

African refugees meet Israeli justice

The way asylum seekers in Israel are treated exemplifies contempt for the most basic principles of law and justice; maybe the time has come to call a spade a spade and brand the immigration court a 'hall of humiliation.'

By Michal Peleg | Aug. 6, 2013 | 3:33 AM |

By Israeli law, all asylum-seekers are called "infiltrators." Their incarceration in prison is called "holding in detention." They are not put on trial but "brought before a judge" every 30 days so the judge can approve their continuing detention. The only gateway the law opens for them is an administrative appeal or administrative petition to the District Court. Maybe the time has come to also replace the name "court" in anything concerning these sessions, and instead call it a circus or a "hall of humiliation."

Madhin is an accountant from Eritrea in her late 50s. Last week she was brought before the Central District Court in Lod, her hands and legs cuffed. She was put into a sort of glass cage in the courtroom accompanied by two prison guards. Almost two years ago she filed an appeal against her imprisonment. The appeal was stricken with the agreement of her lawyer at the time - without her knowledge and without her agreement. She was not even in the courtroom during the hearing. Afterwards her lawyer disappeared with the money she had collected for representing her. Madhin does not speak Hebrew. In her current appeal, like the previous one, the hearing of her case is conducted without translation; she doesn't understand a word of what is said.

Earlier in the same courtroom, the case of another candidate for deportation was heard. His wife, a very young African woman in her ninth month of pregnancy, sat silently and waited for him - but a short clarification with the Israel Prisons Service revealed that for some reason the "detainee" was not brought to court from the prison. This was a minor detail that did not bother the judge, and the hearing was held in the man's absence. Other "detainees" were brought to the court and they waited in the basement cells. They were

not brought up to the courtroom unless their lawyers were very insistent.

Sometimes the detainees, including women and children, spend the entire day in the courthouse basement and even sleep there at night, in the company of criminals. More than once they are returned from the basement to the prison without seeing the judge who determined their fate. Even when they are present in court, in their separate pen, no one pays any attention to them. Just like Madhin, they sit and watch from behind the glass the hearing in which their future hangs in the balance.

And these are the fortunate ones; they succeeded in raising money for legal representation. The great majority, hundreds of asylum seekers in jail, are unable to pay for a lawyer and are not entitled to the services of the Public Defender's Office. The Interior Ministry attacks them with a battery of investigators, clerks and prosecutors, puts them onto surprise flights in the middle of the night, and, with all its power, closes them off from access to the circumstantial evidence that could entitle them to the status of refugee, based on international accords regarding refugees. It should be remembered that Israel participated in the writing of these agreements following the Second World War, and that they were informed by the raw memory of the Jewish refugees who had been abandoned and then sent to their deaths.

This contempt for the most basic principles of law and justice is carried out under the cover of the ritual ceremonies of the Israeli legal system: The honorable judge sits on the raised podium and considers the sides' claims seriously. The prosecutors wear black robes and pull out thick files from their cases and speak to the judge in the third person. Everyone does their job. The devious phrases stamped into the law hide the reality in which asylum seekers are jailed as prisoners in every possible way - without the basic defense they are entitled to, or the means to realize their few rights.

This is how the judge can state in the court transcript that "to see a mother with a child and a baby in the courtroom is horrible," and in the same breath decide to return them to detention - in other words, prison. This is how the prosecutor on duty can claim, without trembling, that first-time childbirth for a young woman in a foreign land does not meet the definition of "humanitarian considerations," and hotly oppose freeing the woman's husband on bond, since "we, regrettably, know these people." And when the lawyer objects to the phrase "these people," the enlightened judge agrees - but she rules in favor of freeing the husband on a huge bond of NIS 30,000, along with an Israeli citizen's guarantee of NIS 50,000. A merciful decision for the sake of appearances, but one whose meaning is clear.

At the end of their day in court, the young woman with two children, a baby and a toddler, is returned to "detention." They are kept completely silent in the

glass cell. The older Madhin is also returned to detention, in other words, Givon Prison, where she has been locked up for two years already, and where she will remain, it now seems, indefinitely. Based on the present interpretation of the law, it is possible to hold a person in detention until he or she is deported, and Madhin has nowhere to be deported to.

When they lose all hope, collapse or try to commit suicide, the detainees are transferred from the "designated detention facilities" to the prisons for criminals. The three asylum seekers described here are by no means unusual; dozens more are enduring the same ordeal at the hands of Israel's system of justice.

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