

Hotline for Refugees and Migrants



DESERTED

**Sudanese Survivors
of Torture in Sinai**

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About the Hotline for Refugees and Migrants

The Hotline for Refugees and Migrants (HRM) is a nonpartisan nonprofit organization that aims to protect and promote the human rights of refugees and migrants and to prevent human trafficking in Israel through client services, detention monitoring, legal action and public policy initiatives.

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Introduction

"I was in Sinai for three and a half months. I arrived from Sudan to Sinai and then the traffickers demanded an additional sum of 25 million Sudanese pounds [over \$9,000 USD]. I didn't have that sum, so the traffickers abused me badly. To force me to pay, they bound me in metal shackles. They cuffed my legs. I was shackled this way for three and a half months. They did not unlock the shackles even when I went to use the toilet. I was also beaten by the traffickers with a stick, a pipe and a belt. The traffickers also burned me. They poured gasoline on me and set me on fire. I have severe burns all over my body. I was in the hospital in Beer Sheva and received treatment [Tribunal note: the detainee shows burns on his arms, head, stomach]. So that I don't burn completely, the Bedouin poured water on me and put me out. They also pressed hot metal into my body. The fire caused some damage to my ears, part of them were ripped off [Tribunal note: the detainee shows the wounds; both ears are visibly damaged]. In the end, I could not get the money. When the Bedouin saw that even after severe torture I'm not getting the money, they decided to release me. I could not walk, so I had to crawl from their camp to the border. I crawled this way about half a kilometer [300 feet] until I reached the border with Israel. If I had known that I would have to go through all this suffering, I would not have agreed to come to Israel, no way." (From the protocol, hearing on the matter of Omar (pseudonym), who was recognized as a victim of human trafficking, Saharonim Prison, November 2011)

In 2010, the Hotline for Refugees and Migrants (HRM) first identified asylum seekers in Saharonim Prison who described undergoing torture in the Sinai while being smuggled to Israel, and for some, being forced to work without compensation during that period or being sold from one trafficker to another.¹ The network of torture camps gradually expanded from 2009 to 2014, with the goal of extracting money from

¹ HRM, *The Dead of the Wilderness: Testimonies from Sinai Desert*, February 2011. Available online: <http://bit.ly/2Z6HetP>.

asylum seekers and migrants wishing to reach Israel. The method was simple: the kidnappers would call the families of the captives and demand ransom from them while forcing the families to listen to the cries of their loved-ones as they were tortured. Over a short period of time the sums demanded from the asylum seekers, as well as the frequency and brutality of torture, escalated. In our assessment, and that of the UN High Commissioner for Refugees (UNHCR), about 7,000 asylum seekers who arrived in Israel (about 20% of the asylum seekers who entered the country),² are survivors of these torture camps.

In late 2012, Israel completed the construction of a fence along the border with Egypt to prevent asylum seekers from entering the country. The erection of the fence, together with the cooperation of the Egyptian military which shoots asylum seekers trying to cross the border and jails those who fail to cross, drastically decreased the number of asylum seekers who managed to enter Israel. This, in combination with a counter-insurgency campaign by the Egyptian military against ISIS in Sinai, halted the operation of the torture camps around September 2014, or at least significantly reduced their scope of operation. However, similar camps began operating in Sudan and Libya, along the route of refugees and migrants being smuggled to Europe,³ a phenomenon that continues to this day.

During 2016, HRM identified 51 Sudanese asylum seekers who managed to cross the border to Israel in November 2015, as well as in February and April 2016. The testimonies collected by HRM indicate that Bedouin traffickers in Sinai have begun, once again, to torture and enslave limited numbers of asylum seekers, most recently in the fall of 2015.⁴ Since 2017, no new asylum seekers have entered Israel through the Egyptian border, and hence no additional cases of asylum seekers who survived the torture camps in Sinai have been identified.⁵

This report seeks to add to the information collected thus far about the torture camp phenomenon in Sinai, based on the testimonies of a new group of torture survivors identified by HRM in August 2018. The HRM team identified a group of 18

² State Comptroller's report, *Foreigners Who Cannot Be Removed*, 2014, pp. 117-116. Available in Hebrew (PDF): <https://bit.ly/2HA4ZP>.

³ HRM, *The New Torture Camps for Eritrean Asylum-Seekers*, October 2015. Available online: <http://bit.ly/2Wn5CKH>.

⁴ HRM, *Reappears: New Testimonies from Sinai*, December 2016. Available online: <http://bit.ly/2KhTtj4>.

⁵ PIBA, Data on Foreigners in Israel. Available in Hebrew: <https://bit.ly/2RTCjIB>.

asylum seekers from Sudan, survivors of extreme forms of torture, who entered Israel between August and November of 2011. Some of the survivors were also enslaved and traded between several traffickers. The members of this group described being held in Sinai along with hundreds of other Sudanese asylum seekers, and testified before Israeli authorities that they crossed the border with dozens of other asylum seekers from Sudan. This information, recently brought to light, belies the common perception that nearly all victims of torture in Sinai are from Eritrea and Ethiopia.

All the asylum seekers who survived torture in Sinai passed through numerous stages in which they met with Israeli officials: the Population, Immigration and Border Authority (PIBA), the Detention Review Tribunal, health and welfare officials at the Israeli Prison Service (IPS) and hospitals. Despite this, authorities failed, time and time again, to identify, treat and rehabilitate survivors of torture and human trafficking.

Identification and Treatment of Torture Victims

"I left on a direct flight from Khartoum in Sudan to Cairo in Egypt. Upon reaching Cairo, I met with a smuggler who called himself Hamad and agreed on a sum of \$370 USD to be smuggled to Israel. I got the money from my brother and some of it I had saved from working in agriculture. After staying a week in Cairo, I was taken to Sinai by a driver working for the agent. In Sinai, I was transferred to a trafficker who demanded 22 million Sudanese pounds [over \$8,000 USD] to smuggle me into Israel. Because I did not have that sum, the trafficker made me call my family and ask them for the sum he demanded. My family did not have such money... so the trafficker put me in a room with four Sudanese and every day about four Bedouin would enter the room and would not stop abusing and hitting us. This abuse included being burned with plastic set on fire on all parts of the body, ferocious beatings with a stick, starvation and some had their genitals tied in a string in a manner that caused intense pain. [The Bedouin] threatened that if they do not get the money, they would cut the genitals off. I know of five Sudanese who were killed by the traffickers because their families did not send the money. The abuse did not stop until my family collected the sum of 22 million Sudanese pounds. The money was transferred from Sudan to Israel and from Israel to Egypt. According to what I understood from the Bedouin trafficker, he has a contact in Israel who takes care of the cash transfers. After the money was transferred in full to the Bedouin trafficker, I was taken to the Israeli border by a trafficker who never gave me his name... 17 other Sudanese crossed the border with me. I know that there are Sudanese nationals currently in Sinai whose lives are in danger because their parents don't have money." (Protocol from a PIBA hearing, Saharonim Prison, September 2011)

All the members of the group identified by HRM are survivors of the genocide in Darfur. Two members of the group arrived in Israel as unaccompanied minors. All of them describe reaching Egypt by flight from Khartoum, where they agreed with a middleman to take them to Israel, but upon arrival in Sinai, were held captive by

Bedouin traffickers and asked to pay significantly higher sums, ranging from \$3,000 to \$16,000 USD. The average sum paid by members of the group was \$6,750 USD per person and the average period of captivity was approximately three months.

The 18 members of the group described their experiences to HRM representatives, which consisted of severe abuse and torture that included prolonged shackling, at times in positions that restricted their movement; deprivation of food and water to the point of starvation; denial of sleep; beatings to all parts of their body, at times with clubs or metal chains; electrocution of all parts of their body, including the genitals; burning with fire or molten plastic; threats to their lives and bodily integrity while exposing them to the torture and murder of other captives.

The members of the group told Israeli authorities about these experiences in the Sinai torture camps on several occasions. Among the 18 members of the group, at least 13 told about the torture in Sinai upon their arrival in Israel to PIBA representatives who interviewed them in Saharonim Prison where they were held, or when they were brought before the Detention Review Tribunal. Nine of the group members were hospitalized or treated in the emergency room of Soroka Hospital in Beersheva for injuries and burns they had sustained during their period of captivity. 14 of the group members told PIBA personnel about their captivity in Sinai during their hearings prior to the issuance of a detention order in the Holot Detention Center in 2014-2016.

During hearings held with members of the group upon their arrival in Israel, as well as during the proceedings prior to their detention in Holot, eight of them described being held with hundreds of other Sudanese asylum seekers in captivity in Sinai or about dozens of Sudanese asylum seekers who entered with them after being released by their captors. However, it appears that the State made no effort since then to identify those survivors and to provide them with rehabilitation and support services.

On top of this, PIBA representatives dared to blame the victims for "bringing it upon themselves," as stated in a hearing protocol authored by a PIBA employee:

"As for the claims of the subject that he spent two months with the Bedouin and suffered from beatings and shackling – the mere fact that the subject elected to exit Sudan with no money at all (!) and his answer that he thought that the price of the flight would also include his transfer by the Bedouins from Cairo to the Israeli border, does not sound credible and/or logical at all.

The subject admitted to hearing from people about Israel and the journey. It is impossible that those speaking to him did not provide him with details, the stages and the costs, at least in some of the cases.

If he indeed chose to exit Sudan without money, this means he knowingly chose the risk of getting in trouble with the Bedouins, who are known to be kidnappers and ransom-takers. All that he allegedly went through, the subject brought upon himself.” (From a pre-Holot hearing, September 2015; all grammatical errors are in the original)

The phenomenon of torture in Sinai is well-known to Israeli authorities, and evidence regarding it has been presented on multiple occasions to PIBA representatives, Detention Review Tribunal adjudicators, officials with the IPS, welfare and health authorities, the Israeli Police, and Ministry of Justice. Many asylum seekers who survived torture in Sinai described their ordeal upon entering Israel and at other instances when they interacted with Israeli authorities. Despite this, most of these survivors were not identified as torture survivors or as victims of human trafficking by the state authorities, but by human rights organizations such as HRM. The identification of torture survivors and efforts to address their particular needs, including rehabilitation and support which require access to health and welfare services, continue to be absent, as will be described below.

Human Trafficking, Slavery and Forced Labor

Interviewer: How did they beat you? And how frequently?

"With fire and electricity sometimes once a day, sometimes twice a day, and sometimes thrice a day".

Interviewer: Was it only beatings or other things as well?

"They would have sex with us when we were tied up, about every ten days or two weeks. It was seven different people".

Interviewer: Did you do other things in Sinai for them?

"I worked there in construction and we made cement for them".

Interviewer: Did you receive any compensation for what you went through? Meaning, were you asked to pay more and because of all you went through the price was reduced?

"No, they demanded \$16,000 USD and that is what they got, the full sum".

(From a pre-Holot hearing, September 2016)

The Israeli law prohibits trafficking in persons, including for the purpose of forcing a person into slavery, forced labor or prostitution.⁶ "Slavery" is defined by law as holding a person in a situation in which the person is treated as a commodity and includes real control over his life or deprivation of his liberty to compel him to provide services or work, including sex.⁷ "Forced labor" is defined by law as "using force or other means of pressure, or the threat to utilize one of these" to force a person to labor.⁸

A series of legal proceedings launched by HRM resulted in victims of slavery, forced labor and/or human trafficking (henceforth: "trafficking victims") being eligible for free representation by the Legal Aid department at the Ministry of Justice, a

⁶ Article 377 A of the Israeli Criminal Code, 1977. Available in Hebrew: <https://bit.ly/2sXj4UY>.

⁷ Article 375 A of the Israeli Criminal Code, Ibid.

⁸ Article 376 of the Israeli Criminal Code, Ibid.

year of rehabilitation in shelters for trafficking survivors during which they receive medical and psycho-social care, and a work visa during this rehabilitation period.⁹ In addition, those recognized as trafficking victims were exempted from detention in the Holot Detention Center (during its period of operation) and a reduction in the sum of the deposit deducted from their wages under the Deposit Law.¹⁰

Therefore, those who were forced to work in Sinai – in construction, cleaning, agriculture, translation and even digging graves for those who did not survive the torture in the camps – are eligible for rehabilitation and benefits of recognized trafficking victims, as opposed to torture victims who were not recognized as trafficking victims, and are ineligible for these benefits.

Because of this differentiation, those who were “merely” kidnapped and tortured are not recognized as trafficking victims, even if they were sold from one trafficker to another, and even if each trafficker tortured the detainees to extract ransom. In some cases, authorities recognized those who were raped (as part of the torture) as trafficking victims who provided sex work, but only in cases when they were raped “enough times.” Where individuals were raped “only” a few times, they do not merit recognition as trafficking victims, according to Israeli authorities. In addition, survivors are expected to provide witnesses and proof of their claims, such as witnesses who were with them in Sinai and were recognized as trafficking victims, particularly when the claims were not presented upon entry to Israel. Such a demand places a heavy burden on the victims and the NGOs assisting them, and at times precludes them from being recognized as trafficking victims and receiving assistance and rehabilitation.

Seven of the 18 group members told HRM representatives about forced labour in

⁹ Following the proceedings in *High Court of Justice (HCJ) 2954/06*, the Israeli Police and the Immigration Administration (which preceded PIBA) began investigating complaints of trafficking victims, and later also assisted in rescuing victims. As a result of the proceedings in *Administrative Appeal (Jerusalem) 716/06*, victims of human trafficking now receive a visa for the duration of their rehabilitation period. Starting in 2006, the State now provides free legal representation to trafficking victims. This representation was authored into law in 2008 (9th amendment to the Law on Legal Assistance, 2008). See also: *For We Were Migrants: A Report on the First Decade of HRM, 2009*. Available in Hebrew (PDF): <http://bit.ly/2wn07My>; HRM, *Human Trafficking in Israel, 2008-2009: Legislation, Enforcement, and Case Law*, December 2009. Available online: <http://bit.ly/2WhwJa6>.

¹⁰ See HRM and Kav LaOved, *In Broad Daylight, The Deposit Law: Implementation and Impact*, May 2019. Available online: <https://bit.ly/2liifH6>.

Sinai: four of them were forced to clean, two were forced to work in construction and one of them was forced to work in the fields, growing hashish (cannabis). None of the seven were recognized by authorities as trafficking victims.

Seven other members of the group told HRM representatives that they were subjected to rape and sexual abuse, which meets the definition of the law for trafficking and forced labor "to provide services and work, including sex." In addition, the survivors described witnessing the rape and sexual abuse of other captives. In all cases except one, all the testimonies of rape and sexual abuse in Sinai were recounted for the first time to HRM representatives, in late 2018. The HRM representatives were the first to ask members of the group whether they were forced by their captors in Sinai to work and whether they were subjected to sexual abuse, a fact that could grant them recognition as trafficking victims, in accordance with the definition of the crime by Israeli authorities. Until that point, members of the group were not explicitly asked by authorities if they were subjected to sexual violence or witnessed the sexual abuse and rape of others.

The conditions in which the victims were interviewed when they entered Israel and at other instances when they met with Israeli state representatives, was not conducive to enabling the victims to speak freely about the difficult experiences they endured. In almost all cultures, talking about sexual assault is challenging due to the shame and stigma involved. When interacting with Israeli authorities, asylum seekers were not given the option of choosing to speak with a man or a woman. The interviews were usually conducted as interrogations during their detention. None of these lent themselves to creating a sense of trust that would encourage the sharing difficult experiences. In addition, state representatives who meet with torture survivors are not trained for such interactions, as the State does not train its employees to interview torture survivors and other vulnerable groups. These populations require sensitivity and an understanding of post-traumatic stress disorder (PTSD). As of the writing of this report, Israeli authorities have not established an apparatus to identify torture victims that would grant them treatment and rehabilitation.¹¹

¹¹ For more on this, see: Rozen, S. *I never told what happened to me in Sinai: On the Difficulties of Identifying Survivors of the Torture Camps and the Conduct of the Immigration Authority*. Ruppin Academic Center, *Hagira - Israel Journal of Migration Magazine*, Volume 7., 2017. Available in Hebrew (PDF): <https://bit.ly/2WjuVxl>. The article will be published shortly in English in the series *Mixed Migration and Human Trafficking*, Langaa Research and Publishing Common Initiative Group, Cameroon.

Because trafficking victims were excluded from detention in Holot, those interviewing the asylum seekers during the pre-Holot hearings asked the asylum seekers whether they had been recognized as trafficking victims. Authorities used this as a way to technically fulfil their obligation under the law, but most interviewees did not understand the question, and certainly could not connect it to their experiences in Sinai; this would require them to understand the wording of the Israeli law defining trafficking, slavery and forced labor. If they had been recognized in time, these individuals would have been spared detention in Holot, in the desert, surrounded by fences and guards, triggering painful memories for many of them.

Among the 18 members of the group, only one was referred by PIBA to the Israeli Police, the government entity tasked with examining whether there is evidence of trafficking, following the pre-Holot hearing (protocol cited above). The Israeli Police did not recognize him as a trafficking victim and he was thus detained at the Holot Center.

In early 2019, HRM filed a request on behalf of one member of the group to recognize him as a trafficking victim, including detailed and credible evidence regarding his captivity in Sinai. During this period, the man was traded and exploited by his captors who had full control of his life, deprived him of liberty, and repeatedly raped and sexually abused him. This request, supported by an expert opinion conducted in accordance with the Istanbul Protocol,¹² has not received a response as of the writing of this report.

¹² The Istanbul Protocol is a guide for effective investigation and documentation of torture and cruel, inhumane and degrading treatment. The protocol was adopted by the United Nations in 1999 as part of a series of guidelines concerning the documentation of torture. The protocol includes guidelines for carrying out assessments of survivors of torture. The findings of these assessments are used in investigations of complaints of torture and can be used as evidence in legal proceedings, thus assisting investigatory bodies in cases of torture. See the text of the protocol (PDF): <http://bit.ly/2YZcdaY>.

Rehabilitation and Treatment of Torture Survivors

Interviewer: Are you suffering from medical problems? Were you previously hospitalized? Do you take any medications regularly? Do you suffer from some disability?

"Yes, a problem in my trachea... and I have a burn on my back, and as a result it gives me an inflammation in my trachea."

Interviewer: Since when have you had this problem?

"From four years ago"

Interviewer: When you're sitting in front of me, are you in pain?

"Yes... It burns 24 hours [per day]."

Interviewer: Do you take pills regularly?

"Yes, twice a day."

(Pre-Holot hearing, June 2016)

Asylum seekers in Israel, including torture survivors, are excluded from medical insurance under the National Health Insurance Law, and are therefore ineligible for HMO-provided medical services, including mental health services,¹³ unless their situation deteriorates to the point of a medical emergency (in accordance with the Law of the Rights of the Patient, hospitals are obligated to provide any person with medical care in case of an emergency without preconditions).¹⁴

Survivors of torture, including members of the group discussed in this report, continue to suffer the results of their abuse and require medical treatment and support. Such support includes psycho-social treatment to help them cope with mental difficulties they endure to this day, including intrusive memories, flashbacks and nightmares, insomnia, restlessness, low mood, difficulty spending time in the company of others, difficulties holding a steady job, anxiety and even suicidal

¹³ National Health Insurance Law, 1994. Available in Hebrew: <https://bit.ly/2EiUDXw>.

¹⁴ Law of the Rights of the Patient, 1996. Available in Hebrew: <https://bit.ly/2WRyzeb>.

ideation. Some of them have been diagnosed with depression and PTSD.

A very limited number of asylum seekers receive mental health services at the Gesher clinic operated by the Ministry of Health in Tel Aviv, but these services are not easily accessible to members of the group described here, most of whom reside in a town in northern Israel. One of the group members lives in Eilat in southern Israel, and receives care at the mental health clinic in that city.

Their tragic life story and common fate has resulted in a close-knit and unique bond among the group. They are a source of support for one another, support that has not been given to them by any state institution since arriving in Israel.

Only in 2018 did authorities launch a "research pilot" led by the Unit for Coordinating Efforts to Combat Human Trafficking, which "...focused on those with humanitarian needs among victims of the torture camps. As part of the pilot, an inter-ministerial team (which includes representatives of the Ministry of Health, Ministry of Welfare and Social Services, the Legal Aid Department and PIBA) carried out an examination of about 100 individual cases of victims of the torture camps, and created criteria for identifying victims and their needs."¹⁵

HRM referred the group of Sudanese torture survivors to the pilot, which is in the final stages as of the writing of this report, ahead of adoption of policy recommendations. These recommendations have not yet been presented to the government for the approval. Despite repeated requests by HRM and its partner organizations, which contributed their knowledge and professional experience in the process of drafting the recommendations,¹⁶ these proposals have not been published or provided to the NGOs for review prior to their submission to the government.

¹⁵ The Ministry of Justice, Coordination of the Efforts Against Human Trafficking, Slavery and Forced Labor. Available in Hebrew: <https://bit.ly/2YJ5a6v>.

¹⁶ Physicians for Human Rights – Israel & ASSAF – Aid Organization for Refugees and Asylum Seekers.

Summary and Recommendations

Based on the testimonies of survivors presented more than once to the authorities, and gathered by HRM and fellow NGOs assisting torture survivors in Sinai, it is evident that not only has this phenomenon affected a larger number of people than commonly assumed, but it has affected several populations, and not merely Eritrean and Ethiopian asylum seekers, as is widely believed.

Based on the horrifying testimonies published by HRM over the years,¹⁷ as well as in this report, it can be stated with certainty that the phenomenon of torture for ransom affected all groups of asylum seekers. Asylum seekers from Sudan were also among those who suffered the abuse of inhumane traffickers driven by greed, who kidnapped, raped and murdered thousands of asylum seekers.

HRM and partner NGOs repeatedly alerted the Israeli authorities to the extent of the phenomenon, individual cases, and the particular needs of the survivors. Despite this, the State continues to implement policies that ignore the needs of this population, further worsening their condition by prolonged detention in Saharonim and Holot (during its period of operation).

HRM continues to discover new torture victims such as the group described in this report. This case is particularly alarming, because examination of the protocols of interactions between the victims and state representatives reveals that many of them shared their experiences of captivity in Sinai when they appeared before Israeli state officials in various instances. Despite this, these state employees did not direct the survivors to government officials who could conduct in-depth interviews and provide them with the care and assistance they require.

We call on state authorities to actively identify victims of torture and human trafficking. This entails provision of the appropriate training to state representatives who come in contact with asylum seekers in Israel, and the formulation of clear guidelines for the referral of such cases to the appropriate authorities. The State must provide an appropriate and holistic response to the needs of torture survivors,

¹⁷ See footnotes 1 & 4.

as well as access to health and welfare services, while supporting their rehabilitation. The State should halt the detention of torture survivors and exempt them from the Deposit Law. The State should also publish the recommendations of the inter-ministerial committee following the "research pilot," allow for public review of its content, and act to fund and implement the approved recommendations without delay.

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