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## #StrikeForFreedom

### A report about the campaign of African asylum seekers in Israel against imprisonment and for human rights

*The last two weeks of 2013 and the beginning of 2014 have brought with them an unprecedented wave of protests by African asylum seekers in Israel. What started as a group of several dozen escaping prison and marching through the desert to Jerusalem quickly evolved into a massive strike and a series of rallies by tens of thousands of asylum seekers across the country. In just under a month, asylum seekers have transformed themselves from the subject of political debate into a political entity of political agency demanding the end of imprisonment and basic human rights. In the words of Mutasim Ali, an asylum seeker from Sudan and one of the protest leaders: "Israel is giving us a horrible choice: go to jail or face death. If we are part of the problem, we must be part of the solution."*

*How did all of this happen? What is the legal and social background for the protests? Where might they lead? It is these questions that the following report, based on the ongoing coverage of [+972 Magazine](#) of the issue on asylum seekers in Israel, will try to answer<sup>2</sup>.*

### Background

Migration of African asylum seekers to Israel by way of Egypt's Sinai Desert began as early as the 1990's. However, it was not before 2006 that the influx started becoming substantial enough in numbers to draw the attention of the Israeli public. Over the next six years, some 64,000 asylum seekers crossed the border, the vast majority of whom escaped either the military dictatorship in Eritrea or war, ethnic cleansing and genocide in Sudan. The wave of border crossers came to an almost complete halt with the erection of a border fence in 2012 which had been initiated by the Ehud Olmert government. According to the Ministry of Interior, only some 53,000 of these asylum seekers are still in Israel, living mainly in the southern neighborhoods of Tel Aviv, as well as in Arad and the southern city of Eilat where they have found work at local seaside hotel industries.

Since then, successive Israeli governments have refused to review the requests of Sudanese and Eritreans to be recognized as refugees or offer them the protection mandated by the 1951 UN Convention Relating to the Status of Refugees, of which Israel is a signatory. Instead Israel officially



Asylum seekers' protest at the UNHCR offices in Tel Aviv, 6.1.14.  
Photo: Activestills

refers to them as "infiltrators" (a term which was used to describe Palestinians refugees who tried to return to the country in the 1950s). However, its governments have recognized that asylum seekers cannot be forcefully deported to their home countries where their lives would be in danger nor to Egypt which has refused to offer asylum to the returned persons<sup>3</sup>.

Thus, asylum seekers have found themselves stuck in a legal limbo: holding temporary visas allowing them to stay in Israel but without the right to work. In addition, asylum seekers enjoy

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<sup>2</sup> +972 Magazine is a blog-based web magazine that is jointly owned by a group of journalists, bloggers and photographers whose goal is to provide fresh, original, on-the-ground reporting and analysis of events in Israel and Palestine. Its collective is committed to human rights and freedom of information, and opposes the occupation. However, +972 Magazine does not represent any organization, political party or specific agenda.

<sup>3</sup> Attempts to return asylum seekers to Egypt were made and some 1,000 were sent back. However, this policy was stopped once it became clear that Egypt returned some of these people to their home countries.

no social rights and do not have access to the public health system (except in the case of emergencies) nor to welfare. Their children, however, do have the right to go to Israeli schools.

When challenged in court on the no-work-visa policy by human rights NGOs, the state committed itself to a policy of non-enforcement of the work ban, while at the same time warning employers that they may be punished if caught hiring unauthorized labor in the future. Similarly, it instructed the public service sector not to hire asylum seekers without work visas nor contractors who hire permit-less people. Other government actions included offering asylum seekers money (between \$1,500 and \$3,500) to encourage them to leave; a brief and failed attempt to confine asylum seekers to the country's north or south (away from central Israel); negotiations (which have thus far failed) with other African states in an attempt to have them accept asylum seekers in exchange for financial aid and other benefits; and the construction of the border fence in order to stop the flow of more asylum seekers (according to some reports, several IDF units have even conducted raids on the Sinai Peninsula in order to turn back convoys of refugees). Attempts to change the legal framework regarding asylum seekers will be reviewed shortly hereunder.

Lacking a clear agenda or the tools to contend with asylum seekers until 2012, the state would usually capture them at the border, send them to a short stint in an Israeli prison, and then put them on a one-way bus to South Tel Aviv, which very quickly became the focal point of asylum seekers in Israel. Arriving in the already-impooverished area after having gone through atrocities in their own states, torture camps in Egypt's Sinai desert and Israeli prison, asylum seekers would usually spend the first few weeks in the city sleeping outdoors in a small park near the central bus station. From there they would try to make their way to finding work at hotels or restaurants while looking for a place to stay.

But integration did not go smoothly. As more and more asylum seekers were sent by the state to the same area, the original residents of the neighborhoods surrounding the central bus station began complaining that the newcomers were violent, turning to crime, alcohol and drugs, using building hallways as toilets and making life generally unbearable for the residents of Tel Aviv. Although police statistics have shown that asylum seekers are not responsible for more crime than

that of the general population, popular campaigns against African presence were incited, in part by far-right parliamentarians who claimed foreigners were "[bringing disease](#)" or were "[a cancer in our body](#)". In 2012, houses of asylum seekers were [fire bombed](#) by Israelis on [more than one occasion](#), and at one time an [angry mob](#) attacked several asylum seekers and their cars and looted shops. Trouble also came from the Tel Aviv municipality which started [raiding and shutting down](#) shops and restaurants recently opened by asylum seekers. Tensions between communities in South Tel Aviv still run high to this day, although attempts are also being made by some to bridge the gaps in the form of joint-neighborhood security patrols as well as other solutions that would better the lives of both asylum seekers and original South Tel Aviv residents.

### **A new law, a new prison**

In January of 2012, the Knesset [passed an amendment to the Prevention of Infiltration Law](#), proposed by the government, ushering in a new era in its treatment of asylum seekers. Rather than reviewing their requests for asylum, the new amendment stipulated that asylum seekers were to be held for three years in detention without trial; if they came from enemy states like Sudan, they would be detained indefinitely. The amendment did not distinguish between refugees, unauthorized immigrants or "infiltrators" who intend to harm state security. The purpose of long detention periods, according to amendment's explanatory notes, was deterrence.

The law went into effect and asylum seekers arriving at the border were jailed at the Saharonim prison in the Negev. This went on for nearly two years before a historic ruling in September 2013 by the High Court of Justice which [found the law unconstitutional and scrapped it](#). The petition to the High Court has been filed by several human rights NGOs, and in a rare move the United Nations High Commissioner for Refugees (UNHCR) joined it as amicus curiae (friend of the court). The amendment was deemed "disproportionate" to the challenge posed by the entry of African asylum seekers to Israel, and the court ordered the state to immediately begin releasing over 1,750 asylum seekers who, until that point, had been in detention.

However, the Israeli government was quick to respond. A new bill was speedily drafted to replace the scrapped one and was [passed by the Knesset](#) on December 10, 2013. The new law mandated that

asylum seekers be imprisoned for one year, followed by an additional indefinite detention in the Holot detention center, currently operated by the Israeli Prison Service. This so-called "open facility" is located in the middle of an IDF firing zone on the Egyptian border, far away from any place of residence. There asylum seekers are to sleep in the camp and be present at three roll calls per day in order to prevent them from venturing too far and gaining employment. In a legal opinion submitted to the Knesset's Interior Committee, Knesset Legal Advisor Attorney Eyal Yinon cautioned that restrictions placed on asylum seekers in the new internment camp render it too similar to a prison to meet the demands laid out in the High Court ruling. His opinion was ignored and the amendment passed, although it was immediately petitioned to the High Court – a petition still pending today.

Several days after the new amendment passed, the state started transferring hundreds of asylum seekers from Saharonim prison to Holot. This was when something unexpected happened.



The March through the desert to Jerusalem, 16.12.13. Photo: Activestills

## From prison break to general strike – a month of protests

Only two days after the new "open facility" was opened, with several hundred asylum seekers transferred there from Saharonim prison, an impressive movement of civil disobedience began to take form from within its fences and walls. On Saturday, December 14 2014, a group of several dozen asylum seekers left the facility without the intent to return. 150 more joined the next day, marching through the desert in silence, with their hands crossed in the air as if handcuffed. They walked for hours [until they reached the city of Be'er Sheva](#) where they declared they would continue marching to Jerusalem to demand their freedom from the government. The march continued for a [second day](#), and on the third they reached

Prime Minister Netanyahu's office and the Knesset where they were [arrested by immigration authorities](#) and taken back to Saharonim prison. Only two days later, a [second group left Holot and marched through the desert](#) with the same intention, this time to be captured, beaten and returned immediately by the authorities. In response to the so-called "Marches of Freedom", Prime Minister Netanyahu stated that asylum seekers should either "stay there [at the Holot detention center, H.M.] or return to their countries." It is precisely this policy of allowing only two unacceptable choices that asylum seekers are protesting against.

The powerful images of the asylum seekers' struggle for freedom, as well as their re-capturing by Israeli authorities, touched a nerve with those asylum seekers that were yet to be jailed. On that same weekend, nearly 4,000 of them [demonstrated in Tel Aviv](#). It was a protest the like of which has not been seen before in Israel, as thousands of asylum seekers ran up and down the center of town for nearly three hours chanting "No more prison!" and "Freedom!" The police made several attempts to stop the running crowd including arrests, use of pepper spray and the blocking of major streets with police cars – all attempts failed. A [second, similar demonstration](#) took place the following week which was better organized and coordinated with police. Both demonstrations were joined by Israeli activists who recognized that a new pattern of organized, well planned and coordinated civil disobedience was emerging among Sudanese and Eritrean asylum seekers. It was clear that asylum seekers chose to [become a new political force](#) with their own agenda rather than the subject of political debate within the Israeli society.

This became even clearer on January 4, 2014, when the new leadership of the different asylum seeker groups announced that the entire community will be starting a three-day-long ["Strike for Freedom"](#) during which none of the tens of thousands of asylum seekers would go to work (as a way of both proving their current contribution to the local economy and as a tool to pressure the government). The three goals of the strike were clearly defined: 1) The release of all asylum seekers from all detention facilities, and an end to the policy of incarceration; 2) The rescinding of the new amendment to the Prevention of Infiltration Law; 3) The creation of a new asylum policy, including the reviewing of individual requests for asylum, in line with UN standards.

On the following day, over 30,000 asylum seekers, mostly from Eritrea, assembled in Tel Aviv's Rabin Square for the [first day of strike](#). Speakers told stories about the plight of the community. "We are living in fear," one speaker said, "the government waged war on us." Speaking at the rally, chair of the Knesset Committee on Foreign Workers MK Michal Rozin (Meretz) said, "this is an exciting moment: tens of thousands of innocent people are not willing to go to prison, standing together and shouting: 'we are not criminals.'" The [following day](#), thousands of asylum seekers marched to different embassies of Western and African states in Tel Aviv, along with the UNHCR offices, eventually uniting for a mass rally in front of the U.S. embassy. The protesters called on the international community to put pressure on Israel to respect its commitments under the UN Convention relating to the Status of Refugees.

On the third day of the strike, leaders organized a [press conference](#) in South Tel Aviv in which they announced that despite the financial hardships it may bring upon asylum seekers, the strike will continue until the further notice. Mutasim Ali, a leader of the Darfur asylum seeker community, emphasized that the protests are nonviolent and called on the government to directly speak with the community. "Israel is giving us a horrible choice: go to jail or face death. If we are part of the problem, we must be part of the solution," he said. Mulugeta Tumuzgi from Eritrea had a message for the Israelis: "Don't be afraid. We are not here to cause you harm. We are not your enemy." The speakers thanked the Israeli police for their help and cooperation over the last few days.

On the following day, asylum seekers headed to the Knesset for another large rally. On Sunday, January 12 2014, the strike was officially over but protests have been [continuing since then](#) and are planned to continue while at the same time detainees at Saharonim prison who were arrested during the first "March for Freedom" have gone on [hunger strike](#).

## Responses in Israeli society

The Strike for Freedom has given asylum seekers a stronger voice in the Israeli media than they ever had before. While some journalists have been trying to claim that all protests are being initiated and funded by anti-Zionist Israeli NGOs and activists, the majority has been able to recognize that the initiative is entirely African-led. However, aside from the daily Haaretz which has shown its support for the asylum seekers' demands, other media outlets have either been siding with the government or simply stating that they are unsure how to address the situation.

The government itself has so far been very determined in its response to the strike. Interior Minister Gidon Sa'ar (Likud) warned that the protest might turn violent, adding that the asylum seekers "are not refugees." Prime Minister Benjamin Netanyahu wrote the following message on his [Facebook page](#):

***"Protests and strikes won't help. We've completely curbed infiltration into Israel and now we are [steadfast in our determination] to remove the illegal work infiltrators who have entered Israel. Last year we increased six-fold – to more than 2,600 – the number of infiltrators who left, and the goal this year is to increase that number even more."***

Meanwhile the opposition, mainly from the left Hadash and Meretz opposition parties, has been consistent in its support of the strikers' demands and has shown presence at the various protests. Local businesses which have been most affected by the strike have also [made their support for the asylum seekers known](#). A tiny, exclusive Tel Aviv restaurant posted a warm message of support on Facebook for its beloved Eritrean cook who is on strike this week. Another trendy Tel Aviv eatery posted a sign asking its customers to understand why it is serving food on disposable plates. According to Israel's state-run Channel 1 news, on the third day of strikes and protests by African migrants who make up much of the back-kitchen restaurant staff or hold other unpopular jobs, the Israel Farmer's Federation and employers in the cleaning, food and hotel industries appealed to Interior Minister Gideon Sa'ar to give the migrants supervised work permits rather than expulsion orders. The employers argued that this would prevent a wave of business shutdowns, as nearly the entire African migrant community is participating in the strikes which are slated to continue indefinitely. Similar statements were made by central figures in the hotel, food and catering businesses. It remains to be seen how this conflict of interests will affect the future of asylum seekers in Israel.

## Asylum seeker voices

***[Philmon Razena](#), 25, Eritrean asylum seeker:***

***"The [Eritrean] government terrifies Eritreans whether they are in Israel or elsewhere. Many communities in Israel are afraid to openly oppose the Eritrean regime because they fear it would put their families' lives at risk, since they may be imprisoned like my father, or killed. Opposition to the regime comes at a very high price. I was once***

*put in jail because I was politically active in college. So I fled Eritrea. Now my father is paying the price... Every day, asylum seekers in Israel live in fear of being deported back to Eritrea because their asylum requests are not checked, nor are they recognized as refugees... It is desperation and fear that brought [30,000 people to Tel Aviv's Rabin Square](#) two days ago. This is why there have been [demonstrations](#) over the [last few weeks](#), and why we are [on strike](#). We are striking because 53,000 asylum seekers are living in Israel without basic security, under constant threat of jail or deportation and once again trapped in a vicious circle of fear from which we tried to escape in the first place."*

**Statement of 150 [Sudanese asylum seekers on hunger strike in prison](#), 5.1.14:**

*"We are Sudanese refugees incarcerated in Israeli prisons. We have escaped from our homeland since our lives are in danger of the terror of the Sudanese government, and because we have suffered from the scourge of war that is still raging on in Darfur, the Nuba Mountains and the Blue Nile. The entire world knows the scale of the humanitarian disaster that has happened in Sudan: killing, rape, genocide, ethnic cleansing, looting and the systematic targeting of the black African ethnicities by the Sudanese government.*

*We, the Sudanese refugees, have escaped to the Israeli state because we had great faith that the democratic State of Israel, that respects human rights, can protect and accept us as refugees until the causes of our escape come to an end...*

*On Sunday, 15.12.2013, we left the 'Holot' prison and walked to Beer Sheva and from there to Jerusalem to protest against the government's decision to prevent our release. During the protest in front of the parliament we were violently arrested in front of all the media and human rights organizations. Once again, we were returned to the 'Saharonim' prison.*

*We, the Sudanese refugees imprisoned in 'Saharonim' prison, are on a hunger strike because until today we have not received the government's answer to our asylum requests. We will continue the hunger strike until our requests are fulfilled, or we will die from hunger. There is no point in human life without freedom. We either live as humans with all our basic rights or we don't live at all."*

## Further reading

More information on the subject of asylum seekers in Israel can be found on +972 Magazine's designated [special coverage page](#) on the issue.

There are several prominent NGOs that regularly assist asylum seekers and have information sheets and regular updates. These are some of them:

- [Assaf](#) – The aid organization for refugees and asylum seekers in Israel
- [ARDC](#) – African Refugee Development Center
- [The Hotline for Refugees and Migrants](#)
- [Physicians for Human Rights](#)
- [Kav La'oved](#)
- [Amnesty International – Israel](#)



Protest at Rabin Sq., Tel Aviv, first day of the strike, 5.1.14. Photo: Activestills

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