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Appendix 1 for CERD:

Violence by Israeli Border Control Officers Violations of CERD: Article 5

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Summary

Israeli immigration officials sometimes employ unjustified and unreasonable physical violence directed at migrants and asylum seekers, both during and after arrest.¹ This violence can take place at Ben Gurion airport upon their arrival in Israel, in Israeli prisons where asylum seekers are held, and in offices of the Immigration Authority (Moi) throughout Israel. Physical violence, primarily beatings (severe enough to warrant hospitalization on occasion) as well as electric shock and intentional deprivation of food, are used by immigration officers during arrest, interrogation, or sometimes just on a whim during detention.

During the reported period the Hotline for Refugees and Migrants (HRM) encountered dozens of such cases, 16 of which were documented during 2014-2015 and published by HRM and ACRI in October 2015.²

In 2016 an immigration officer was fired for exposing cases of unjustified physical violence and other criminal acts committed by immigration officials,³ despite having received “whistle-blower” protection earlier in the year. He also exposed a tactic used by immigration officials: filing false complaints of violence against migrants whom they had brutalized, in an attempt to dissuade them from filing complaints against immigration officials.

¹ HRM via att. Inbar Barel, Violence by Immigration Authority officials during detention and deportation procedures of asylum seekers and migrants. Letter to Ministry of Interior; Attorney General. June 27 2017.

² HRM and ACRI, Who Inspects the Inspectors?, October 2015 (Hebrew only): <https://hotline.org.il/wp-content/uploads/2015/10/ImmigrationViolenceReportFinal.pdf>

³ Rivlin, Haim. Channel 2 investigation: Thus will be done to a whistleblower at work. Channel 2 News. June 7 2016. https://www.mako.co.il/news-israel/local-q2_2016/Article-3696e9518bb2551004.htm (Hebrew only)

In June 2017, HRM sent a letter to the Attorney General and the Minister of Interior (Mol), detailing these violations and proposing concrete measures to be taken to prevent their recurrence. Two replies, arriving four and eight months later, respectively, failed to properly address the accusations and rejected the measures proposed.⁴ Two more letters sent by the HRM in 2019 remained unanswered.⁵

HRM has received dozens of complaints from migrants of such violence, employed arbitrarily by immigration officers, and certainly not in self-defense. The ability of migrants to prosecute such cases is limited, because the officials who carry out the violence are often in a position of authority to deport migrants or affect the outcome of determination of their legal status. Thus, many migrants are deterred from filing a complaint against immigration officials, while the few who do, are often deported shortly thereafter.

Description of Seven Cases of Violence Towards Migrants

A.S. – Ukraine, 2018

A.S. is a Ukrainian citizen who lived in Israel a number of years and attempted to obtain legal status as the partner of an Israeli citizen. While addressing the Mol office, he was arrested and taken to the Givon facility to await deportation to the Ukraine. During the deportation attempt, Mol inspectors cursed, pushed and slapped him. A.S. called HRM which sent an attorney to visit him in the detention facility, during which he detailed the assault against him during the former deportation attempt, in late March 2018.

During a second deportation attempt in May 2018, the inspectors showed him a video in which a young African man was deported while shackled, screaming, crying and humiliated in a plane full of passengers. Following this event, HRM contacted the Detention Review Tribunal asking it to order the IPS to invite police investigators to collect A.S.'s testimony to allow him to file a complaint. Though the Tribunal did order this, A.S. was deported before he was able to file his complaint. He was later filmed by immigration officials against his will during his own deportation, presumably to threaten future deportees.⁶

⁴ Adelstein, Y., Enforcement and Aliens Administration. Conduct of Immigration Authority officials. Letter to atty. Inbar Barel, Hotline for Refugees and Migrants. November 7, 2017; Ministry of Justice via atty. Teplitz, E. Response to "Violence by Immigration Authority officials during detention and deportation procedures of asylum seekers and migrants". * Letter to atty. Inbar Barel, Hotline for Refugees and Migrants. March 8, 2018.

⁵ Letters of atty. Inbar Barel to on February 7, 2019 and April 8, 2019 to the State Attorney, Avichay Mendelblit and the Minister of the Interior Arye Deri.

⁶ The affidavit of A.S., Ukrainian national, dated June 3rd, 2018 is reserved with the HRM.

K.M. – Ivory Coast, 2018

K. M. arrived in Israel from the Ivory Coast in 2008 at the age of 17. Upon his arrival he was administratively detained and held in Saharonim prison until 2011, when he was released in order to leave the country. When failing to do so, he was arrested again one year later and held for additional six years in administrative detention in Saharonim until 2018.

On February 27, 2018, K.M. was transferred by border control officers to the Yahalom holding facility at Ben Gurion airport, despite his protests. The next morning the officers bound him hand and foot to take him to the plane. When he resisted, he was kicked and severely beaten, dragged to a car, driven directly to an Air France plane waiting on the tarmac and forcibly taken on board, with border control officers sitting on either side of him. After loudly protesting in French, (the flight attendants and other passengers took no notice), he was removed from the plane.

He was returned to the Yahalom holding facility and examined by a doctor who treated his injuries. Though visibly ill and in pain, the guards refused his requests for a doctor and prevented him from contacting HRM, his legal representative. 5 days later he was transferred to Givon prison where he was treated by a doctor who photographed his many injuries.

The protocol from the hearing on March 27, 2018, shows that K.M. told the adjudicator that he had been handcuffed and shackled by the border control officers and forced onto the plane. However, the protocol makes no mention of the brutal behavior that accompanied the deportation attempt, other than to note that he had been bound, though K.M. says he told the adjudicator he had been beaten.

In June 2018, K.M. and an HRM attorney filed a complaint with the police. During the interrogation he was asked only superficial questions about the violence he had endured, and a mere three weeks after filing the complaint, the investigation was closed because "the circumstances of the case do not justify further investigation." HRM filed an appeal with the Appeals Department in the State Attorney's Office, which was rejected on August 2019. In September the HRM attorney addressed the Appeals Department once again, and their answer is yet to be received.

T. R. - Sri Lanka, 2018

T. R., a citizen of Sri Lanka, arrived in Israel at Ben Gurion airport in October 2018, was refused entry to Israel after questioning and placed in the Yahalom facility.

A representative of HRM met with him on October 31, 2018 in Yahalom, where he told

her that he asked one of the guards (a border control officer) for his suitcase to retrieve some articles of clothing. Upon opening his suitcase he took out his phone to call his wife, as he had not been allowed to make a phone call since his arrival. The officer took him to an empty room, slapped him hard across the face twice, removed the SIM card from the phone and broke it. He then threw the phone on the floor, breaking it as well.

HRM attorney met with T.R. a few days after this event, saw the bruises on his face as a result of the attack, and described them during his appeal hearing (Court of Appeals, Tel Aviv: Appeals 16206-11/18). T.R. returned to his homeland before he was interrogated for the incident.

K. Y. – Ivory Coast, 2018

In June, 2018 an attempt was made to forcibly deport K. Y. to the Ivory Coast, after several deportation attempts over the past 5 years had failed. K. Y. has refused to cooperate with all deportation attempts, fearing for his life if returned to the Ivory Coast.

In June, 2018 border control officers tried to deport him again, this time by force, using strangle holds, kneeling him, handcuffing him, pushing his head down and heaping humiliating verbal abuse upon him, leaving physical and emotional scars. In the end, K. Y. was taken off the plane and returned to the holding facility in Yahalom.

After describing these actions to the prison doctor and in court, K.Y. said that border officers came to his cell and threatened him, claiming his complaints were a lie. K.Y. reported all of this to the Detention Review Tribunal.

I.M. – Niger, 2018

I.M., a citizen of Niger, was deported from Israel on November 6, 2018. Although Mol was unable to obtain travel documents from the state of Niger, they issued him an Israeli travel document and tried to deport him using this document. When I.M. arrived in Niger on November 7, the authorities there claimed that his Israeli travel document was fake. He was detained for eight days until November 15, when he was deported back to Israel.

Upon landing in Israel on November 16, I.M. was denied entry to Israel and detained at the Yahalom facility for 13 days until November 28, when the MOI inspectors

attempted to deport him a second time to Niger. I.M. reports that after he refused to travel with the same travel document that led to his detention in inhumane conditions in Niger, the Mol inspectors beat and threatened him to coerce him into leaving Israel. He was placed on a flight to Ethiopia, accompanied by the Mol agents who bound him and gagged him until the flight reached Addis Ababa.

I.M. reached Niger a second time, through Addis Ababa, but the authorities once again refused to allow him entry. He tried to continue on to Burkina Faso, where he was denied entry as well, and deported to Niger, which again refused to admit him. I.M. was deported from Niger to Addis Ababa, where he has remained, unable to leave the airport, from November 30, 2018 to April 2019.⁷

F.A.O. – Nigeria, 2019

F.A.O., a Nigerian citizen, arrived in Israel at Ben Gurion airport with a group of about 14 people on February 23, 2019, and was refused entry to Israel after questioning. He was held in the Yahalom facility at the airport until the next day when a flight to Nigeria was scheduled.

On February 24, after refusing to return to Nigeria saying that he feared for his life, Israeli border control officers tried to forcibly put him and five others on the flight, pushing him, handcuffing him, beating him and kicking him in the groin. Eventually they returned him, and two others who also resisted, to the bus. F.A.O. also testified that the inspectors grabbed and choked one of the others being deported, and severely beat another two until they bled. The next day he and the others were transferred to another facility.

At this point HRM became aware of F.A.O.'s incarceration, along with the others, and quickly appealed for them to be allowed to file for asylum. F.A.O. filed for asylum, but his request was rejected. This is currently being appealed in the Jerusalem Court of Appeals (Appeal 2304-29), in which F.A.O. has also provided details of the violence incurred against him. HRM sent the affidavit of F.A.O. to the Attorney General and to the Minister of Interior in February and April 2019, yet, no action was taken so far.⁸

⁷ Emmanuel Igunza, *Niger man deported by Israel marooned in Ethiopian airport*, BBC, February 18, 2019. Available online: <https://bbc.in/2TYAyvO>; Tamar Pileggi, *Niger man deported by Israel stranded in Ethiopia airport for months*, *Times of Israel*, February 19, 2019. Available online: <https://bit.ly/2SoHCjw>.

⁸ See footnote 5.

J.N.A. - Nigeria – 2019

J.N.A., a Nigerian citizen, arrived in Israel on February 23, 2019 via Ben Gurion airport in the same group as F.A.O. She too was refused entry to Israel upon her arrival, though she told the border control officers that she feared for her life if she were to return to Nigeria.

On February 24, 2019 the border control officers attempted to put her on the flight to Nigeria. When J.N.A. refused to leave the bus, several male officers grabbed her by her arms and legs and dragged her off the bus, crying and screaming. According to F.A.O.'s affidavit, as they neared the plane, someone (probably one of the flight crew) signaled to the border officers to stop, at which point they returned her to the bus. In her affidavit, J.N.A. also described the physical violence that was used to force two members of the group from the bus onto the plane.

After being transferred to another facility, J.N.A. called her sister in Nigeria, who contacted HRM. At this point HRM appealed to the Immigration Authority to allow her to file for asylum. HRM sent the affidavit of J.N.A. to the Attorney General and to the Minister of Interior in February and April 2019, yet, no action was taken so far.⁹

Attempts by HRM to Obtain Information about Incidents of Violence from Immigration Authority (under the Freedom of Information Act), 2017 – 2019

HRM has made many attempts to obtain information from the MoI about cases of violence by border control officers, through the Israeli Freedom of Information act. One answer received on November 15, 2018 claimed that the data requested was not documented and therefore could not be provided.

A second answer received on June 4, 2019 stated that the Authority had carried out a random review of 30 reports of exceptional events (out of a total of 221 such reports) that took place during arrests in 2018. Of these 30 reports, there were two instances in which the use of excessive force occurred: the first event during an assault by a migrant on the team leader, and the second during a migrant's resistance to boarding a flight.

The MoI has not provided replies to the following questions:

⁹ See footnote 5.

- How many persons were deported from Israel against their will to countries of origin, escorted by immigration officers, and/or were deported by use of physical force from 2015 – 2018?
- How many of these deportees were minors, including their ages, at the time of their deportation from Israel?
- Had the Authority, or another government agency, ensured that the deportees had a valid permit to enter the receiving country? (HRM has received information from deportees that they were detained in the receiving country because they did not have a valid entry permit.)

Currently, there is no external and impartial body to which migrants and asylum seekers can file a complaint if subjected to violence by Mol inspectors, though such bodies do exist within the police and the IPS. In the absence of a dedicated investigatory body, those authorized to handle complaints about offenses or violence by Mol inspectors are the Internal Oversight and Public Complaints Department at Mol, the Disciplinary Investigations Department at the Civil Service Commission and the Israeli Police. In 2017, HRM addressed the Minister of Interior and Attorney General asking them to provide a precise, clear definition of the "reasonable force" which Mol inspectors are allowed to use on the job; to define mechanisms to prevent conflicts of interest; to establish an external body to oversee the activities of Mol inspectors; to define clear disciplinary rules; and to establish an extensive training program for Mol inspectors. The letter sent by HRM also detailed a number of cases in which Mol inspectors used excessive force against undocumented migrants and asylum seekers, but which received no redress and were not investigated by the Israeli Police.