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Appendix of Case Studies

Case studies for CAT Question no. 13: Three TIP survivors spent four years in the Israeli prison due to lack of identification

Case Study No. 1: The Case of S.M., TIP survivor from Eritrea

S.M., an Eritrean, who entered Israel in September 2011 was imprisoned for four years and two months while the Immigration Authority was under the wrong impression that he was Ethiopian. There are 33 hearing protocols of S.M. in front of the Administrative Review Tribunal. In most of them, his words are "I refuse to go to Ethiopia" and in many others his words are "I have nothing new to say". One month after the other, the Judge approve his detention order without any changes. S.M. was imprisoned for three and a half years in Saharonim, before he met Alexandra Ganor-Roth, an activist from the HRM, who understood from his testimony that he is a slavery victim:

"I entered Israel in 2011, and since then, I have been in Saharonim prison... When I came from Sudan to Israel, the journey has been quite difficult. I travelled with 80 people split between four vehicles. After five days we were loaded into new vehicles...

They split us into two groups... in these groups there was no division between men and women, we were all in the same room... there were two smugglers there, Juma and Muhammed, who we called Hitler, because he was very cruel. After the first group paid and left, there were 65 people remaining, including around 15 children....

There was terrible violence in the Sinai. Every morning we were asked to call our families for the money. I tried many times to call ... but no one would answer me. Hitler would bring children to come beat us, we were to lay face down, and they would begin hitting us with iron rods covered inside rubber... The houses were isolated completely; no one could see or hear us. When I was in the second hut, they would come at night to take me to work in... I worked every day for two weeks, from eight in the evening until two or three at night. We would load sand into a truck, while we were cuffed together. Every time that the van was full it would travel to the house, unload the sand, and we would load it again. Due to all the torture and the beatings I received, I became very ill, my whole body was swollen, even my mouth... I wasn't able to talk. I had terrible pain in my genitalia and the children of the smugglers, who guarded us with guns, decided not to take me to work. Because I was injured and sick, they did not take me to work... I couldn't even cook because my hands were injured....I looked disgusting...I was disgusted by how I looked.

After three or four months in the third building...all the people that were there with me were released, except me. I was there for seven months in the Sinai. The people that were in the Sinai for long periods of time, they had no one who could pay a ransom for their release. They were tortured and beaten for a long period of time. Every time that a new group arrived, they would take them and then beat them until they lost consciousness, in order to scare them into paying the ransoms more quickly...I saw people who were hit for so long that they lost consciousness, then a car would come take them, and they would not come back again. One day Hitler took a guy who had been there for a year; he tied him to a rope by the legs and then connected the other end of the rope to his motorcycle. He started to drive the motorcycle with the man attached. His mouth was covered with blood. He lost consciousness and then they took him away, I never saw him again. They used me as well, my body. They would beat me whenever a new group arrived, to scare them. To

this day I still cannot believe that I am alive. Over seven months, countless groups arrived. I couldn't sit because I was so badly beaten, I couldn't sit because my back was so badly injured. We were forced to sit for hours in the sun; I couldn't walk on my feet so I had to walk on my tippy-toes....Hours I sat, naked, because my body was in too much pain to wear clothing. Everything that I ate, I threw up.

...After seven months they sent me to Israel with a group that had paid. Because my body and legs were so swollen they gave me big pants, and a Bedouin picked me up. On the journey, the people took turns carrying me.... I wanted them to leave me, so that I could die in peace. The Eritreans took me by force, they would not leave me. I managed to get over the fence, and then the Egyptian Army started shooting. I don't know how, but with my last bit of strength, I managed to walk up to a tree, and simply fell asleep. When I woke up, I could just see the road, so I sat down and fell asleep again. In the morning, Israeli soldiers came; they took me to the hospital.

Three and a half years, I never told anyone what had happened to me. Never has anyone asked me like you have asked me."

After taking this comprehensive interview and finding S.M. to be credible, it was clear that S.M. was entitled to the status of a victim of slavery. The HRM sent a request in April 2015 to the Anti-Trafficking Police Unit. The application was denied. In October 2015, after the officer in charge of the unit was replaced, the HRM sent another application. Two months later, in December 2015, S.M. was finally recognized as a victim of slavery; he was released after spending four years and two months in prison and was transferred to a shelter for victims of trafficking and slavery.

Case Study No. 2 : The Case of T.T.T., TIP survivor from Eritrea

T.T.T. an Eritrean, who entered Israel in January 2011 was imprisoned for three and a half years while the Immigration Authority, just like in the case of S.M., was under the wrong impression that he was Ethiopian. There are 34 hearing protocols of T.T.T. in front of the Administrative Review Tribunal. In most of them, his words are "I refuse to go to Ethiopia" and in many others his words are "I have nothing new to say". One month after the other, the Judge approved his detention order without any changes. On November 6, 2013, T.T.T. gave up hope of ever being released from prison in Israel and agreed to be deported to Ethiopia, despite it not being his native country. For eight months the MOI attempted to deport T.T.T. to Ethiopia but failed. Therefore, the Judge approved his release on July 30, 2014, conditioning it with 2000 NIS bail, without knowing that T.T.T. is a TIP victim. He was released on August 2014 but was imprisoned again in May 2015 when he failed to renew his visa. The HRM volunteers met him in Saharonim in June 2015 and after several interviews, realized that he is a TIP victim. On November 1st, the HRM sent a request to the Anti-Trafficking Police Unit asking that T.T.T. will be recognized as a TIP victim and on November 15th, 2015 the unit approved the request. On November 19th T.T.T. was released from prison to the Atlas shelter. In his testimony, he told Alexandra Roth Ganor:

"I was abducted from Sudan and brought to the Sinai in 2010. I arrived in Israel in 2011, I think that I was imprisoned in the Sinai for around eight or ten months.

I was born in Eritrea in 1988. My father was a soldier in the land that belonged to Ethiopia. When he died, my mother was deported to Eritrea and I was raised in a Pentecostal Church. When I was grown up, I meant to return to Eritrea, but on the border between Ethiopia, Sudan and Eritrea I met a lot of Eritreans. I learned that my religion was prohibited in Eritrea and that the government persecutes members of

the Pentecostal religion there. They told me if I returned the police would suspect that I was a spy for the Ethiopian Government.

I decided to stay in Sudan...One day I was going to buy food and I was abducted by people from the Rashida Tribe. They put me in their car by force. I had heard about the kidnappings of Eritreans by the Rashida, but did not know that it was true. They took me to an isolated building. A man arrived who spoke Tigrinya, he said that the Rashida were taking me to Israel, and I had to pay them \$2,500. I said no, and told them that I wanted to stay in Sudan, and that I had no money. He told me that that if I didn't pay them, they will abuse me, take my kidney for transplant, hit me and kill me.

They put me in a big group of Eritreans, we travelled, all 16 men in a vehicle, for what seemed like days on end...We were overcrowded in the truck, between many enormous jerry cans of water. One of the men there lost his grip on a jerry can and fell out of the vehicle... the Bedouin stopped driving, he came down from the driver seat, signaled for the man to come to him, raised his gun and shot him to death. We weren't even allowed to bury the body. His brother, who was in the vehicle with us, died a couple of days after. We barely received any water or food along the way...we were eventually transferred to a truck with a huge container....Inside the container were stuffed a lot of people. There was no air. People were dying inside. We knocked on the walls of the container to tell the Bedouins to stop the vehicle. After a long time they finally stopped, they let us take out all the dead bodies and then they continued driving on.

When we arrived to the Sinai, we were taken to a structure with multiple rooms. We were separated between men and women. Anyone who said that they didn't have money; they were taken to an underground room and tortured. I was moved to an

underground room after the kidnapers asked us to give them telephone numbers of our families and I did not have phone numbers to give them. They bound us by our hands and feet. Shocked us, they hung us up, like Jesus on a cross, and beat us, especially on our legs. Look at my foot. It does not have the shape of a foot. To this day it hurts me so much...it hurts me to remember, to talk about it... I have never told anyone about this, and I never meant to tell...

They were taking the women and not returning them. I did not know where they were taken. It hurts me that they were taking women like that, whenever they felt like it. They raped women and men... I am very ashamed to talk about this. They would take you out of the room, tie you up, and do to you whatever they wanted. If you said anything, they would beat you hard. They came at night. The first time they raped me, they broke my hand. There was one of the three guards that we knew that if he came, for sure that it would happen. I was imprisoned there for 10 months. This would happen every day or two, and sometimes only once a week. I am religious man, I grew up in the church, I never smoked. The kidnapers smoked a lot of hashish and drank a lot of alcohol.

After a few months, they took us out of the underground rooms, they had us constructing buildings. We dug holes in the ground, laid blocks. We did what we were told. It was very difficult for me, I was weak and I had no strength. We only worked at night. I don't remember for how long we would work at a time, maybe a couple of hours. They had us working like this for several months.

On one day, a kidnapper put his gun to my head and told me he was going to kill me because I didn't pay him. I told him "Don't you think that after everything that has happened to me, I would pay the money if I had it?" He did not put me back in an underground room. At that time, many people came to the site, mostly Eritreans.

There were also a lot of Sudanese arriving as well, however they were quickly moved to another place. At this time I began working as a servant. I did everything I was told: I brought the food, I brought the water, I cleaned the compound, I cleaned the toilets with my bare hands. Everything that they told me to do, I did.

There are worse things than death. You are a walking dead man. You are just left with your bones, without any respect.

The kidnapper took me to a smuggler, after he asked me a few questions; he understood that I had no money to pay. He released us after a few days and we entered Israel.

As I already told you, my situation is not good: I have a really hard time with my memory. I think it is from all the beatings that I received. I have nightmares at night. I suffer from terrible depression. I received medication in the past.

They asked me many times, but I never told what happened to me in the Sinai. It is difficult for me to talk about it, even now, with you. How can I talk about this with strange people that I don't know? How can I exposed myself like that in front of someone that I don't know, who comes to me for the first time and asks that I tell them what happened to me?"

Case Study No. 3: The Case of M.D., TIP survivor from Senegal

M.D. was a native of Senegal, who spent most of his life in the Ivory Coast. He entered Israel in January 2012 and was released December 16th 2015, after four years of imprisonment at Saharonim. Although he had been entitled to the rights of a

victim of trafficking and slavery, he too wasn't recognized and is still not recognized as slavery victim. M.D. was only released due to the failure of the Immigration Authority to remove him from the country for four years, despite his full cooperation. It's not clear how many times M.D. was brought before the Administrative Tribunal during his four years of imprisonment, only 33 protocols of the tribunal were published since 2013. Upon his arrival, M.D. claimed he is a citizen of the Ivory Coast, and even said that he worked for his captors in the Sinai. The identification interview conducted by the border control officers determined that he was a citizen of the Ivory Coast. However on April 18th 2012, the Ivory Coast Consul in Israel met him and declared that he is not a citizen of the Ivory Coast. M.D. asked to be deported to the Ivory Coast. When failed, he claimed he was from Guinea and when failing to be recognized as such, claimed he was a citizen of Senegal. M.D. did not know enough about these countries to convince the officials that he was actually a citizen. According to the protocols, during all of his hearings, no one asked M.D. to explain what happened to him in the Sinai.

Only when Offer Atar, a volunteer at the HRM met with M.D. in January 2014 that M.D. told his testimony:

"In the Sinai I was taken by a smuggler named Ahmed or Mohammed. I do not know because no one there spoke French. One day I realized from a guy named Yusuf that I needed to wait until there was a group of people and then they would take me with them to Israel. I waited for a long time and they didn't take me to Israel. Every morning a guard took me to work in construction. I carried bricks and put them where they told me to. Even to the bathroom the guard wouldn't let me go alone. They sent me to do this work for around a month, and in all of that time I was only fed twice. I was really tired and weak. Every time that I fell and didn't get up quickly, Yusuf's brother would hit me hard with a cane and make me get up and keep

working. I don't understand Arabic, but I was sure that they were going to kill me. After about a month, some Eritreans came, and Yusuf sent me with them to the Israeli border. I think a lot about what happened in the Sinai, especially at night, my head does not feel good."

Since M.D. hired a lawyer at that time, the HRM was not able to interfere. Only towards the end of 2015 M.D. addressed the HRM again.

On November 17th 2015, the Administrative Tribunal Judge Liron Krispin-Boker determined that M.D. was to be released, and scolded the Immigration Authority: *"The state's conduct on this matter is disrespectful and inappropriate, more practically it is unreasonable and disproportionate. If it wasn't evident enough that the process of the expulsion of the detainee has not progressed in any way over the past months, then the state has also completely ignored the decisions of this Court!"*¹

The HRM continues its efforts to assist M.D. to receive recognition as TIP victim.

Case study for CAT Question no. 21: Lack of Identification and Treatment of Torture Survivors at Holot under the Anti-Infiltration Law

Case Study No. 4: The Case of M.Y., torture survivor from Eritrea

M.Y.², a 29 year old Eritrean, was abducted from the Sudanese/Eritrean border and taken to the Sinai, against his will. In the last months of 2010, he was badly tortured for around nine months. In July 2011, he was released and left unconscious by his captors on the Egyptian/Israeli border. He was taken by IDF soldiers to Soroka

¹Administrative Review Tribunal Protocol of M.D. prison number 1423574, dated November 17, 2015.

²M.Y., prison number 1402174.

Hospital in Be'er Sheva. After he began to recover, he was sent to Saharonim, where he was imprisoned for two years and four months until November 2013. When the Anti-Infiltration Law was struck down by the Supreme Court, he was released along with hundreds of other Eritreans.

Between November 2013 to November 2014 M.Y. was living in Be'er Sheva, with Eritrean friends who were helping him overcome his many nightmares about his capture and torture in the Sinai. These nightmares came often and woke him up constantly.

In November 2015, M.Y. was summoned to Holot. He came to the HRM, and after interviewing him, the HRM sent him to Ms. Naomi Klein, a social worker that specializes in psychotherapy. She noted the following things about his condition:

“Since he received the summons to Holot, his mental condition has been deteriorating. He is depressed, suffers from sleep disorders, he isn’t eating; he has feelings of frustration and anger. He keeps having flashbacks from his captivity in Sinai. He feels despair and hopelessness; he is only 28 and has had extreme traumatic experiences of severe torture that he sustained in captivity. It seems that the time that he was imprisoned in Saharonim, reminded him of the trauma in the Sinai, which made his mental condition worse. The symptoms described above are reflected in his behavior, notably his depressed mood is typical of someone who is experiencing PTSD. In my professional opinion, the possibility of his being sent back to a detention facility for a third time constitutes a risk to his mental health and the possibility of relapsing trauma.”

The HRM sent a request to the MOI asking to cancel M.Y.'s summons, attaching Ms. Klein’s recommendation to the request, but the MOI denied it. In response, the HRM

filed an appeal with the Appeals Court to cancel M.Y.'s summons to Holot. The court issued an interim injunction preventing the immediate detention of M.Y. and afterwards, accepted the appeal.

The experiences of M.Y. are similar to the general profile of the 235 clients that addressed the HRM for cancellations of their Holot Summons. However, due to lack of sufficient resources, the HRM cannot respond to every inquiry, so many survivors of torture and slavery have become once again detainees in Holot. Those of them who cannot stand the thought of returning to the prison from which they were released after two years of prolong detention; decide to not go to Holot and risk arrest and jail at Saharonim. As well, they find difficulties in securing work from those are willing to risk employing them without a permit.

There is currently no data on the extent of how many survivors of torture camps are reluctant to go to Holot. However, interviews conducted so far indicate that many survivors find it more difficult than other asylum-seekers to enter detention facilities. These camp survivors have relatives who raised tens of thousands of dollars in ransom to save their lives only a year two back. The asylum-seekers expressed that they had great difficulty in returning to a detention centre where they cannot work or earn money, because they need to continue to repay their relatives at least some of the large ransom that freed them. The anxiety that comes from the inability to work to return the funds, added to the anxiety of being in detention is incredibly reminiscent of the torture camp. Torture survivors are again in an atmosphere where they are captive, and must raise money.

The HRM has not yet managed to get any of the protocols of the interrogations that were conducted by the MoI of M.Y. The Administrative Review Tribunal noted that M.Y. had shared his testimony, and in the first hearing mentioned that he (M.Y.) had

said in his interview: *“I had no money to pay them, and so they tortured me with electric wires. They starved me for a period of eight months when I was a prisoner..”* The judge added at the end of the discussion: *“Note of the Tribunal: The detainee seems weak and exhausted”*.³

Only later was M.Y. able to explain to the judge a little of what had happened to him in the torture camps in Sinai and said: *“I want to explain now that it was not my intention to come to Israel. I was abducted on the border between Eritrea and Sudan. Bedouin smugglers kidnapped me and took me to the Sinai. I was in the Sinai for around nine months. I was told to pay a total of \$25,000. I did not have the money to pay. So they began to torture and abuse me. They beat me, they electrocuted me, they dripped burning plastic on my body, and they starved me. I was constrained with iron chains on my legs and hands. I told this during my interview in the MOI. In the end I was able to raise \$10,000, only then did the smugglers release me.”*⁴

Following this detailed testimony the judge decided to refer the case to the Legal Aid Department at the Ministry of Justice to examine the possibility that M.Y. was a victim of trafficking. Just like the HRM, the Legal Aid Department got to the conclusion that he was a victim of torture, but not a TIP victim as defined by Israeli law, and therefore his case was not transferred to the Anti-Trafficking Police Unit.

M.Y., according to the law, was supposed to get a copy of his protocol following his MOI interview, but he didn't. Due to this fact, there is no way to know if he was able to make it clear to the officer that he was a survivor of the torture camps. We can't know if it was made clear that he is terrified of being sent to detention again. The

³Administrative Review Tribunal Judge Michael Zilbershmidt, August 11, 2011, protocol hearing of M.Y. Prison no. 1402174.

⁴Administrative Review Tribunal Judge Marat Dorfman, August 25, 2013, protocol hearing of M.Y. Prison no. 1402174.

border control officer sent M.Y. a summons to Holot. The HRM appealed to the MOI, adding the Social Workers' opinion that a summons to Holot would be dangerous to M.Y.'s overall health. When there was no response, the HRM served an appeal to the Appeals Tribunal which accepted the appeal and rescued M.Y. from Holot.

Case studies for CAT question no. 43 (first part): Lack of services for rehabilitation to victims of torture and ill-treatment.

Case Study No. 5: The story of T.K, torture survivor from Eritrea

T.K is an Eritrean asylum seeker who has been tortured in the Sinai desert, and who consequently suffers from severe trauma, anxiety, and nightmares. These symptoms prevent him from working and taking care of himself. In the past three years he has been living with his friends who support him. Recently, they have been summoned to Holot and so now T.K is under a lot of stress to find a new living arrangement for himself. T.K is treated at the PHRI open clinic for diabetes and for other related problems in the past two years. Because of his emotional problems, he experiences difficulties managing his disease, and has been forced to frequent the emergency room on numerous occasions in the past months, due to high levels of sugar in his blood.

In 2015 he began psychiatric treatment for PTSD at the Gesher clinic. However he has a hard time keeping his visits, as he is sometimes unable to afford the bus fare from his home at Petah-Tikva, to the clinic at Jaffa. His psychiatric team agrees that he needs a much more intensive treatment, along with a more supportive living environment, but these are currently unavailable.

Case Study No. 6: The story of Y.F, torture survivor from Eritrea

Y.F, an Eritrean torture survivor, has visited the PHRI open clinic due to great pain in his jaw. The doctors at PHRI open clinic suspected he has a tumor, and were able to provide him with a CT scan. The scan indicated the need for a further biopsy, in order to arrive at a final diagnosis and decide on a treatment plan. However due to the high costs of that biopsy and the fact the Y.F is unable to work and so has no medical insurance, nor the ability to fund such biopsy, he has yet to undergo the biopsy and so receives no treatment. Recently Y.F has received a summons to Holot which needless to say, puts extra pressure on his already burdened shoulders.

Case Study No. 7: The story of A.A, torture survivor from Sudan

A.A, a Sudanese torture survivor, suffers greatly from pain in his back, caused by severe keloid scars that are the result of the torture he underwent at the Sinai, which included burning and dripping hot wax on his back. Unable to work and to support himself because of the trauma, A.A has been helped by his friends who were able to collect the money for a few doctor's visits. Following these visits it was highly recommended that he undergoes surgery and skin transplant. As he is uninsured and given that no insurance company would agree to cover the expenses of such "preexisting condition", the PHRI migrant and status-less persons department appealed on October 7th in his behalf to the MoH, in request that they finance the treatment. Our appeal emphasized Israel's obligation to the Sinai torture victims, as is specified in the UN Convention against torture and other cruel and inhumane acts (UN CAT). In turn, the MoH's response, received a week later on October 14th, refused to acknowledge Israel's responsibility for the Sinai survivors, in the pretext that the events have not taken place under Israeli jurisdiction and since the perpetrators were allegedly not "public officials", as is required by the UN CAT. Nonetheless the MoH proposed that A.A seeks treatment through the TEREM refugees clinic, where a doctor may assess whether the required treatment can be

advanced through the clinic. Whereas A.A has visited the TEREM clinic for further assessment, to this day he has not received any further treatment.

These stories, along with the recent findings concerning the mental health of the Sinai survivors, all serve to underline the urgent need for proper rehabilitation services – medical, psychological, psycho-social, and psychiatric treatments – for the Sinai survivors.

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