him, "Were you at the shelter?" the interviewee did not understand what he meant. Despite speaking Hebrew well, he also did not know the words 'trafficking' and 'slavery'. He recognised the word 'victim', but instinctively rejected the idea that he was the victim of something. I made it clear to the border control officer that the questions were not clear to anyone who was not an expert on the subject of trafficking, even if he was a victim of it. The border control officer, who typed the protocol using two fingers during the hearing, omitted many facts that were shared by the interviewee. When I confronted him with their absence from the protocol, he claimed that those things were unimportant and, therefore, he did not type them. Only after I insisted on their importance did the officer agree to add some of the facts to the protocol that was typed in Hebrew. During the hearing, many officials entered and left the room to ask questions and search for documents. This description explains why, even when the asylum seekers are brave enough to talk about what they went through in the Sinai, when examining the minutes of their hearings, one realises that the things they managed to say, sometimes at a very high psychological cost, were never recorded. When things are not recorded in the protocol, the result is a border control officer who attacks the frightened asylum seeker with "I have examined the minutes of your hearings in the Detention Review Tribunal at Saharonim, and not once did you claim that you were raped" (Border Control Office, 2015).

Identification of victims of torture by NGOs

Despite the many difficulties experienced by camp survivors in communicating their experiences, and despite the fact that immigration officials and the Detention Review Tribunal do not, in most cases, identify the survivors of slavery among them, the proportion of camp survivors in the Sinai among the inhabitants of the shelters continued to grow. Table 13.1 shows the numbers of survivors admitted to shelters in 2010–2015 (information provided to HRM by Atlas & Maagen Shelters, 2015).

Table 13.1. Survivors of torture camps admitted to shelters in Israel 2010–2015

Year	Number of men	Number of women
2010	6	5
2011	7	6
2012	25	21
2013	24	37
2014	21	30
2014	21	30
2015	27	9
Source: Atlas & Maagen Shelters, 2015		

In 2014, state authorities reported that they identified 4 survivors of slavery from the Sinai in detention. HRM identified 29 slavery survivors in detention that year and referred them to the Anti-Trafficking Police Unit. As a result, 8 were recognised and released (see *Trafficking in Persons Report*, US State Department, 2014). Of the 27 men who survived the camps and resided in the shelter in 2016, HRM located and referred 16. Of the 9 female Sinai survivors who were admitted during 2015, HRM located and referred 7. In effect, more than half of the survivors of torture camps in the Sinai who were in the shelters during 2016 were located and

referred by HRM, a non-governmental organisation (NGO) whose entry into detention facilities is limited and is not supported by state authorities.

In 2015, the Anti-Trafficking Police Unit identified 27 men and 8 women as survivors of slavery – 35 survivors of slavery from the Sinai in total (Tene-Gilad, H., Ministry of Justice, personal communication, by email, 16 January, 2016). During that year, HRM identified and referred 28 survivors of slavery to the Police Unit, of whom 19 were recognised by the end of 2015. The Aid Organization for Refugees and Asylum Seekers (ASSAF) referred 7 survivors of slavery, 6 of whom were recognised. UNHCR referred 6, 3 of whom were recognised. Of the 35 survivors of Sinai camps recognised as survivors of slavery in 2015, NGOs identified, interviewed and prepared applications for at least 28, 80% of whom would not have been recognised were it not for the activities of these organisations who, in the absence of government bodies to carry out this responsibility, took it upon themselves to locate survivors and conduct interviews. In recent years, these groups have also located and investigated supporting witnesses in cases where the testimony of the survivor is not reflected in the hearing protocols.

Conclusion

Those recognised as survivors of slavery receive rehabilitation services in shelters. Survivors of torture are not entitled to anything. Like Israel, other developed countries do not provide special services to survivors of torture. In all these countries, however, survivors of torture camps, most of whom are Eritrean citizens, are recognised as refugees and receive health and social benefits associated with this status.

Compared to asylum seekers who have not been tortured, survivors of the torture camps succumb more easily to pressure from immigration officials to leave the country. These survivors owe money to members of their family or community who paid their ransom for release from the torture camps and cannot afford to stop working. It is, therefore, reasonable to assume that since 2013, there are numerous survivors among those who leave 'voluntarily' to third countries (Drori Avraham, Rozen & Avigal, 2015; Rozen, 2015; Rozen & Michaeli, 2015).

Based on careful assessment, some 4,000 camp survivors remain in Israel, among them several dozen in dire mental and health condition. These survivors should have been housed in shelters such as Atlas and Maagen. Several hundred more camp survivors would benefit from psychological and psychiatric services. For the vast majority, greater stability in their lives would have been enough for rehabilitation: the possibility of renewing their stay permit once a year instead of once every two months while standing in endless queues, and the possibility of working legally.

It is clear that much work remains to be done by the Anti-Trafficking Unit of the Ministry of Justice, which has been active during these years in recognising survivors of the torture camps and promoting their rights. These survivors are in urgent need of support. At the very least, Israeli authorities should promote the rapid identification and location of survivors of torture and slavery, release them from detention and regularise their status, assess their mental and health status, and provide rehabilitation services to those in need.

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