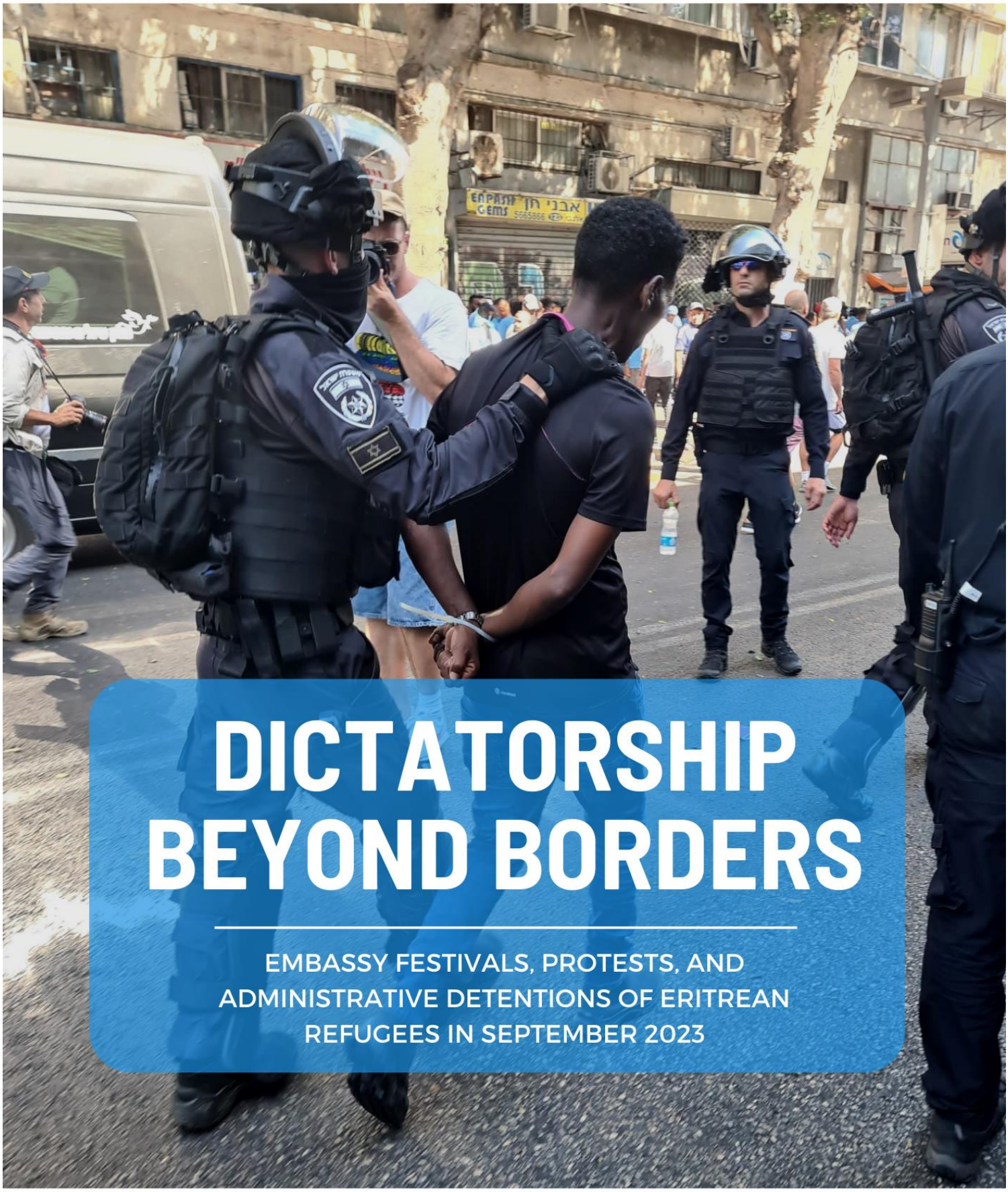
Hotline for Refugees and Migrants



DICTATORSHIP BEYOND BORDERS

EMBASSY FESTIVALS, PROTESTS, AND ADMINISTRATIVE DETENTIONS OF ERITREAN REFUGEES IN SEPTEMBER 2023

Dictatorship Beyond Borders

Embassy Festivals, Protests, and

Administrative Detentions of Eritrean Refugees in September 2023

May 2024

Author: Sigal Rozen

Research: Tali Bromberg, Adi Livne, Neta Mishli, Ronit Marian Kadishai, Sigal Rozen.

Design: Shira Abbo

Cover photo: Courtesy of the Israel Police Spokesperson's Office

The data presented in this report is the result of the diligent efforts of the staff of the Hotline for Refugees and Migrants. To safeguard client privacy, all names mentioned in this report are represented by initials. Complete information is accessible at the Hotline for Refugees and Migrants' offices.

Hotline for Refugees and Migrants is a nonpartisan, non-profit organization that aims to protect and promote the human rights of refugees, migrants, and human trafficking victims in Israel through client services, detention monitoring, legal action, and public policy initiatives.

Hotline for Refugees and Migrants

18 HaTsfira St., Tel Aviv - Jaffa 6515417, Israel

Tel.: 972-3-5602530

Email: info@hotline.org.il

Website: www.hotline.org.il

HEINRICH BÖLL STIFTUNG TEL AVIV

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Abbreviations

HCJ - the High Court of Justice

The Tribunal - Detention Review Tribunal

HRM - the Hotline for Refugees and Migrants

The RSD unit - Refugee Status Determination; the unit for handling asylum seekers at the Population and Immigration Authority

The Immigration Authority / the Authority - Population and Immigration Authority

IPS - Israel Prison Service

UNHCR - United Nations High Commissioner for Refugees

Abstract

This report illustrates the systematic and organized persecution carried out by the Eritrean dictatorship against its opponents, extending even to countries where they seek asylum. Additionally, the report outlines the actions of the Israeli Police and the Population and Immigration Authority, highlighting their efforts to detain Eritrean refugees at all costs, often disregarding legal protocols and procedures. Since there is no possibility of deporting them from the country, it seems like the authorities expect that refugees will succumb to the mistreatment and depart the country “voluntarily.”

The report delves into the tactics of extortion, intimidation, and fundraising activities employed by Eritrean embassies worldwide. Specifically, it focuses on the protests staged by opponents of the Eritrean regime, the violent clashes stemming from fundraising events over the past year, and the approaches adopted by various nations in response to these occurrences.

The report outlines the intimidation tactics employed by representatives of the Eritrean dictatorship in Israel. It highlights the extensive efforts made by the refugee community to thwart the embassy's fundraising festival in Israel. Furthermore, the report sheds light on the inadequate preparation of the police in safeguarding protesters, especially after they failed to prevent the Eritrean embassy's fundraising event on September 2, 2023. Of particular concern in the report is the unlawful arrest of regime opponents, whose sole offense was participating in a lawful demonstration authorized by the same police force that detained them.

The report provides a detailed account of events surrounding the arrest of numerous Eritrean refugees under the "criminal outline," which allows for indefinite administrative detention, even in cases lacking sufficient evidence for criminal prosecution. Additionally, the report includes an appendix titled "Report of Infiltrators Involved in Crimes Transferred to the Population Authority for Custody." This police document lists details of 53 Eritrean citizens arrested during the demonstration. However, it appears that the document was hastily compiled, as it contains errors stemming from the excessive and incorrect use of the "copy-paste" function. For instance, the designation "possessing a knife or a knuckle-duster" is listed next to the names of 18 individuals arrested during the demonstration, despite the document itself indicating that only one of them "probably had a knife." Furthermore, 11 protesters accused in the police document of "possessing a knife or a knuckle-duster" were found to have had nothing in their possession at the time of arrest.

Not even one indictment was served against any of them. Yet, the Hotline for Refugees and Migrants located protocols of 84 Eritrean detainees who were arrested and transferred to administrative detention during the two months after the September 2nd demonstration. During these two months, the Detention Review Tribunal adjudicators set bail in various amounts up to NIS 25,000, for the release of 45 of the detainees. Until a release decision was granted, the detainees were held in prison for five days to two months.

In the conclusion of the report, the Hotline for Refugees and Migrants put forward several recommendations. The foremost recommendation is to prohibit mass events organized by the Eritrean embassy, which have become hotbeds for criminal activities including violence, extortion, and threats. Additionally, it

advocates for the abolishment of the criminal outline and the application of the law to all individuals suspected of committing criminal acts, irrespective of their residency status in Israel.

Introduction: Understanding the Context of Conflict Among Supporters and Opponents of the Eritrean Regime

Persecution by the Eritrean Regime: Targeting Regime Opponents and Human Rights Activists

Experts closely monitoring the dictatorial regime in Eritrea categorize it as a criminal entity, operating to perpetually subjugate its citizens. Eritrea sustains itself through clandestine funds, devoid of a constitution or electoral processes, under the autocratic rule of dictator Isaias Afwerki and his cohorts.[1]

The Eritrean regime extensively leverages its embassies worldwide for its own agenda, a stark contrast to the conventional roles of embassies representing democratic governments. Eritrean embassies in countries hosting refugees fleeing the dictatorship actively dissuade these refugees from seeking asylum, while also enforcing an "exile tax" on their earnings to fund the dictator's expenses. Testimonies from numerous refugees globally reveal that authorities resort to illegal threats and extortion tactics to enforce this tax, disregarding the laws of the host countries[2]. In the Netherlands, for instance, the Eritrean ambassador was expelled from the country in 2018 due to the coercion of the "exile tax," even targeting individuals who had no interest in complying[3].

[1] Martin Plaut (2017): Eritrea: a mafia state?, Review of African Political Economy.
[2] Guli Dolev - HaShiloni, Eritrea - A Land that devours its Exiles, Ruppin Academic Center, Hagira, Issue No. 11, pp. 118-138, October 14, 2020.
[3] Abdi Latif Dahir, The Netherlands has Expelled Eritrea's Top Diplomat for Forcing Eritreans to Pay a "Diaspora Tax", Quartz, January 19, 2018.

Subsequently, authorities continued to take measures to thwart the extortion of the exile tax.[4] A study conducted at Tilburg University in the Netherlands, spanning seven Western host countries, highlighted that Eritrean exiles' avoidance of paying the exile tax could jeopardize the safety of their family members. Moreover, the legality of collecting the tax is dubious, given that it involves coercion and threats, actions defined as criminal offenses in the host countries.[5]

In 2019, Amnesty International, a leading global human rights organization, released a report detailing the extortion tactics and threats employed by the Eritrean regime. The report's authors conducted interviews with 18 human rights defenders across various countries, including Kenya, Italy, England, the Netherlands, Switzerland, and Sweden. These interviews uncovered consistent patterns of attack, intimidation, and efforts to silence opponents of the Eritrean regime in these nations.[6]

Opponents of the authoritarian regime, vocal critics, and champions of human rights—whether they are exiled Eritreans or individuals of other nationalities—fall victim to the pervasive reach of the ruling party, the "People Front for Democracy and Justice"[7] (PFDJ). Diplomatic representatives, party affiliates, and their sympathizers vigilantly track and target those identified as dissenters, subjecting them to threats and persistent harassment. The government orchestrates the activities of the party's youth wing (YPFDJ) beyond Eritrean

[4] Radio Erena, The Netherlands Blocks Eritrean Embassy Fund-Raising, November 4, 2020.
[5] Amnesty International, Eritrea: Repression Without Borders, Threats to Human Rights Defenders Abroad, 2019.
[6] Amnesty International, Eritrea: Repression Without Borders, Threats to Human Rights Defenders Abroad, 2019.
[7] PFDJ - People's Front for Democracy and Justice

borders, particularly in nations where a significant number of Eritreans seek refuge. The United Nations High Commissioner for Refugees has even weighed in, advocating for legislation to criminalize espionage by refugees, prompted by alarming reports of extortion and coercion, notably in Finland.[8]

As an example, Eritreans residing in Kenya established the Eritrean Diaspora for East Africa (EDEA) in 2014 as a civic organization aimed at assisting Eritrean asylum seekers in Kenya and neighboring nations. According to the union's founders interviewed by Amnesty researchers, the Eritrean Embassy in Nairobi initially discouraged the establishment of the union by issuing warnings against its registration, conveyed through community members. As the union's formation progressed, the embassy intensified its harassment. On November 20, 2013, the Eritrean Embassy in Nairobi rejected the passport of Hussein Osman, the chairman of EDEA and one of its co-founders, alleging terrorist affiliations. This rejection occurred via a letter sent to authorities in South Sudan, where Osman was conducting a business trip.

Despite persistent deterrence efforts, the union managed to achieve registration in Kenya in 2014. However, the regime's pressures and harassment persisted even post-registration. Five years later, challenges persisted as the union encountered difficulties in securing an office and permanent staff due to ongoing persecution by regime supporters, hindering fundraising efforts. Eritreans in Kenya refrained from providing financial support to the civil organization after witnessing the repercussions of open support for EDEA.

[8] UN High Commissioner for Refugees (UNHCR), Comments by the United Nations High Commissioner for Refugees (UNHCR) on the Memorandum of 6 December 2013, proposing Criminalization of Refugee Espionage, February 2014.

In 2014, the Commission of Inquiry (UN COIE) was established for the purpose of investigating the human rights conditions in Eritrea. Despite being barred from entering the country, the commission relied on testimonies from exiled Eritreans to conduct its research. Diplomatic delegations from Eritrea and diaspora supporters of the regime actively obstructed the commission's efforts to thwart its work. In 2015, representatives of the commission faced physical assault in Geneva, a day before presenting their findings before the UN Human Rights Council, perpetrated by individuals affiliated with protest groups organized by European branches of the PFDJ. Subsequent years saw multiple demonstrations organized by these groups in 2015 and 2016, prompting the President of the United Nations Human Rights Council to acknowledge the persecution and harassment faced by the commission members and reinforce their personal protection. The Commission of Inquiry's report unveiled the Eritrean regime's exploitation of diplomatic privileges to impede the commission's work. Eritrean embassy officials in Gulf countries used threats of passport revocation to suppress dissent among citizens and prevent them from speaking against the regime. In 2017, during a Human Rights Council meeting in Geneva, the head of the Commission of Inquiry, Ms. Sheila Keetharuth, faced aggression and hostility while reporting on Eritrea's human rights situation. Eritrea's ambassador to the council dismissed her findings as a “witch hunt” and directed personal insults towards her.[9]

Since the 1960s, members of the Eritrean diaspora have provided political and financial support to the PFDJ during the struggle for Eritrean independence. Following the declaration of independence, Eritrean embassies worldwide, along

[9] Footnote 6, Amnesty, p. 12.

with buildings associated with the ruling PFDJ party, have been utilized to intimidate and persecute human rights activists and opponents of the regime.[10] During a conference in Berlin commemorating the 11th anniversary of the regime's youth organization (YPFDJ), attendees declared their ultimate goal as combating the state's adversaries. This alliance between the YPFDJ and the Eritrean regime underwent legal examination in a Dutch court, which concluded that "YPFDJ receives directives from the Eritrean regime, its purpose is to support the regime, and its members act as informants for Eritrean embassy staff. Therefore, the organization YPFDJ can be termed 'the long arm of the dictatorship.'"[11] In interviews conducted for the report, all 18 human rights defenders, regardless of Eritrean or non-Eritrean status, disclosed to Amnesty International that they had received threats, and in some instances, experienced physical assaults by PFDJ members identified abroad or suspected as such.

Winta Yemane's narrative serves as a poignant example of the insidious manipulation of the youth organization, YPFDJ, by the regime. Born and raised in Italy, Yemane Sought to reconnect with her Eritrean heritage and began frequenting a community center for Eritreans in Milan. Subsequently, she became involved with the local branch of YPFDJ, offering to volunteer and assist with communication and social media endeavors. In 2011, Yemane represented the Milan branch at YPFDJ's annual conference in Oslo. At the event, Eritrean ambassadorial figures and regime representatives were in attendance, inviting participants to share their perspectives on Eritrea's future. Yemane advocated for the protection of human rights, the establishment of a constitution, and an

[10] Ibid., p. 12-17.
[11] Court of Amsterdam, Judgement C/13/596714/KG ZA 15-1352 CB/MV case Bahlbi Vs. Reisen, para 4.4

independent judiciary—a stance that met with disdain from administration representatives. Dismissing her views as influenced by Western propaganda, they disregarded her status as a minor and issued veiled threats of expulsion from the conference. Upon her return to Milan, Yemane recounted a disturbing pattern of intimidation, harassment, and surveillance, prompting her to seek police intervention out of concern for her personal safety in the future.[12]

Martin Plaut, a former editor at BBC Africa and a senior researcher at the University of London, has reported his experiences of being targeted by members of the PFDJ and its supporters due to his journalistic endeavors focused on Eritrea and advocacy for human rights in the region. Plaut has reported incidents of being physically attacked, receiving threats, and facing accusations during a conference held at the University of London in 2014. During this event, he was even falsely accused by the first secretary at the Eritrean Embassy in London of accepting bribes. In 2018, Plaut was lured to a cafe by an unknown individual, where he was ambushed in the presence of supporters of the Eritrean regime. The attackers physically assaulted Plaut while filming the encounter, branding him a traitor.[13]

Academics and human rights activists advocating for Eritrea have come forward, disclosing threats they've encountered on social media. These threats typically accuse them of allegedly committing crimes against the Eritrean people, impugning their credibility, and leveling allegations of turning a blind eye or collaborating with human traffickers.[14]

[12] Footnote 6, Amnesty, p. 13.
[13] Ibid
[14] Ibid

In 2019, a conference aimed at promoting democracy in Eritrea convened in London, sparking a flurry of tweets on social media platforms from official government representatives in Eritrea. These tweets targeted the conference organizers and participants, highlighting the regime's staunch efforts to silence its critics. Notable tweeters included the Minister of Information and Eritrean ambassadors stationed in Japan and Kenya. An Eritrean human rights activist residing in the diaspora shared a disturbing testimony, revealing that each time he delivers lectures on the human rights situation in Eritrea, his relatives residing in Asmara face intimidation tactics; they receive threats and visits from security personnel, who warn them to cease their criticisms of the regime.[15]

Exploiting Traditional Festivals and Independence Celebrations for Financial Gain and Coercion

Over the course of Eritrea's independent existence, Independence Day and traditional festival celebrations within the Eritrean diaspora in the Western world, predating even this historical milestone, have emerged as pivotal factors in generating funds for the dictator's financial coffers. Expatriates aligned with the regime actively participate in these events, willingly shouldering the substantial financial burdens associated with them, with the hope of enhancing their prospects for future visits to their homeland and reuniting with their families. Regime opponents living in exile frequently face threats from supporters of the regime, who seek to capitalize on financial gains during these events. Across the Eritrean diaspora, these gatherings evoke frustration among refugees who sought refuge from the dictatorship's tyranny. They protest against

[15] Ibid, p. 17

the expectation to continue financing the regime, especially through coercive tactics and threats in their new countries of residence.

Dr. Nicole Hirth, a researcher specializing in political, social, and economic dynamics in Eritrea[16], has extensively studied the festival events typically held on Eritrea's Independence Day. These events have experienced notable changes emerging only in recent times: "We are in a moral conflict here. On the one hand, the festival has always been a propaganda tool for the regime in Eritrea, but on the other hand, we have freedom of assembly in Germany."[17]

Hirth's observation highlights a challenge pervasive in all Western democratic nations, where restricting the freedom of association for supporters of the Eritrean regime proves challenging.

Festivals and Violent Conflicts Worldwide: Approaches by Authorities

According to recent data compiled and processed by the America Team for Displaced Eritreans,[18] there has been a notable uptick in violent confrontations between supporters and opponents of the regime during fundraising events organized by Eritrean embassies across the Western world. The data reveals that Eritrean embassies hosted a minimum of 13 major fundraising events worldwide in 2022, whereas plans are underway for at least 10 similar events to take place in 2023.[19]

Throughout 2022, a series of events unfolded across various Western countries, including three in Great Britain, three in Switzerland, two in Germany, and one

[16] Dr. Nicole Hirth is a researcher at GIGA - German Institute for Global and Area Studies, Hamburg, Germany.
[17] Mimi Mefo Takambou, Is Eritrea Stoking Conflicts Between its Migrants Abroad, DW, September 18, 2023
[18] America Team for Displaced Eritreans.
[19] The list compiled by the American Team for Displaced Eritreans is housed at the HRM's offices.

each in the Netherlands, Denmark, Sweden, Norway, and the USA. Notably, clashes erupted between supporters and opponents of the regime only at two events: one held in Giessen in August 2022 and another held in London in September 2022. Yet, these incidents did not prompt event cancellations. According to data from the American team for displaced Eritreans, from the beginning of 2023 until mid-September, plans were underway for at least ten additional events. These were scheduled to take place in Israel, Denmark, Great Britain, Sweden, Canada, the USA, Switzerland, and Norway, as well as two in Germany. Of these ten events, only six proceeded as planned during 2023. The remaining four were canceled due to severe clashes between supporters and opponents of the regime. On July 8, 2023, violent confrontations erupted during a regime-supporter festival in Giessen, Germany, resulting in 26 injured police officers and the arrest of 130 protesters. Consequently, a festival scheduled in Harrow, Great Britain, on July 15, 2023, was canceled.[20]

August 3, 2023: In Stockholm, Sweden, approximately 1,000 regime opponents stormed the Eritrean embassy festival, setting vehicles on fire and attacking attendees with stones and sticks. The violent confrontation resulted in 52 injuries and around 100 arrests.[21]

August 4, 2023: Violent clashes between regime opponents and supporters erupted at a festival in Tacoma, Seattle, Washington.[22]

[20] Gohnny GT, Festival Clashes in Germany Prompt Cancellation of Eritrean Festival UK 2023 , MMM, July 15, 2023, Giessen Eritrea festival clashes leave 26 police officers injured BBC News, July 9, 2023
[21] Scores injured after protesters against Eritrea's government attack cultural festival in Sweden, ABC News,
[22] FOX 13 NEWS - On the disrupted Eritrean Festival in Seattle, USA, August 4, 2023.

August 7, 2023: Following the unrest in Washington, the festival scheduled in Toronto was canceled.[23]

August 19, 2023: Edmonton festival in Alberta, Canada turned violent, leaving ten individuals injured, with one requiring hospitalization.[24]

September 2, 2023: In Bergen, Norway, a festival resulted in the arrest of protesters and the filing of five indictments against individuals accused of violent behavior during the event.

On that day, three events were scheduled on behalf of the Eritrean embassy in Switzerland, in the cities of St. Gallen, Opfikon, and Rüfenacht. However, two of the three events were canceled due to concerns about potential violence.

On September 9, 2023, a festival took place in Copenhagen, Denmark, where a violent confrontation occurred, leading to the arrest of protesters.

On Saturday, September 16, 2023, a violent clash unfolded between regime supporters and opponents at a festival in the city of Stuttgart, western Germany. The Stuttgart police deployed 300 officers to quell the violent altercation. Six police officers were hospitalized, 26 sustained injuries and 228 Eritrean citizens were arrested.[25]

The management of conflicts arising from festivals worldwide by authorities

As Dr. Hirth clarified, democratic nations struggle with the challenge of addressing Eritrean embassies' insistence on organizing public events under the

[23] Leyland Cecco, Eritrean festival canceled by Toronto following outbreaks of violence, The Guardian, August 7, 2023.
[24] Why Eritreans in Canada are clashing at festivals – CBC News , Alex Antoneshyn, Police call Saturday clashes between Eritrean groups 'unprecedented' – Edmonton News, August 21, 2023.
[25] Footnote 20.

guise of "traditional festivals," despite their known militaristic nature and dissemination of hate speech against regime opponents. Following the riots in Giessen and Stuttgart, Germany's Interior Minister, Nancy Faeser, condemned the violence, asserting, "Foreign conflicts must not be carried out in our country."[26]

Similarly, Swedish Minister of Justice, Gunnar Stromer, claimed that his country should not be compelled to meddle in the internal affairs of other nations.[27]

Nevertheless, the surge in canceled embassy events over the past year suggests that even in democratic societies, prioritizing the safety of refugees, citizens, and law enforcement personnel has begun to take precedence over the freedom of association for regime supporters, regardless of its significance.

Festivals, Violent Confrontations, and Authority Response in Israel

Contextual Background and Refugee Community Efforts to Mitigate Conflict

During Eritrean Independence Day, the Eritrean Embassy in Israel traditionally hosted an event attended by participants who reported costs ranging from $150 to $300 per person. Some years saw these gatherings pass without incident, while others witnessed violent confrontations. In 2020, a regime supporter was fatally assaulted at the church entrance[28], and in 2021, during

[26] Kamil Ahmed and Miranda Briant, Eritrean diaspora vow to continue disrupting festivals that 'promote dictatorship', The Guardian, August 12, 2023.
[27] Ibid
[28] Gilad Morag, "With a knife and batons: Eritreans were captured in the act of murdering a regime supporter in South Tel Aviv," (Hebrew) Ynet, June 8, 2020.

similar clashes, two regime opponents were stabbed, resulting in one fatality.[29]

In the summer of 2023, following violent encounters in other countries as outlined in the preceding section, regime opponents in Israel noted a heightened determination among regime supporters to host a large-scale event. This event aimed to overshadow cancellations of parallel events across Europe. Moreover, threats from regime supporters on social media escalated, warning against opposition demonstrations at the event in Israel.[30]

On August 26, 2023, Berhane Negasi, chairman of the "Eritrean New Hope" organization, petitioned the Tel Aviv police to cancel the festival, cautioning of potential bloodshed. Negasi emphasized that the members of the organization "request police intervention to prevent violence that could endanger lives."

[29] Sivan Hilawi, "Killed in a mass brawl in south Tel Aviv, residents fear: 'living in a war zone'," (Hebrew) Ynet, May 25, 2021.

[30] Examples of threats on social media networks preceding the event organized by hundreds of regime supporters over the weekend can be found on Facebook, notably in comments to the event and other related posts. The explicit threats were removed from the networks following police arrests. Documentation of these threatening videos is available at the HRM's offices.



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Eritrean New Hope Organization

לכבוד,
משטרת ישראל תל אביבי יפו

הנדון: התראה על אירוע המונים שמלווה באיומים אלימים ברשתות החברתיות

26/08/2023
שלום רב,

ביום שבת 02/09/2023 שגרירות אריתריאה בישראל מתכננת אירוע פוליטי, האירוע המתוכנן המלווה באיומים של תומכיו, באותו מידה מתוכננת הפגנת התנגדות מצד המתנגדים לדיקטטורה,
אירועים כאלה התרחשו במהלך חודש יולי אוגוסט ברחבי העולם ץ,כגון,גרמניה, שוודיה,בריטניה, קנדה וארצות הברית, האירועים שצוינו הופסקו עקב אלימות קשות שסיכנו חיים הן של תומכים ומתנגדים הן אזרחים מיקומים.
בישראל היו בעבר אירועים מדמים כאלה שיצאו משליטה גבו מחיר כבד מאנשים ולקח לנו הרבה זמן ארגוני הקהילה להרגיע אותם, עכשיו בעקבות האירועים ברחבי העולם והתגרויות של שגריר אריתריאה ותומכיו האיומים להסלמה שוב פעם חזרו וזה עלול להגיע לשפיכת דמים מיותרים.
הינה עדות איום בפייסבוק התארגנות של גברים של חוליה מאורגנת שיש בה רק גברים היום שבת 26/08/2023 שנועדה להפחיד ולאיים באופן מפורש לקראת האירוע לשבוע הבא.
לאור האמור אנחנו בתור ארגון קהילתי שפועל לטובת חיים שקטים של הקהילה בתחומים שונים מביעים את דאגתנו מחשש ממשי לחיי אדם ומבקשים ממשטרת ישראל שתפעל למניעת אלימות שתסכן חיי אדם.
צוות אגון- Eritrean New Hope Organization
יו"ר ברהנה נגאסי



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Eritrean New Hope Organization
eritreannewhope@gmail.com

On August 27, 2023, representatives of the regime's opponents held a meeting with the police at the Sharet station, where they raised concerns about the threats they had been receiving from the regime's supporters on social media. They highlighted the violent clashes occurring worldwide that month and formally requested the police to cancel the upcoming event. The US State Department's 2023 human rights report stated that "Police had approved the event despite warnings by regime opponents that it could lead to clashes."[31]

[31] US Department of State, Bureau of Democracy, Human Rights and Labor, 2023 Countries Reports on Human Rights Practices, Israel 2023 Human Rights Report, April 22, 2024, p. 64.

Realizing the police's reluctance to revoke the event's authorization, the activists sought assistance from Elizabeth (Elsa) Chyrum, a British human rights activist of Eritrean descent who leads the organization "Human Rights Concern Eritrea."[32] They provided Chyrum with the contact details of Guy Eliyahu, the police officer they had been communicating with regarding the matter. Chyrum promptly sent Eliyahu a comprehensive message urging the Israeli Police to reconsider canceling the event "to prevent potential riots, loss of life, and property damage." She included references to recent articles detailing the violence at Eritrean embassy festivals worldwide. According to Chyrum, Guy never responded to her repeated requests.[33]

On August 29, 2023, attorneys Cohen and Ben-Shahar submitted a request to the Tel Aviv District Police, realizing the embassy event might proceed despite concerns. They sought permission for a rally/demonstration on Hamasger Street in Tel Aviv, adjacent to the planned embassy event, throughout the day. The protesters aimed to voice opposition against supporters of the Eritrean regime. The protesters defined the goal of the demonstration as 'Expressing opposition to the supporters of the Eritrean Regime.' In the application form to carry out the demonstration, the organizers estimated the attendance at 4,000 people and specifically named regime supporters who had threatened them on social media. They also highlighted the "high probability of violence between Eritrean groups."[34]

[32] Human Rights Concern Eritrea

[33] Information provided by Elizabeth (Elsa) Chyrum during a telephone conversation on September 2, 2023. A copy of the message sent to police officer Guy Eliyahu was forwarded to the author of this report for reference.

[34] A copy of the application is at the HRM's offices.

Despite the impending festival, the refugee community persisted in its efforts to cancel it. On August 30, 2023, seven Eritrean religious leaders serving communities in Eilat, Tel Aviv, Ashdod, Ashkelon, and Jerusalem submitted a letter to the Tel Aviv District Police titled “Request to Prevent a Controversial Event.” In their letter, the seven pastors emphasized “the Eritrean Orthodox Church's commitment to maintaining peace and brotherhood among all believers as they are all our brothers. We recognize disagreements as part of human life, yet we warn against their escalation into violence. Based on our monitoring of social media activity, it is evident that there is great tension within the Eritrean community in Israel surrounding the upcoming event. This tension has historically been followed by acts of violence, which we strongly oppose and aim to prevent. The organizers of the event seek to export an internal political dispute from Eritrea to Eritrean communities worldwide, as evidenced by the discussions on social media platforms. Certain Western countries, including the Netherlands, Great Britain, and Canada, have already banned similar events like the one currently planned to take place in Tel Aviv due to the violence associated with these events in Sweden, the United States, and Germany. Given these circumstances, and to avert the potential disaster resulting from heightened emotions, we urge the authorities to prevent the planned event from taking place.”:



30.8.2023

לכבוד
משטרת ישראל
מחוז תל אביב
רחוב סלמה 18
תל אביב-יפו

הנדון: בקשה למניעת אירוע שנוי במחלוקת

אנו, המנהיגים הדתיים של הכנסיות האריתריאות בישראל החתומים מטה, פונים אליכם בבקשה למנוע את האירוע, המתוכנן ליום 2.9.2023 ברחוב יד חרוצים 11 בתל אביב, שמארגנת קבוצה מקרב תושבי אריתריאה המתגוררים בישראל.

הסיבות לבקשתנו זו הן כדלקמן:

- גישתה של הכנסיה האורתודוכסית האריתריאית היא הקפדה על שמירת השלום והאחוה בין כל המאמינים, שכן כולם אחים הם. אין אנו רואים פגם בחילוקי דיעות, שכן הם חלק מהחיים של כל בני האדם, אבל אסור שחילוקי הדיעות יביאו לריב ולמדון בין אחים עד כדי אלימות. ממעקב אחר הדברים המתפרסמים ברשתות החברתיות אנחנו נוכחים לדעת שיש, סביב האירוע, מתח גדול מאוד בין חברי הקהילה האריתריאית בישראל. מתח מסוג זה, בעבר, גרר אחריו פעולות אלימות שאנו מתנגדים להן ורוצים למונען.

- מארגני האירוע מנסים להעביר מחלוקת פוליטית פנימית באריתריאה למדינות אחרות בעולם, שבהן יש קהילות אריתריאות, ובכך הם גורמים להתססה של חרוחות כפי שרואים ברשתות החברתיות. מדינות מסוימות במערב, כגון הולנד, בריטניה וקנדה, אסרו לקיים אירועים, מהסוג שמתוכנן כעת בתל אביב, בעקבות אלימות שנלוותה לאירועים הללו שהתקיימו בשבדיה, ארצות הברית וגרמניה.

לאור האמור לעיל, במטרה למנוע התלהטות יצרים שסופה עלול, חלילה, לגרום לאסון, אנו מבקשים שלא לאפשר את קיום האירוע המתוכנן.

בברכה

שם	חתימה
Keshi Tekleab, Kdst Slasie Church – Elat	
Keshi Pawlos, Kdst Dengelmariam Church – Tel Aviv	
Keshi Kidane, Kdus Michael Church – Ashdod	
Keshi Amanuel, Kdst Chedane Mehret Church – Ashkelon	
Keshi Tesfayohanes, Kdus Gebriel Church - Tel Aviv	
Keshi Zemichael, Abune Aregawi Church – Jerusalem	
Keshi Mehreteab, Abune Teklehaymanot Church - Tel Aviv	

Despite these developments, the police opted not to cancel the event at the Yad Harutzim street in Tel Aviv and agreed to the opponents' request to hold the demonstration under their specified conditions.

On September 1, 2023, a day before the festival, Haaretz journalist Bar Peleg wrote an article titled 'Eritrean Refugees in Israel warned anti-regime protest would be violent. They were right.' Peleg highlighted, 'Berhane Negasi, a

regime opponent and chairman of the association 'New Hope for Eritrea,' cautioned in an interview with Haaretz that 'both sides have plans to incite a riot, as seen in Europe.' He revealed that regime supporters had threatened protesters and called for action to be taken against those celebrating as regime supporters.'[35]

Tel Aviv Festival and Protest Against It: September 2, 2023

On Saturday, September 2, 2023, during the early morning hours, an estimated 4,000 regime opponents arrived as planned, transported by buses from various parts of the country. However, the police prevented them from reaching HaMasger Street, the area approved for the demonstration, attempting to redirect them several blocks away through checkpoints and a police presence.

According to the protesters, by around 10 AM, two hours before the scheduled start of the festival, the police demanded that the demonstration organizers disperse the crowd, even though supporters of the regime, whom they intended to protest against, had not yet arrived. The organizers reluctantly conveyed the police's demand to the protesters. However, some among the protesters, outraged by the denial of the opportunity to protest in front of regime supporters, breached the police barriers and reached the event hall on Yad Harutzim Street. There, they engaged in acts of vandalism that rendered the hall unusable. In the chaos, some protesters also broke shop windows nearby and even damaged a police car parked in the area.

[35] Bar Peleg, 'Eritrean Refugees in Israel Warned Anti-Regime Protest Would be Violent. They were Right.' Haaretz, September 2, 2023. The original article was published in Hebrew on September 1st, and was translated with an addition in English as appears here on the next day.

Representatives of the Tel Aviv police later stated to the media that they were taken aback by the scale of the confrontations, as they had only anticipated a few hundred protesters, despite having approved a demonstration for 4,000 people.[36]

The police, taken aback by the intensity of the situation, resorted to live fire against the protesters. A Magen David Adom (The Israeli Red Cross Organization) representative noted that 15 protesters were hospitalized with gunshot wounds. Subsequently, following the escalation of the confrontations, law enforcement conducted a reassessment of the situation and decided to deploy hundreds of additional officers to the area. Approximately two hours later, as supporters of the Eritrean regime arrived, confrontations between regime loyalists and opponents escalated across South Tel Aviv's streets. Substantial police forces deployed in the area resorted to various crowd control measures, including firing sponge balls, deploying stun grenades, tear gas, and wielding batons to disperse the protesters.[37]

Police eventually managed to gain control over the riots in the southern part of the city around 4 p.m. By day's end, authorities documented 157 injuries resulting from the confrontations, including 49 police officers. Of those injured, 67 remained hospitalized, with 19 listed in serious condition.[38]

[36] Yehoshua (Josh) Breiner, 'Israeli police Say They were Unprepared after Asylum Seekers' Protest leaves at least 150 Wounded', Haaretz, September 2, 2023.
[37] Bar Peleg, Yehoshua (Josh) Breiner, and Ido Efrati, "Netanyahu Threatens Deportation after Eritrean Regime supporters, Refugees Clash in Israel', September 2, 2023.
[38] Ibid

Policing and Protest: Protester Arrests in Israel

On Saturday, September 2, 2023, the day of the demonstration, the media reported 39 Eritrean citizens arrested for their involvement in violence, with authorities discovering "batons, tear gas, and even a stun gun in their possession."[39] By the following day, Sunday, September 3, 2023, the number of detainees had risen to 52.[40] While most detainees were not directly linked to violent acts or property damage, the severity of the events prompted magistrate and district courts to grant police requests for extended detention pending investigation of whoever linked themselves during their investigation to participating in the demonstration.[41]

Among the detainees, at least 14 were arrested in hospitals, with five individuals arrested only three days after the event despite a lack of evidence tying them to any crimes.[42] Two detainees, who were arrested and had their detention prolonged by the district court, appealed the decision to the Supreme Court.[43] During the hearing on Monday, September 4, 2023, Honourable Judge Yael Wilner emphasized, "The Magistrate's Court found no evidence. Their mere presence at the demonstration is insufficient grounds for arrest, with all due respect."[44]

In response to the state representative Attorney Shoham's assertion regarding "a felony of rioting" and undisclosed evidence presented in the action reports,

[39] Ibid
[40] Erez Harel, Residents Furious at Ben Gvir's Visit to South Tel Aviv; Minister Responded, 'Who Paid You?'" Walla, September 3, 2023. (Hebrew)
[41] Israeli Police File 1319-09-23 of September 2, 2023, Israeli Police File 679-09-23 of September 5, 2023.
[42] Israeli Police File 1258-09-23 of September 5, 2023.
[43] Appeal against the decisions of the Tel Aviv-Jaffa District Court p.i. 3206-09-23 and p.i. 3184-09-23.
[44] Various Criminal Requests 6563/23, rendered on September 4, 2023

Judge Wilner emphasized, “It is impossible to detain a person even for two hours without cause.” The judge remanded the hearing back to the Magistrate's Court to address evidence that had not been previously presented before it.[45]

On Sunday, September 3, 2023, a special ministerial meeting convened at the Prime Minister's Office. It was decided that “cases lacking substantial evidence against detainees would be referred to the Population Authority. The goal is to initiate the process of remanding them into custody. Meanwhile, detainees with stronger evidence against them will undergo detention extension procedures to proceed with filing charges.”[46]

According to the protocols of the detainees' hearings conducted at the Detention Review Tribunal in Givon prison, it is revealed that 53 Eritrean citizens arrested on the day of the demonstration were subjected to administrative detention. This action followed the extension of detention for some individuals, yet without filing any indictments against any of them. Others were placed under administrative detention after courts rejected the extension of their criminal detention, in the absence of evidence supporting criminal charges. Among the detainees, at least 14 were not apprehended during the demonstration but were instead taken into custody at Ichilov and Beilinson hospitals, where they sought treatment for injuries sustained that day. One individual was at the hospital to accompany an injured protester and was arrested as well. Court proceedings indicate that several hospital detainees were arrested before completing their

[45]Ibid

[46] Bar Peleg and Yonathan Lis, The State Intends to Imprison Most of those Arrested in the Tel Aviv Riots without Trial, as a Means to Compel them to Leave, September 4, 2023 (Hebrew). Also see: Bar Peleg and Josh Breiner, After Tel Aviv Violence, Israel Detains Dozens of Eritrean Asylum Seekers Without Trial, September 5, 2023.

medical treatment. At least three individuals detained at the hospital never took part in the demonstration or had any political affiliation with any party. One was working at a grocery store near the area where the event took place, another was attacked while leaving his house, and the third was on his way to a wedding. All three were assaulted, resulting in hospitalization and subsequent arrest.

Of the remaining detainees, 15 identified themselves as regime supporters attending a festival organized by their country's embassy. They opted out of public defender representation and instead retained the services of attorney Arie Sharabi, who provides legal counsel to the Eritrean embassy in Israel.[47]

Out of the 53 detainees, only two admitted to holding a flag on a stick, while a third admitted to holding a stick without a flag attached. The fourth admitted to possessing a stun gun, while a fifth admitted to having pepper spray for self-defense. However, police documents did not contain evidence of these detainees using the weapons they admitted to possessing, nor did they provide evidence of wrongdoing by the other detainees. Their arrests stemmed solely from their participation in a demonstration for which they had requested and received permission from the police. Not even one indictment was served against any of the Eritreans arrested at the demonstration or afterward. In a Knesset hearing the head of the Immigration Authority claimed that "they were transferred to administrative detention for a certain period but were released since we did not receive any evidence regarding any of them."[48]

[47] Ibid, as well as the hearings' protocols at the Detention Review Tribunal dated September 6, 2023, which were removed from the Ministry of Justice Protocols' Database but are available at the HRM's offices.
[48] Ran Shimoni, The Head of the Immigration Authority: There is a need to handle the raising crime rate of foreigners in Tel Aviv, Haaretz, April, 1, 2024. (Hebrew)

The police provided the immigration authority with a list of the 53 detainees, citing their "involvement in criminal activity", to justify their continued administrative detention under the criminal outline.[49] The list suggested that only 14 detainees were found with assault weapons, with two of them holding a flag that was registered as an assault weapon. The list seemed hastily compiled, resembling a "copy-paste" operation from other documents. For instance, the list detailed various charges such as obstructing public order, participating in a riot after being ordered to disperse, and "possessing a knife or knuckle-duster" alongside the detainees' names. Besides 18 of the detainees' names, the designation "possessing a knife or a knuckle-duster" was noted. However, within the same list, it was specified next to some detainees' names that two were apprehended with a stick, three with a flag, one with "apparently a knife," and one with pepper spray. However, among the 11 detainees accused of "possessing a knife or knuckle-duster," the list indicated that they did not have any assault weapons in their hands at the time of arrest.

In the police list of assault tools found in the possession of the detainees, the tool "knife" is mentioned only once. There were no mentions of the tool "knuckle-duster" in the hands of any of the detainees. Yet 18 detainees were still accused of the offense of "possessing a knife or knuckle-duster". Such grave discrepancies

[49] The manifestations of the criminal outline are elaborated upon in Chapter 6 of this report, and further insights can be found in the HRM's report titled "Ye Shall Have One Law" dated October 7, 2017. For a deeper understanding of the evolution of the legal framework governing policing policies, particularly in relation to refugee rights and the interface with criminal justice, refer to Avinoam Cohen's work, "Trespassing: Detention of Asylum Seekers on the Expanding Fringes of the Criminal Justice System," published in "Is Justice Served? The Criminal Procedure in Israel - Failures and Challenges," edited by Alon Harel, Faculty of Law, Tel Aviv University, 2018. (Hebrew)

appear to be part of the effort to justify the indefinite administrative detention of Eritrean nationals under the criminal outline.[50]

[50] The Israeli Police, report regarding infiltrators involved in criminal activity that were transferred to the Population Authority for custody on September 4, 2023. A copy of the full report is provided as an appendix at the conclusion of this document.

Indefinite Administrative Detention of Protesters under the Criminal Outline

As mentioned, on Sunday, September 3, 2023, a pivotal ministerial meeting was convened at the Prime Minister's Office, resulting in a significant decision: “Cases lacking substantial evidence against detainees would be referred to the Population Authority. The goal is to initiate the process of remanding them into custody.”[51]

A meticulous examination of the events surrounding some of the detainees illuminates the misconduct of law enforcement, immigration officials, and the Detention Review Tribunal both during and after the demonstration. This examination also reflects the troubling ease with which the criminal outline may be exploited to indefinitely detain innocent individuals who sought refuge in Israel.

Arresting injured demonstrators in hospitals without evidence of criminal activity and imprisoning them according to the criminal outline

The first detainee identified within Givon prison by the HRM's legal team is A.M., a 45-year-old Eritrean citizen who was arrested by the police at the hospital during the demonstration, having been transported there by an ambulance. A.M. claimed he did not attend the protest but was merely en route to a family celebration, dressed in a respected suit when he was assaulted. Since he was injured, someone called an ambulance that transported him to the hospital, where he was detained.[52]

[51] Footnote 46.
[52] Detainee no. 9207099

A.M. underwent police interrogation under suspicion of “conspiracy to commit a crime, rioting after a dispersal notice, possession of a knife or a knuckle-duster.” His initial detention extension occurred overnight between September 2 and 3 at the Magistrate's Court.[53] Judge Avital Amsalem Gilboa addressed his case and noted: “The police investigating unit presented to me only the suspect’s version form. No incident report contradicts the suspect's version. The suspect reported leaving his residence dressed in a formal suit when supporters of the Eritrean government assaulted him with metal rods. The suspect claims again and again that he did not participate in any protest. The suspect's nationality alone, being Eritrean, cannot warrant his arrest, as there exists no reasonable suspicion justifying his arrest.”[54]

Following extensive deliberations, Judge Amsalem Gilboa ordered the immediate release of A.M. alongside numerous others, at 1:00 a.m., while delivering a harsh critique of the police's conduct.”[55]

The police insisted on postponing the release, which the judge allowed to be deferred by another day. Subsequently, the police's appeal led to a partial acceptance, resulting in a two-day extension of detention until Tuesday, September 5, at 11:00 a.m.

However, A.M. was not released at the scheduled time. Instead, after long hours of arrest without a warrant, during the night between Tuesday and Wednesday, he, along with other protest detainees, was transferred to Givon prison under

[53] State of Israel 1319-09-23 Central Unit Tel Aviv District Court against Tsagai et Al., September 4, 2023. Suspect 28 p. 38-39.
[54] Ibid, p. 38-39.
[55] Ibid, p. 50

administrative detention. The next day, Wednesday, attorney Neta Mishly, head of the HRM's legal team, assumed A.M.'s representation.

A hearing concerning his case was scheduled at the Detention Review Tribunal for the subsequent day, Thursday, September 7, in front of Adjudicator Itiel Givon. There was no police arrest report in A.M.'s file at the time of the hearing.

Attorney Mishly attended the hearing alongside human rights activist Noa Kaufman, who shared a personal acquaintance with A.M. from his work at the senior citizen's home where her grandfather resided. Kaufman's consent to guarantee A.M.'s release seemingly influenced the adjudicator's decision to grant him bail of NIS 500 to be paid immediately, with an additional NIS 3,000 to be deposited after his release from prison.

A.M. was eventually released on the same day, still wearing the same fancy suit he was wearing during his arrest, five days earlier. A.M. was the first of the demonstration detainees to be discharged from prison.

T.M., a 47-year-old Eritrean national, found himself arrested on the same night at Wolfson Hospital.[56] His injuries were graver than A.M.'s, having been struck by a police rubber bullet in his leg, and he suffered great pain during the arrest. A.M.'s police arrest report indicated he was taken into custody from the hospital under suspicion of disturbing public order. It was noted that police officers were instructed to apprehend both "suspects," T.M. and A.M. (whose story appears at the beginning of this section), following their medical treatment.

Unlike A.M., T.M. actively participated in the demonstration and conceded during police interrogation that he had defied the morning dispersal orders

[56] Detainee no. 9207075

issued by the police to leave the place. However, he vehemently denied engaging in violence or carrying any item that could be construed as a weapon. T.M. faced interrogation on charges of "conspiring to commit a crime, involvement in rioting post-dispersal order, interference with the issuance of a dispersal order, engaging in fighting, and disturbance on a public road."

Similarly to A.M., T.M. was transferred to administrative detention at Givon Prison on the night between Tuesday and Wednesday. In the police's opinion submitted to the Immigration Authority, it was alleged that he was "suspected of conspiring to commit a crime, participating in a demonstration, and engaging in fighting." During his hearing in front of the Immigration officer, T.M. denied any involvement in acts of violence.

T.M. articulated his plea in front of the Adjudicator Yossi Barda: "I came to Israel seeking refuge from the wars ravaging my homeland. I participated in a protest in Tel Aviv. We opposed those celebrating (the dictatorial regime), and we protested. We came prepared. We protested and insisted that the festival would not take place that day. The police subjected us to brutality — hurling objects, dousing us with water, and unleashing physical assaults. I was wounded. I found myself hospitalized. Upon arriving at a central station, we faced further violence. There were weapons, there were gunshots, and I was subjected to electric shocks. The police did not urge us to disperse; instead, they resorted to gunfire and beatings."[57]

In the hearing transcript inside T.M.'s file, an erroneous decision of another detainee, a supporter of the Eritrean regime, was mistakenly "pasted", so HRM's

[57] Detention Review Tribunal hearing regarding T.M., Detainee 9207075, dated September 5, 2023.

staff did not see a valid detention decision. The judicial system overlooked the incarceration of an individual for whom no proper detention decision had been issued.

During the first days of his arrest, T.M. was represented by the Cohen-Ben-Shahar Law office. According to the Detention Review Tribunal's protocol, the law firm was notified that nighttime hearings would not be conducted. However, after the lawyers departed, Adjudicator Yossi Barda conducted a hearing of T.M. and prevented his release, mirroring his actions concerning all other participants in the demonstration.

As of September 20, 2023, nearly three weeks after the demonstration and subsequent arrests, only 19 of the detained protestors had received release orders according to the HRM's follow-up. These individuals were required to pay varying bail sums, some as high as NIS 7,000, as a prerequisite for their release.

After T.M.'s permit was canceled and due to a lack of evidence implicating him in criminal activity, the legal team of HRM assumed representation for T.M. in his appeal proceedings. On September 21, 2023, HRM appealed to the Court of Appeals, and requested temporary and interim orders, aiming to secure T.M.'s release pending the appeal's resolution.[58]

Just a week later, on September 26, 2023, the request for a temporary order was denied, with the state instructed to respond by October 11, 2023. The following day, the HRM team filed a request to appeal against this decision. This request was withdrawn on October 7, 2023, when the judge accepted the public attorney's request to postpone the submission date for its response to the

[58] Administrative Appeal (TLV) 3515-23

appeal. On October 10, 2023, HRM represented T.M. during a hearing at the Detention Review Tribunal, where Adjudicator Yossi Barda disregarded arguments contesting the legality of the detention order and authorized T.M.'s continued incarceration.[59]

On October 11, 2023, Judge Itiel Givon of the Court of Appeals rejected the request for an interim order, overlooking the fact that T.M.'s detention decision was erroneously attributed to him, "pasted" from another detainee's file (probably a wrong "copy-paste" action). Judge Givon even stated in his ruling that T.M. was shot due to resistance against the police, despite lacking evidence supporting such a claim.[60]

On October 18, 2023, while the HRM team prepared to submit another request to file an Administrative Appeal challenging the interim order's rejection, a significant development unfolded. Prompted by the outbreak of the Iron Swords War, officials at the Immigration Authority decided to release all anti-regime demonstrators detained without substantiated evidence, contingent upon posting guarantees ranging from NIS 2,000 to NIS 20,000. T.M. secured his release upon posting a NIS 5,000 bail.

Utilizing the criminal outline to detain Eritrean refugees even after the protest

Despite the cessation of violent clashes, law enforcement persisted in unlawfully employing criminal procedures to detain Eritrean citizens, lacking evidence of criminal acts, and subjecting them to administrative detention.

[59] Detention Review Tribunal's decision in the case of TM, detainee No. 9207075 dated October 10, 2023.
[60] Appeal (TLV) 3515-23, decision as of October 11, 2023.

In numerous court hearings within the prison, the border control officer, representing the Authority, revealed the establishment of a committee to assess the removal of Eritrean citizens. Judge Yossi Barda declined detainee releases, claiming that “Considering the applicant's announcement of a special cabinet to address Eritrean nationals residing in Israel, the removal horizon remains unresolved. Moreover, the detainee has not exceeded 60 consecutive days in custody, warranting contemplation of potential removal within this timeframe.”[61]

This is how the prolonged detention of Eritrean refugees was justified under the guise of “undecided removal horizons” and persisted for months. However, in response to a Freedom of Information inquiry by the HRM, the Commissioner for Freedom of Information at the Immigration Authority confessed on November 5, 2023, that “a committee has not yet been established at this stage.”

Two Eritrean refugees, who were under the representation of the HRM shortly after the demonstration, were arrested simply because their details and phone numbers were in the possession of the Tel Aviv Sharet police station. The two were among the community leaders who had contacted the Sharet police station on August 27 to alert authorities about anticipated events and to urge the cancellation of a festival scheduled for the following weekend.

The first of these leaders, K.G., known for maintaining ongoing and cooperative communication with the police over the years as part of community crime prevention efforts, was the first to be detained for participating in the

[61] Example of a hearing protocol in the case of detainee No. 9207063, dated October 10, 2023.

demonstration. The police intelligence coordinators have his phone number, and they use it frequently.[62]

Despite his involvement in the demonstration, K.G. refrained from engaging in violent confrontations. However, on Tuesday, September 5, 2023, three days after the confrontation, K.G. received a call from the Sharet police station summoning him without specifying the reason. Upon arrival, he was promptly arrested and interrogated regarding his participation in the demonstration. K.G. clarified that he had indeed helped organize the protest against the regime, for which police authorization had been obtained. However, he explained that the situation escalated beyond his control when many individuals, disregarding his calls for dispersal, arrived at the scene. K.G., seeking to document the events in case of injuries, ascended to a rooftop to capture images. Following the interrogation, no extension of detention was sought, yet K.G. spent the night on a bench at the police station.

On September 6, 2023, he was transferred to the Immigration Authority inspectors for a hearing preceding the revocation of his stay permit. During the hearing, he discovered that he was charged with “assaulting a police officer while on duty”, despite no officer filing a complaint about being attacked by him. Additionally, he was accused of “behavior potentially disturbing public peace and conspiracy to commit a crime.” Despite denying during the hearing involvement in any violent acts, K.G. was transferred to administrative detention in Givon Prison. The hearing record mentioned his arrest at the hospital, although it's undisputed that he was never at the hospital and arrived independently at the

[62] Detainee no. 9207374

station following a police phone call. This statement likely originated and was accidentally copied from another detainee's protocol.

On September 10, 2023, a hearing concerning his case was conducted in the prison court. Attorneys Netta Mishly and Michal Schwartz from the HRM presented K.G.'s certificate of appreciation from the Israel Police, his employer's testimonial of his good character, and arguments contesting the legality of the arrest to the adjudicator. The adjudicator was convinced that the absence of evidence in the file ruled out the suspicions against him and released him without conditions. Despite multiple requests from the HRM requesting their return, K.G.'s mobile phone, scooter, and helmet remain retained as evidence by the police.

K.I., a single mother of three elementary school children, is also among the community leaders. Similarly to K.G., she attended a meeting where community leaders sought to dissuade the Tel Aviv Sharet police station from allowing the festival to proceed. K.I. participated in the demonstration and remained at the site after violent confrontations began, yet she did not engage in them. Her mobile phone number was in the possession of the police as part of the community's collaboration with law enforcement to combat violence.

On Thursday, September 7, 2023, while her children were at school, a man who identified himself as a postal worker called K.I.'s phone, requesting to deliver a package to her. She provided her address and went downstairs to meet him at the building's entrance, where he revealed himself as a policeman and arrested her, accompanied by a female officer who assisted him. According to K.I., the female officer used force during the arrest. The arresting officer stated in the

report that K.I. was identified during the demonstration reading messages over the megaphone. It was noted that she was identified after attending a meeting at the Sharet police station, where the purpose was to warn about the ramifications of the embassy event. During her interrogation, she was informed of suspicion of conspiracy to commit a crime. A phone search was conducted, allegedly with her consent. Following the investigation, no extension of her detention was requested. A hearing was conducted for her before the revocation of her stay permit and before the issuance of a detention order. During the hearing, K.I. expressed, “I don't understand why I'm here... I have children... I don't know what to do.”

K.I. was transferred to Givon Prison that Thursday, and only on Sunday afternoon was a hearing at the Detention Review Tribunal convened in her case. Her three minor children were picked up from school by a friend and taken to their father, who resides in another city far from their schools. If K.I. had been arrested under criminal detention, she would have been brought before a judge within 24 hours. However, since she was placed under administrative detention, her first appearance in front of an adjudicator was conducted only three days after her arrest. During the hearing, the adjudicator emphasized to the immigration authority representative that there was no evidence in K.I.'s file justifying a detention order and suggested they reconsider their decision. Attorney Neta Mishly urged the adjudicator to impose conditions for K.I.'s release on the same day. The adjudicator expressed her opinion that K.I. should be unconditionally released and promised to issue her decision that same evening. However, the unconditional release decision was only granted the next day, Monday evening, after Attorney Mishly submitted another request for a decision. In the tribunal

record of K.I.'s case, numerous details from K.G.'s file were included, such as the baseless suspicion of assaulting a police officer, suggesting they were also mistakenly copied from another detainee's file. K.I. remained in administrative detention for five days until her release due to a lack of evidence implicating her in any crimes. Her phone was retained by the police and returned to her only on November 7, 2023, following multiple inquiries from HRM representatives.[63]

Two other detainees, whose stories will be detailed here, were arrested approximately a month after the violent confrontations. Despite them not participating in the demonstration and having no claims of involvement from authorities, they were arrested under the criminal outline and spent 18 and 25 days in administrative detention.

K.V., a father of three, also assumes the responsibility of caring for their mother, who suffers severe post-traumatic stress from her time in the torture camps in Sinai. K.V.'s arrest occurred on the evening of Yom Kippur holiday, September 25, 2023, at the coffee shop he manages, following a search conducted on the premises without presenting a warrant. According to the police action report, officers responded to intelligence indicating a gathering of opponents of the Eritrean regime at the location. During the search, tear gas kept for self-defense was found on K.V.'s bicycle, and a scooter was found nearby containing a hammer in a bag. K.V. denied any connection to the scooter or the bag, requesting the police to review the coffee shop's security footage to identify the scooter's owner, yet the request was refused. In the police investigation, K.V. repeated his lack of information about the scooter and hammer's owner. No

[63] Detainee no. 9207456.

request for an extension of his detention was made, and he was transferred to Immigration Authority inspectors for administrative detention procedures. K.V. surprised the inspector by stating during the hearing preceding the revocation of his stay permit and the issuance of a detention order that he had not participated in the demonstration a month prior, nor had he been questioned by the police regarding it. The inspector then sought guidance from his manager on K.V.'s release, to which the manager ordered his detention. During the hearing, K.V. was questioned about his management of the coffee shop without a license, as asylum seekers are prohibited from legally managing a business. The police opinion claimed he was suspected of "operating a business without a license, possessing an instrument for a crime, and armed robbery." However, K.V. was never interrogated by any officer regarding armed robbery or possession of an instrument, suggesting the term was erroneously copied using a "copy-paste" action from another arrest report of another person detained that evening who was suspected of executing an armed robbery.[64] The border control officer, as noted in the hearing protocol, cited K.V. for "collecting evidence for committing crimes: operating a business without a license, possessing an instrument for a crime, and armed robbery." Despite K.V.'s lack of implication in armed robbery and the absence of evidence against him, the border control officer stated, "That's why I decided to align with the Israel Police, and it is necessary to keep him in custody."[65] This statement implies that the border control officer did not exercise discretion but instead followed the Israel Police documents, which

[64] The details are cited from a formal request submitted by the Tel Aviv District Police Office of the Israel Police to the Immigration Authority regarding the detention of K.V., as documented in event detail files 423997/2023 and 424070/2023 dated September 26, 2023.

[65] Minutes from the hearing conducted by the border control officer regarding the case of K.V., dated September 26, 2023.

contained offenses inadvertently attributed to K.V. and were originally intended for another detainee suspected of those crimes.

In Givon Prison, K.V. stood before adjudicator Ruhama Sinai, who overlooked the lack of evidence and approved the detention order.[66] It wasn't until the end of the holiday, on October 12, 2023, when representatives from the HRM gained access to the prison, that they met with K.V. and immediately submitted an urgent request for his release. On October 15, 2023, HRM submitted a request for a decision. During this time, K.V.'s 12-year-old daughter reported to HRM staff about her mother's deteriorating mental state, prompting a third urgent request from the HRM on October 18, 2023. Despite being held for 25 days with only suspicion of operating a business without a license supported by any evidence, the immigration authority officers conditioned his release on bail of 5000 NIS.

M.I., a father of four children, was arrested by the police on the night of September 30, 2023, under suspicion of “participating in a riot and behavior endangering public safety.” An initial hearing was conducted to extend his detention until October 3, 2023, during which he admitted to leaving his house that night and being attacked by supporters of the Eritrean regime. M.I. retaliated by throwing stones that did not hit anyone, a claim that was backed by the regime's supporters. Subsequently, he was transferred to immigration officers for a hearing regarding the cancellation of his stay permit and a detention order. During the hearing, M.I. repeated the claim that he acted in self-

[66] Minutes and the decision of the Detention Review Tribunal in the case of K.V., detainee No. 9208313, dated September 27, 2023.

defense against regime supporters. However, the border control officer argued that he could have fled without resorting to stone-throwing.[67]

Similar to K.V., M.I. was also transferred to Givon Prison during the holidays when HRM representatives were unable to visit. It wasn't until October 15, 2023, that the HRM team met with him and immediately requested his release, highlighting the numerous discrepancies in his hearing process. Initially opposed by the border control officer, the adjudicator Yoav Bar Lev eventually ordered M.I.'s release on bail of NIS 10,000 after a few hours. M.I. remained in administrative detention for 18 days until his release.[68]

Detaining regime supporters and incarcerating them under criminal charges

The tribunal’s minutes reveal that 12 individuals identified as supporters of the Eritrean regime were arrested during a demonstration on September 2, 2023. They were subsequently transferred to administrative detention at Givon Prison and were represented by Attorney Aryeh Sharabi, arranged for by the Eritrean embassy. The minutes indicate that the arrested individuals were familiar with Attorney Sharabi's name before the adjudicator Assaf Noam understood they were represented by him. However, on the evening of September 6, 2023, all 12 were brought to the hearing before adjudicator Assaf Noam, who ignored the absence of Attorney Aryeh Sharabi representing the detainees. Attorney Sharabi had left earlier after learning that the hearings for his clients would be scheduled only for the following day.

[67] Minutes of the border control officer's hearing in the case of M.I., dated October 1, 2023.
[68] Minutes and decision of the Detention Review Tribunal in the case of M.I., detainee no. 9208548, dated October 17, 2023.

Despite being represented by the embassy's lawyer; the hearing protocols show that ten of the regime supporters submitted asylum requests. However, during their statements to the court, it became apparent that they did not fully comprehend the implications of their asylum requests and the reasons for submitting such a request. Some expressed a desire to return to Eritrea, while others clarified that they are currently in the middle of an immigration procedure to Canada and would prefer to leave Israel directly for Canada.[69]

The adjudicator Assaf Noam concluded the hearings for the ten supporters of the regime, whose asylum requests are pending, with the following statement:

"Based on the aforementioned, I hereby affirm the continued detention of the detainee. Another review hearing for the detainee's case will convene on September 28, 2023, at 9:30 a.m., unless the detainee is deported from Israel before that date. It shall be clarified, for the avoidance of doubt, that the detainee's deportation to his home country will only occur after the rejection of his asylum application or the closure of its processing. In this matter, the Refugee Status Determination (RSD) unit may consider, among other factors, the information provided by the detainee during the current proceedings, including his assertion that he entered Israel and filed an asylum application solely for employment purposes and that he indeed supports the Eritrean regime. Given these circumstances, it is appropriate that the detainee will be removed from Israel at the earliest opportunity."[70]

[69] Minutes of the Detention Review Tribunal hearings have been deleted from the decisions database; however, copies can be found in the HRM offices.
[70] Ibid.

It shall be clarified that the Detention Review Tribunal's role is confined to either approving the detention order or setting conditions for release until the deportation if the adjudicator finds it feasible or suitable to impose such conditions. The Tribunal lacks the authority to counsel the RSD unit responsible for reviewing asylum applications, nor can it recommend the deportation of detainees. In the absence of explicit guidelines and criteria, evident gaps are noticeable in the Tribunal's rulings concerning the detainees involved in the protests.

Between the date of the demonstration, September 2, 2023, and the end of November 2023, the HRM team obtained records of the hearings of 84 Eritrean detainees arrested under the criminal outline. Throughout this period, terms for the release of 45 detainees were set. While not all decisions were documented in the Ministry of Justice decisions' database, an analysis of those available reveals the following trend: six adjudicators granted release to 39 detainees, requiring bail amounts of varying and inconsistent levels, some as high as NIS 25,000.

Despite conducting nine hearings, adjudicator Yossi Barda did not set conditions for the release of any detainee.

Adjudicator Assaf Noam conducted over 15 hearings and granted release to one detainee on bail of NIS 10,000.

Adjudicator Yoav Barlev conducted 14 hearings, releasing 13 detainees on bail ranging from NIS 5,000 to NIS 25,000.

Adjudicator Itiel Givon conducted six hearings, releasing two detainees without bail and four others with bail ranging from NIS 3,500 to NIS 20,000. Notably, one

of the detainees who were arrested at the hospital with no evidence of any criminal activity, was released by adjudicator Givon on bail of NIS 7,000.

Adjudicator Ruhama Sinai conducted ten hearings, releasing three detainees, two with bail set at NIS 8,000 and one at NIS 4,000.

Adjudicator Rachel Sharm conducted 22 hearings, granting release to 16 detainees. Most were released on bail of NIS 5,000, two on bail of NIS 7,000, and two more on bail of NIS 2,000. The two community leaders previously mentioned were released without any financial guarantee by the adjudicator.

The criminal outline allows indefinite imprisonment of refugees

The first "Criminal Procedure"

In June 2012, the Immigration Authority began enforcing Amendment No. 3 to the Anti-Infiltration Law, which had passed its second and third readings on January 9, 2012. This implementation of the Law resulted in a 3-year imprisonment, without trial, of all asylum seekers who entered Israel after June 3, 2012. Moreover, the Law was applied to arrest asylum seekers who had entered Israel even before the aforementioned date, if authorities deemed them to be "involved in criminal activity", without establishing clear procedures for defining this classification.

The state's argument at the time was that the Law permitted the detention of any asylum seeker, including those who had entered Israel earlier, for up to three years. However, due to insufficient prison capacity, the authority prioritized the

arrest of those who had administrative evidence of "involvement in criminal activities" held against them.

Initially, the arrest of those "involved in criminal activity" under the powers established in the Anti-Infiltration Law occurred without clear administrative instructions. Following administrative court proceedings, the authorities realized the necessity to formulate explicit guidelines. On September 24, 2012, they introduced the "Procedure for Handling Infiltrators Involved in Criminal Proceedings." This procedure was subsequently revised on April 4, 2013, and July 1, 2013. In its different versions, the procedure stipulated that individuals who entered Israel without authorization could be deprived of their liberty based on allegations of "criminal involvement."[71]

The initial version of the procedure operated under the provisions of the Anti-Infiltration Law. It stipulated that the police and the prison service would request the immigration authority to transfer individuals to immigration detention based on their involvement in criminal activity. The United Nations High Commissioner for Refugees (UNHCR) strongly criticized this procedure, labeling it as a "draconian procedure" in its letter dated April 24, 2013.

Among the examples of the HRM's clients arrested under this criminal procedure during those years: **a woman**[72] from Eritrea withdrew her rape complaint after police investigators questioned whether she "enjoyed the act," and she was then accused of providing false information; a Sudanese **man**[73] was suspected of

[71] Procedure for Handling Infiltrators Involved in Criminal Proceedings, April 4, 2013
Procedure for Handling Infiltrators Involved in Criminal Proceedings, July 1, 2013
[72] Administrative Appeal 28773-01-13 (case details are retained by the HRM to safeguard the appellant's privacy).
[73] Administrative Appeal 25569-02-13 John Doe vs. Minister of the Interior (pending publication).

possessing "military equipment" in a rented apartment, despite the owner clarifying to the police that it was his equipment used for film productions; **Hagos**[74] from Eritrea was suspected of trespassing when he inquired about job opportunities from a yard owner; **Adam**[75] from Sudan was suspected of stealing a cell phone from a migrant worker, even though the device was not found in his possession and there was no evidence linking him to the theft; **Bakri**[76] from Sudan was accused of assault based on a complaint filed by another Sudanese citizen, yet no confrontation occurred, and Bakri remained labeled as "involved in criminal activity." **Iman**[77] from Eritrea was suspected of demanding his withdrawn wage in a threatening manner while holding a "pen or pencil" in his hand; **Babi**[78], a theater actor from Darfur, failed to present a receipt for a bicycle belonging to one of the clients of the barbershop where he worked.

With some of these cases, HRM had to get until the Supreme Court, which consistently released the detainees but refrained from establishing a legal precedent.

The annulment of the "Criminal Procedure"

On September 16, 2013, as certain elements of the procedure remained unresolved and pending, the Supreme Court issued its ruling in the Adam case[79],

[74] Administrative Appeal 45536-02-13 Tesfay Hagos vs. Minister of the Interior (published in Takdin, May 9, 2013).
[75] Administrative Appeal 58564-12-12 Hosein Adam (prisoner) vs. Ministry of the Interior (judgment dated January 27, 2013, published in Nevo).
[76] Request for administrative appeal permission 4135/13 Bakri Hassan Tabor Dilf vs. Minister of the Interior (judgment dated January 7, 2014).
[77] Administrative Appeal 36428-04-13: Iman (prisoner) vs. Ministry of the Interior (judgment dated May 21, 2013, pending publication).
[78] Administrative Appeal 43567-07-13: Ibrahim Babikar (Babi) vs. Minister of the Interior (judgment dated February 19, 2014, pending publication).
[79] HCJ 7146/12 Adam vs. The Knesset (September 16, 2013, published on the Israeli Judicial Authority website).

effectively invalidating Amendment No. 3 to the Anti-Infiltration Law. The court reiterated the principle that individuals cannot be detained in immigration facilities without a viable deportation process in place.[80] In paragraphs 67-71 of her decision, Judge Arbel stressed the importance of the right to liberty in Israeli law, noting that "Israeli law imposes numerous disclaimers and limitations on depriving individuals of their freedom, even if they have been convicted of a criminal offense... The same level of meticulousness and caution required in criminal trials should be upheld in other legal domains." She highlighted that "detaining individuals without establishing criminal liability should only be done under exceptional and compelling circumstances" (Paragraph 75 of Judge Arbel's Decision in the Adam **case**).

On September 23, 2013, the Attorney General announced a decision to "temporarily suspend the enforcement of the procedure pending a thorough review of the matter."[81]

The procedure transforms into the "Criminal Outline", under which refugees were arrested following the demonstration

On January 29, 2014, the "Outline for the Coordination of the Treatment of Infiltrators Involved in Criminal Activities between the Israeli Police and PIBA" was established under the Entry into Israel Law, applicable to individuals who entered without authorization, commonly referred to as "infiltrators."[82]

[80] Paragraph 2 of the ruling by Vice President Naor, as it was formerly described; Paragraphs 5, 19, and 32-35 of Judge Fogelman's judgment; and paragraph 2 of Judge Hayut's judgment.
[81] For further details on this issue, please see HRM "Ye Shall Have One Law", October 7, 2017.
[82] Outline for the Coordination of the Treatment of Infiltrators Involved in Criminal Activities between the Israeli Police and PIBA, January 29, 2014.

The outline relies on article 13F(b)(2) of the Entry into Israel Law. According to the law, individuals without a permit to stay in Israel are subject to deportation and are generally held in detention until their removal is possible. Exceptions to detention include humanitarian grounds, cooperation with deportation procedures, and a detention period exceeding 60 days. These exceptions are subject to two conditions: failure to cooperate with identity verification or deportation processes and posing a threat to public peace, health, or safety. The outline operates within this exception, claiming that individuals involved in criminal activities jeopardize public safety and security.

Based on the same provision, paragraph A2 of the outline specifies that individuals arrested by the Israeli Police may be placed in custody if the following criteria are met in their case:

1. The investigation is intended to be thorough to either pursue an indictment or close the case due to insufficient evidence; however, there exists ample administrative evidence that is clear, unequivocal, and conclusive to support the charges. In exceptional circumstances where no formal investigation has been initiated but efforts have been made to collect information and reach a full understanding of the matter, the transfer of such intelligence may be considered.
2. The criminal act may pose a threat to state security or public order, as outlined in the criteria provided in Annex A below, or in other unusual situations where the recurrence, gravity, and severity of the offense indicate a threat to public order and safety, subject to approval by the relevant authorities.

The following offenses are listed in Annex A to the outline:

1. Security offenses
2. Robbery
3. Violent crimes
4. Possession of a knife for unlawful purposes
5. Sexual offenses
6. Breaking offenses
7. Forgery and licensing offenses under aggravated circumstances (e.g., forgery of identity cards and driver's licenses)
8. Driving under the influence and driving without a license
9. Drug offenses, excluding possession for personal consumption

Furthermore, a person “who has been prosecuted for a criminal offense, convicted, and is nearing the end of serving their sentence” can be transferred to administrative detention according to the provisions of section B1, which falls under the jurisdiction of the prison service.

This situation allows for indefinite detention of individuals even in cases where there is insufficient evidence to criminally prosecute them, without the right to legal representation provided by the state and without proactive judicial review of the judicial branch. Under this rule, individuals suspected of driving without a license, those involved in minor violent offenses, individuals possessing Marijuana not for personal consumption, and those with “other unusual circumstances” can

be detained. Additionally, individuals who have completed their court-ordered sentences can also be transferred to administrative detention. For all these cases, the conditions for release specified in Section 13F(b)(2) of the Entry into Israel Law are met, implying no authority to order their release and no obligation to do so. This turns incarceration into an open-ended detention in immigration facilities.

Several legal proceedings challenging the legality of the outline reached the Supreme Court. However, similar to the ruling regarding the preceding procedure, the court consistently refrained from addressing the fundamental questions.[83]

The Supreme Court, often publicly criticized for making decisions contrary to the preferences of elected officials, has consistently avoided addressing and deciding on the fundamental questions arising from the cases of asylum seekers "involved in criminal activities." This avoidance has led to prolonged periods of detention and the denial of fair procedural rights. In recent years, HRM representatives have observed that Givon prison primarily detains asylum seekers who have completed criminal sentences and are transferred to administrative detention indefinitely until the court determines their release.

It shall be noted that the majority of Eritrean citizens whose asylum claims remain unresolved, and who are subject to administrative detention under the "Criminal Outline", would likely have obtained refugee status in countries with functioning RSD systems. However, the Israeli asylum system focuses on rejecting asylum applications, leaving many individuals in a precarious status susceptible to detention under the criminal outline.[84]

[83] Ibid.

[84] The deficiencies within the asylum system are evident in several reports we've authored on the matter: Hotline for Refugees and Immigrants, Nothing Will Ever Be Enough: The substantive Flaws in the Examination

Bureaucratic Oversights

This report cannot be finalized without addressing the numerous bureaucratic oversights demonstrated by various authorities. Throughout the report, instances of false accusations of criminal offenses, which were carelessly "copy-pasted" into lists, reports, and police opinions, are evident. Arrest decisions were made based on files of other detainees, while some arrest files lack action reports or contain irrelevant information about unrelated detainees. Protocols and Tribunal's decisions often contain inaccuracies due to the "save as" or "copy-pasted" activities, violation of laws and procedures, and officials, including Tribunal's adjudicators, having been found to brutally exceed their authority. These oversights result in refugees, who have sought asylum in Israel for nearly two decades, repeatedly finding themselves unjustly imprisoned.

In this regard, the remarks of Judge Avital Amsalem Gilboa are noteworthy. Despite the late hour, after a long day of discussions, Judge Gilboa took the time to criticize the police's conduct. From her review, we will briefly quote only about the submission of "an all-inclusive request that comprises 46 suspects without there being any material connection between these detainees and in a way that made it difficult to split the hearings and caused them to be delayed and arrived at such a late hour, which certainly makes it difficult and violates the suspects' rights... One copy of material was brought to the court: the evidence, not all of it processed, most of it is not yet presented before the court and there was no one

of Asylum Applications of Eritreans in Israel, November 2022, Trapped in Limbo, September 2020; Falling on Deaf Ears - Asylum Procedures in Israel, October 2018; No Safe Haven, December 2014; Detained Asylum Seekers Pressured to Leave, March 2013; and Until Our Hearts are Completely Hardened - Asylum Procedures in Israel, March 2012.

who went through it in an orderly manner and knew how to tie each action report to the suspect standing before me."[85]

Conclusions and Recommendations

The illegal conduct of the police, and the multitude of bureaucratic oversights leading to the unwarranted indefinite administrative detention of innocent refugees, as outlined in this report, should serve as a warning sign for any democratic society striving to exist.

To adhere to both Israeli and international laws and prevent further violent actions, such as those witnessed in Tel Aviv during the September 2, 2023, demonstration, we offer the following recommendations to the authorities:

- **It is imperative to refrain from permitting mass events organized by the Eritrean embassy, which serve as breeding grounds for criminal activities like violence, blackmailing, and threats.** While respecting the right to association and assembly, Israel should heed the lessons from Western countries and refrain from hosting festivals organized by the Eritrean embassy. By preventing such events, other nations acknowledge the potential for violent conflicts between supporters of the Eritrean dictatorship and refugees, who seek safety but find themselves persecuted even in foreign lands where they seek asylum.
- **The "Criminal Outline" must be annulled, and the law should apply uniformly to anyone suspected of committing criminal offenses, regardless of their residency status in Israel.** However, as long as the "Criminal Outline" remains in effect, stringent measures should ensure that

[85] Footnote 50, p. 50.

arrests are "based solely on substantial administrative evidence that is clear, unambiguous, and convincing regarding the charges".[86]

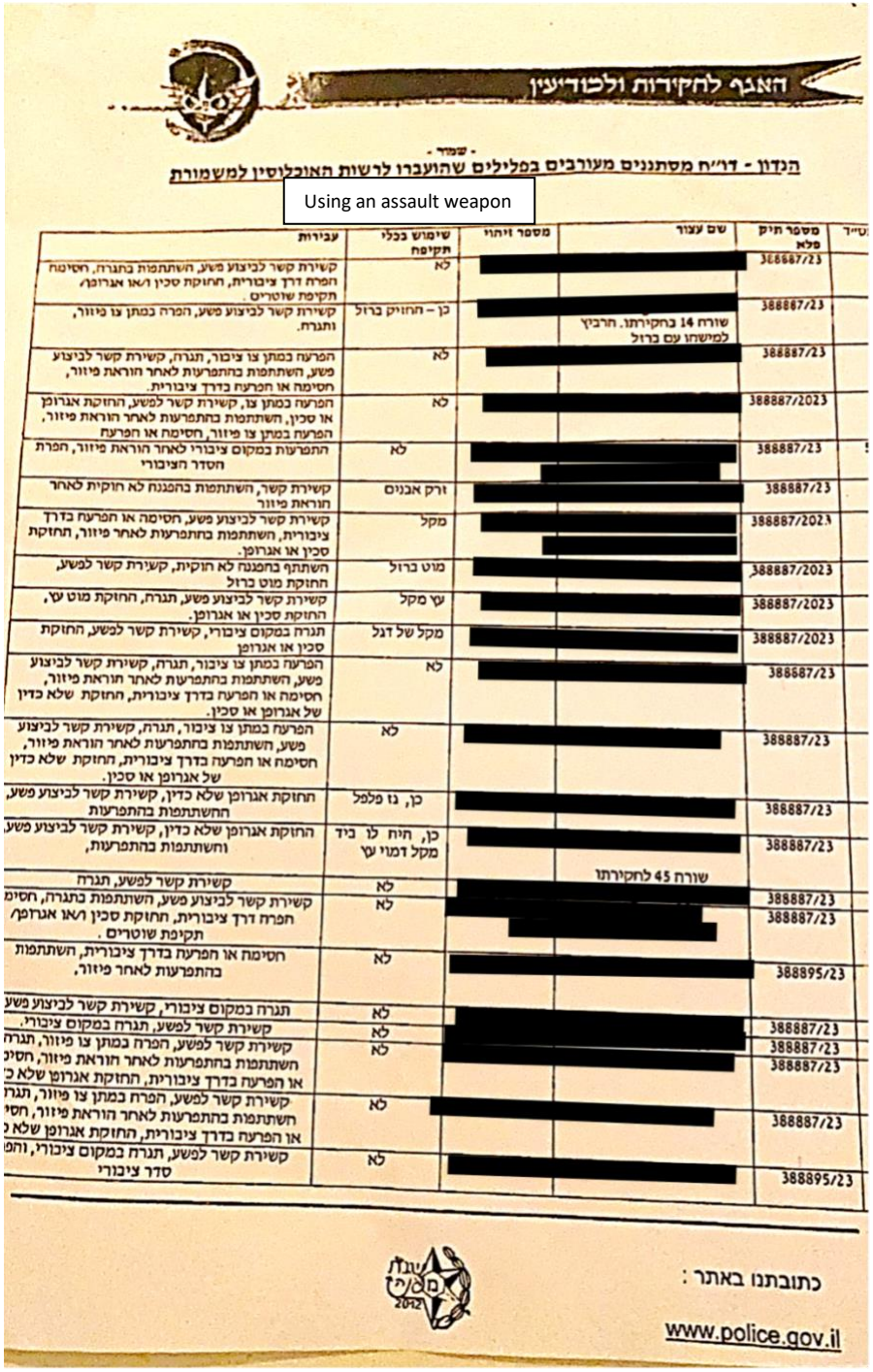
- **Any legislation or outline concerning refugees should adhere to and respect the principles outlined in the Convention Relating to the Status of Refugees, to which Israel is a signatory, and should not permit the arbitrary administrative detention of refugees.** Refugees, fleeing for their lives, are often forced to cross borders illegally, and the Convention prohibits their indefinite administrative detention, especially without clear evidence of criminal involvement - a vague and problematic definition.
- **Asylum applications must undergo a proper, fair, and thorough examination, as mandated by our commitment to the Convention Relating to the Status of Refugees.** Such an examination process would enable the differentiation between genuine refugees and immigrants supporting their dictatorial regimes. However, under the guise of ambiguity and reluctance to grant refugee status to Eritrean citizens who deserve this status, representatives of the dictatorial regime alongside its supporters operate freely in Israel, subjecting asylum seekers to their tyranny.
- **It is essential to ensure that official documents accurately reflect only the crimes for which individuals are genuinely suspected and the decisions made in their respective cases.**
- **The Detention Review Tribunal's adjudicators must exercise only the authority granted to them under the**

[86] Article A2(a) of the Criminal Outline, dated January 29, 2014.

Appendix

A Report of Infiltrators Involved in Criminal Activities who were Transferred to PIA for Detention

September 4, 2023



האגף לחקירות ולסודיעין

- שמור -

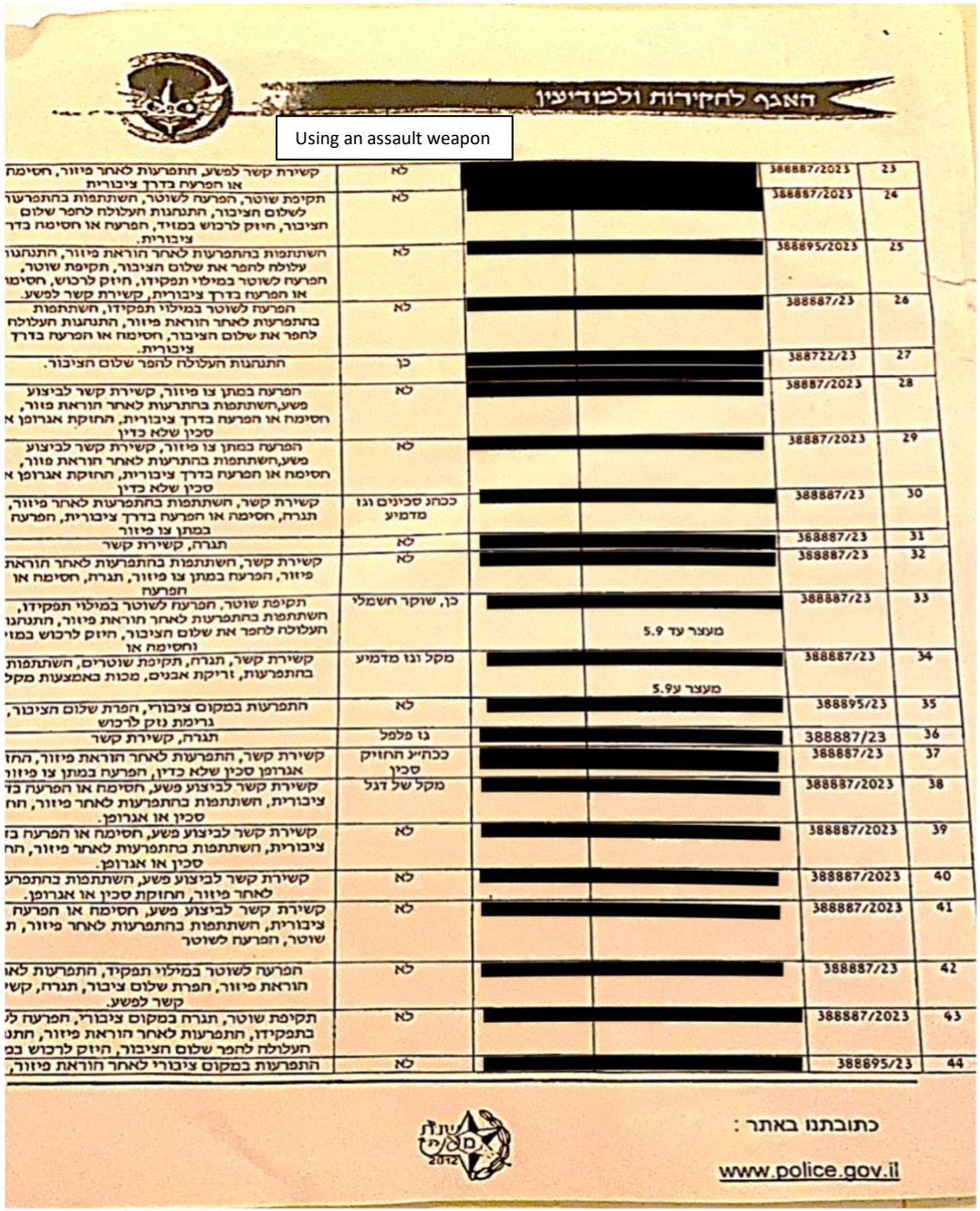
הנדון - דו"ח מסתננים מעורבים בפלילים שהועברו לרשות האוכלוסין למשמורת

Using an assault weapon

מספר תיק פלא	שם עצור	מספר זיהוי	שימוש בכלי תקיפה	עבירות
388687/23	[redacted]	[redacted]	לא	קשירת קשר לביצוע פשע, השתתפות בחברה, חסימה הפרת דרך ציבורית, תחזקת סכין ו/או אגרופן תקיפת שוטרים.
388887/23	[redacted] שורה 14 בחקירתו. חרביץ למישהו עם ברזל	[redacted]	כן – תחזיק ברזל	קשירת קשר לביצוע פשע, הפרה בסתן צו ניזור, ותגרה.
388887/23	[redacted]	[redacted]	לא	הפרעה בסתן צו ציבור, תגרה, קשירת קשר לביצוע פשע, השתתפות בהתפרעות לאחר הוראת פיזור, חסימה או הפרעה בדרך ציבורית.
388887/2023	[redacted]	[redacted]	לא	הפרעה בסתן צו, קשירת קשר לפשע, החזקת אגרופן או סכין, השתתפות בהתפרעות לאחר הוראת פיזור, הפרעה בסתן צו פיזור, חסימה או הפרעה
388887/23	[redacted]	[redacted]	לא	התפרעות בסקום ציבורי לאחר הוראת פיזור, הפרת הסדר הציבורי
388887/23	[redacted]	[redacted]	זרק אבנים	קשירת קשר, השתתפות בהפגנה לא חוקית לאחר הוראת פיזור
388887/2023	[redacted]	[redacted]	מקל	קשירת קשר לביצוע פשע, חסימה או הפרעה בדרך ציבורית, השתתפות בהתפרעות לאחר פיזור, תחזקת סכין או אגרופן.
388887/2023	[redacted]	[redacted]	מוט ברזל	השתתף בהפגנה לא חוקית, קשירת קשר לפשע, תחזקת מוט ברזל
388887/2023	[redacted]	[redacted]	עץ מקל	קשירת קשר לביצוע פשע, תגרה, החזקת מוט עץ, החזקת סכין או אגרופן.
388887/2023	[redacted]	[redacted]	מקל של דגל	תגרה בסקום ציבורי, קשירת קשר לפשע, החזקת סכין או אגרופן
388687/23	[redacted]	[redacted]	לא	הפרעה בסתן צו ציבור, תגרה, קשירת קשר לביצוע פשע, השתתפות בהתפרעות לאחר הוראת פיזור, חסימה או הפרעה בדרך ציבורית, החזקת שלא כדין של אגרופן או סכין.
388887/23	[redacted]	[redacted]	לא	הפרעה בסתן צו ציבור, תגרה, קשירת קשר לביצוע פשע, השתתפות בהתפרעות לאחר הוראת פיזור, חסימה או הפרעה בדרך ציבורית, החזקת שלא כדין של אגרופן או סכין.
388887/23	[redacted]	[redacted]	כן, גז פלפל	החזקת אגרופן שלא כדין, קשירת קשר לביצוע פשע, החשתתפות בהתפרעות
388887/23	[redacted]	[redacted]	כן, תיה לו ביד מקל דמוי עץ	החזקת אגרופן שלא כדין, קשירת קשר לביצוע פשע, וחשתתפות בהתפרעות,
388887/23	[redacted] שורה 45 לחקירתו	[redacted]	לא	קשירת קשר לפשע, תגרה
388887/23	[redacted]	[redacted]	לא	קשירת קשר לביצוע פשע, השתתפות בתגרה, חסימ חפרה דרך ציבורית, תחזקת סכין ו/או אגרופן תקיפת שוטרים .
388895/23	[redacted]	[redacted]	לא	חסימה או חפרעה בדרך ציבורית, השתתפות בהתפרעות לאחר פיזור,
388887/23	[redacted]	[redacted]	לא	תגרה בסקום ציבורי, קשירת קשר לביצוע פשע
388887/23	[redacted]	[redacted]	לא	קשירת קשר לפשע, תגרה בסקום ציבורי.
388887/23	[redacted]	[redacted]	לא	קשירת קשר לפשע, הפרה בסתן צו פיזור, תגרה השתתפות בהתפרעות לאחר הוראת פיזור, חסינ או הפרעה בדרך ציבורית, החזקת אגרופן שלא כ
388887/23	[redacted]	[redacted]	לא	קשירת קשר לפשע, הפרה בסתן צו פיזור, תגרה השתתפות בהתפרעות לאחר הוראת פיזור, חסי או הפרעה בדרך ציבורית, החזקת אגרופן שלא כ
388895/23	[redacted]	[redacted]	לא	קשירת קשר לפשע, תגרה בסקום ציבורי, והפ סדר ציבורי

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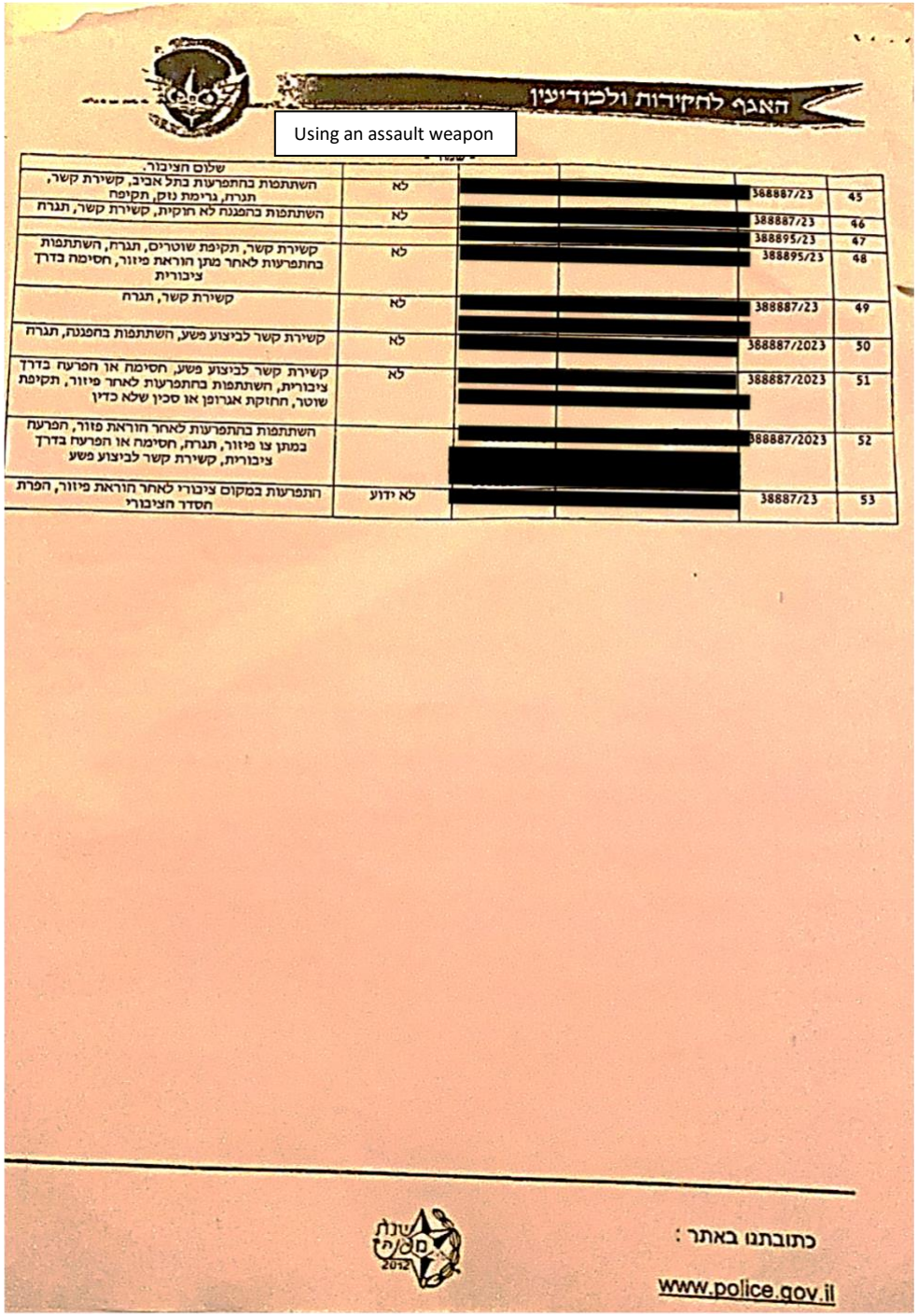
23	388887/2023	[redacted]	לא	קשירת קשר לפשע, התפרעות לאחר פיזור, חסימת או הפרעה בדרך ציבורית
24	388887/2023	[redacted]	לא	תקיפת שוטר, הפרעה לשוטר, השתתפות בהתפרעות לשלום חציבור, התנהגות העלולה לחפר שלום חציבור, חיזק לרכוש במזיד, חפרעה או חסימת בדר ציבורית.
25	388895/2023	[redacted]	לא	השתתפות בהתפרעות לאחר הוראת פיזור, התנהגו עלולה לחפר את שלום חציבור, תקיפת שוטר, חפרעה לשוטר במילוי תפקידו, חיזק לרכוש, חסימו או חפרעה בדרך ציבורית, קשירת קשר לפשע.
26	388887/23	[redacted]	לא	חפרעה לשוטר במילוי תפקידו, השתתפות בהתפרעות לאחר הוראת פיזור, התנהגות העלולח לחפר את שלום חציבור, חסימת או חפרעה בדרך ציבורית.
27	388722/23	[redacted]	כן	התנהגות העלולה להפר שלום חציבור.
28	388887/2023	[redacted]	לא	חפרעה במתן צו פיזור, קשירת קשר לביצוע פשע,השתתפות בהתרעות לאחר הוראת פיזור, חסימה או חפרעה בדרך ציבורית, החזקת אגרופן א סכין שלא כדין
29	38887/2023	[redacted]	לא	חפרעה במתן צו פיזור, קשירת קשר לביצוע פשע,השתתפות בהתרעות לאחר הוראת פזור, חסימה או חפרעה בדרך ציבורית, החזקת אגרופן א סכין שלא כדין
30	388887/23	[redacted]	ככחנ סכינים וגז מדמיע	קשירת קשר, השתתפות בהתפרעות לאחר פיזור, תגרה, חסימה או חפרעה בדרך ציבורית, חפרעה במתן צו פיזור
31	388887/23	[redacted]	לא	תגרה, קשירת קשר
32	388887/23	[redacted]	לא	קשירת קשר, השתתפות בהתפרעות לאחר הוראת פיזור, הפרעח במתן צו פיזור, תגרה, חסימח או חפרעה
33	388887/23	[redacted] מעצר עד 5.9	כן, שוקר חשמלי	תקיפת שוטר, חפרעה לשוטר במילוי תפקידו, השתתפות בהתפרעות לאחר תוראת פיזור, תתנהגו חעלולה לחפר את שלום חציבור, חיזק לרכוש במז נחסימת או
34	388887/23	[redacted] מעצר ע5.9	מקל וגז מדמיע	קשירת קשר, תגרה, תקיפת שוטרים, השתתפות בחתפרעות, זריקת אבנים, מכות באמצעות מקל
35	388895/23	[redacted]	לא	התפרעות במקום ציבורי, חפרת שלום חציבור, גרימת נזק לרכוש
36	388887/23	[redacted]	גז פלפל	תגרה, קשירת קשר
37	388887/23	[redacted]	ככח"ע תחזיק סכין	קשירת קשר, התפרעות לאחר הוראת פיזור, התז אגרופן סכין שלא כדין, הפרעה במתן צו פיזו
38	388887/2023	[redacted]	מקל של דגל	קשירת קשר לביצוע פשע, חסימת או הפרעה בד ציבורית, השתתפות בהתפרעות לאחר פיזור, חת סכין או אגרופן.
39	388887/2023	[redacted]	לא	קשירת קשר לביצוע פשע, חסימת או הפרעה בז ציבורית, השתתפות בהתפרעות לאחר פיזור, חת סכין או אגרופן.
40	388887/2023	[redacted]	לא	קשירת קשר לביצוע פשע, השתתפות בהתפרע לאחר פיזור, תחזקת סכין או אגרופן.
41	388887/2023	[redacted]	לא	קשירת קשר לביצוע פשע, חסימת או חפרעה ציבורית, השתתפות בהתפרעות לאחר פיזור, ת שוטר, חפרעה לשוטר
42	388887/23	[redacted]	לא	חפרעה לשוטר במילוי תפקיד, התפרעות לא הוראת פיזור, חפרת שלום ציבור, תגרה, קשי קשר לפשע.
43	388887/2023	[redacted]	לא	תקיפת שוטר, תגרה במקום ציבורי, חפרעה ל בתפקידו, התפרעות לאחר הוראת פיזור, תתנ העלולה להפר שלום חציבור, חיזק לרכוש במ
44	388895/23	[redacted]	לא	התפרעות במקום ציבורי לאחר הוראת פיזור,

The Tel Aviv police report of "**infiltrators involved in criminal activities who were transferred to the Immigration Authority**" for indefinite administrative detention, clearly demonstrates how the Criminal Outline is being used in a most faulty way:

The 53 detainees who were arrested during the demonstration were all transferred to administrative detention. To justify the use of the criminal outline, the police "attached" to each one of them a list of offenses. In the police report itself, there are bold contradictions. For example: to many of the detainees, the police attached the following offenses: Criminal Conspiracy, Violation of dispersal order, Fight, participating in a riot after being ordered to disperse, Blocking or obstructing a public road, Unlawful possession of a knuckle-duster or knife.

The offenses: "Unlawful possession of a knuckle-duster or knife" appears near the names of 18 of the detainees. Yet on the same list, there is a column in which the police stated if the detainee used an assault weapon. Out of the 18 detainees who were accused (among other offenses) of "Unlawful possession of a knuckle-duster or knife", Three of them were arrested while holding a wooden stick, two of them were holding an Eritrean flag and one was holding a pepper spray. Near the name of 11 of the detainees it was written clearly that they were not holding anything in their hands when they were arrested. Yet – they were accused of "Unlawful possession of a knuckle-duster or knife". Only near the name of one detainee it was written that he "probably held a knife".

Looking at the police's list, it is clear that it was assembled hastily using a lot of "copy and paste" with a clear intention to transfer to administrative detention as many Eritreans as possible, no matter if they were those who violated the law during the demonstration.


האגף לחקירות ולכודיעין

Using an assault weapon

שלום הציבור.					
השתתפות בהתפרעות בתל אביב, קשירת קשר, תגרה, גרימת נזק, תקיפה	לא	[redacted]		388887/23	45
השתתפות בהפגנה לא חוקית, קשירת קשר, תגרה	לא	[redacted]		388887/23	46
		[redacted]		388895/23	47
קשירת קשר, תקיפת שוטרים, תגרה, השתתפות בהתפרעות לאחר מתן הוראת פיזור, חסימה בדרך ציבורית	לא	[redacted]		388895/23	48
קשירת קשר, תגרה	לא	[redacted]		388887/23	49
קשירת קשר לביצוע פשע, השתתפות בהפגנה, תגרה	לא	[redacted]		388887/2023	50
קשירת קשר לביצוע פשע, חסימה או הפרעה בדרך ציבורית, השתתפות בהתפרעות לאחר פיזור, תקיפת שוטר, החזקת אגרופן או סכין שלא כדין	לא	[redacted]		388887/2023	51
השתתפות בהתפרעות לאחר הוראת פזור, הפרעה במתן צו פיזור, תגרה, חסימה או הפרעה בדרך ציבורית, קשירת קשר לביצוע פשע		[redacted]		388887/2023	52
התפרעות במקום ציבורי לאחר הוראת פיזור, הפרת חסדר הציבורי	לא ידוע	[redacted]		38887/23	53

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