

DOES THE ISREALI INHUMANE TREATMENT OF AFRICAN ASSYLUM SEEKERS HONOUR THE MEMORY OF THE HOLOCAUST?

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“Have we forgotten that we too wandered from place to place with no one willing to take us in?”(Ravit Hechet, an Israeli Columnist, Haretz Newspaper, January 9, 2014).

Eritreans everywhere and the world community at large have really been stunned and shocked to hear and read that Israel, a country founded by Jewish refugees escaping persecution in Europe and the Middle East and built from the ashes of the Holocaust, has been shutting its eyes and heart to the sufferings and pain of the Eritrean and other African asylum seekers, who had crossed its barbed-wire fenced border, fleeing severe persecution, military conscription elevated to modern slavery, brutal dictatorship, mass arrests, indefinite imprisonment without any legal process, murder and forced disappearances. These asylum seekers had crossed to Israel through its borders with Egypt, after they had been victims of extortion, rape, organ theft and torture at different stations of their journey from home, through the Sudan and finally Egypt, leaving the bodies of their buddies in the Sinai Desert, while braving and evading the bullets of the Egyptian soldiers at the border. They took all these risks because they thought that Israel will be a country of freedom for them.

To my understanding, the whole world has become familiar with the horror stories of the atrocities these asylum seekers suffered on their way to Israel which they hoped would signify freedom. Accordingly, one would ask: *Was it humane to receive cold, hungry, dehydrated,*

bare-footed and almost naked refugees with guns aimed at them; not with a helping hand and an open heart? Didn't taking these asylum seekers immediately to detention facilities that remind one of the Nazi concentration camps in which the Jews had been put in Europe, make perfect sense to a military dictatorship, not to Israel that boasts of being the "beacon" of democracy in the Middle East?

The shocking behaviours of the Israeli government did not stop there, but climbed to even greater heights of audacity (to be treated below), irrespective of the voices of many celebrity Jews, Jewish human rights groups, and other Jewish critics who expressed and have continued expressing their concerns against this rejectionist, unethical and inhumane path of their government, to say the least.

Before going into how African asylum seekers, including Eritreans have been inhumanely treated, what their status in Israel is at present, what we expect the Israeli leadership to do, and what we should do as Eritreans to mount pressure on Israel to respect its international obligations, few background issues would be raised here.

The first question we need to raise is: *What is the legal prism through which Israel sees the African asylum seekers?* When we talk about refugees or asylum seekers in Israel, there is a legal quagmire that should not be overlooked. As many would expect, Israel is a signatory of the Refugee Convention of 1951 and the accompanying Protocol of 1967. However, the legal terms "refugee" or "asylum seeker" are not covered by the Israeli laws, and to the surprise of many, Israel does not have a written constitution, for that matter. The Proclamation of Independence states that the Constituent Assembly should prepare a constitution by October 1, 1948, but instead, the state has developed since its inception, a set of texts that reflect its political system. One of these laws is the Anti-Infiltration Law of 1956, which is largely open to interpretation. This law was originally

designed to prevent the return of 700, 000.00 Palestinians who had been uprooted from their land by the 1948 Zionist military operation. This law sets the hand of the state free to exercise indefinite detention and deportation of “infiltrators”, without any legal process. Now this law has been applied to African asylum seekers whom the Israeli government considers “existential threat” to Israel. If the Anti-Infiltration Law of 1956 was originally designed to block the return of Palestinians of 1948 from returning to their land, one would rationally ask: *Is this law relevant to the African asylum seekers?*

To establish whether the Anti-Infiltration Law has relevance to the African asylum seekers, we need to see who this group of asylum seekers is. This group is made up of people who had fled their native countries due to a well-founded fear of persecution, torture, or situations not better than medieval slavery. They are neither labour immigrants, who came seeking work, nor infiltrators who came to do harm to Israel. In addition, they filed a claim for refugee status in Israel as soon as they entered the country, their number as compared to the population of Israel is less than 0.5% and is microscopic too, as compared to the number of foreign workers in Israel. They crossed the borders through Egypt before the 230 Km of fence (15 feet high) Israel built, as a barrier along its borders with Egypt, was complete in January 2013 (the work started in 2010). After the completion of the barrier, the flow of African asylum seekers to Israel is believed to have decreased by 99%. According to Dan Connell, who wrote in February 19, 2015 (article: “An Eritrean in Israel”, Foreign Policy In Focus, <http://fpif.org/eritrean-israel/>) there were over 35,000 Eritreans in Israel, a number some sources put as high as 40,000. This background information will lead us to the question: *What were the reactions of Israel to the flow of Eritrean and other African asylum seekers?*

Here we need to see two different groups of different but strong feelings in Israel, a state, we should not forget was founded in the

wake of the Holocaust and has given refuge to Jews who fled persecution from many countries of the world. One group believes that there is special responsibility on Israel to receive refugees from around the world, as it did to the Jews since WWII. As the views this group represents will be referred to here and there throughout the article, I will not raise things in detail here. On the other hand, the second group opposes the flow of refugees and their arguments are many, and include demographic, security, and economic perspectives. Since the government adapts the position of this group, as we will see later in the policies and actions of the government, I would cite a prominent demographer, a prominent economic commentator, and the chairman of the illegal immigration committee (a government body), just to show what the second group of Israelis say, without commenting on any of their points:

1. An outstanding voice is that of the Israeli demographer, Arnon Soffer, whose arguments include the following:
 - From the demographic perspective, he argues that the asylum seekers could be a demographic threat to the majority Jewish population.
 - From the social perspective, he argues that the country is already overcrowded and admitting refugees would create more congestion in cities and would give rise to the crime rate. In fact, he adds that the State of Israel is “...already the third most densely populated region on earth.”
 - From the security perspective, he expresses fear that they may serve as “informants” or “operatives of hostile states or terrorist organizations”.

- His conclusion is that, if the state fails to stop the flow of illegal immigrants at an early stage, the flow will continue at a higher rate.

2. Nehemiah Shtrasler, an economic commentator:

- He is of the opinion that illegal immigrants are taking the places of weaker manual workers, resulting in loss of jobs and reduction of wages.
- He claims that the refugees overburden the social services, specially the health and educational systems.
- He concludes, if the state absorbs more and more destitute people from outside, it will not be able to raise the standard of its needy citizens and reduce the gaps.

3. The position of the chairman of the government committee dealing with the illegal immigration is not different from those cited above. In fact, it was he who proposed that the state should build a prison near the Egyptian border, where the immigrants would be kept until deported from the country.

If the Israeli government adapts the views of the three prominent figures, then it would be helpful to raise the question: *What practical measures did the government take to implement their views?*

The Israeli Knesset passed an “anti-infiltration law” in 2012 which reinforces the one passed in 1956. This accompanied a campaign by Israeli leaders, including some ministers, law-makers like Miri Regev, some media outlets, the mayor of Tel Aviv, and shockingly enough, Prime Minister Benjamin Netanyahu. The campaign described the asylum seekers as infiltrators, criminals, cancer, disease carriers, and

job seekers. By doing so, the campaign fueled hatred, racism and xenophobia against the asylum seekers, putting their lives and those of their families in a very dangerous position. We still have great concerns regarding the potential escalation of violence and collective punishment these on-going campaigns of hatred and racism could cause against the defenseless asylum seekers, in exactly the same way it was applied by Hitler and his army against the Jews. As a result of that campaign, there were protests in many cities, where African immigrants were in great numbers. Some of the protests have caused violence and destruction of properties that belonged to Africans. Along with the campaign, all African asylum seekers were rounded up and taken to the neighbouring Saharonim Prison until they get deported.

As the Israeli society is not made up only of ministers and those who want to see Israel as a Jewish state and not a democratic one (Israel cannot be both exclusively Jewish and at the same time democratic), for all fairness, we need to see the other side of that society. To reveal this side, we need to raise the questions: *What was the reaction of the Israeli justice system to the Anti-Infiltration Law? Who petitioned the court?*

The Anti-Infiltration Law in its recent form: to keep African asylum seekers in a detention centre until deportation, was opposed by the Supreme Court of Israel, declaring long-term custody of asylum seekers in Sahronim was unlawful. It was the petition of the Israeli human rights organizations, solidarity groups, and individual activists that made the court interfere. These organizations included the Association for Civil Rights in Israel, the Hotline for Refugees and Migrants, ASSAF, Kav La Oved, Physicians for Human rights-Israel, and Amnesty International- Israel. The court ordered the closure of the prison. In

this connection, it is important to see: *What government reactions did the court ruling lead to?*

In reaction to that opposition and court ruling, the Israeli government built a new facility at Holot, as an open facility close to the borders with Egypt in December 2013. The asylum seekers were forcefully moved to this facility which they could leave daily but return in the evening. Here the government argues that taking asylum seekers to Holot does not violate human rights, though the High Court finally ordered the closure of the facility, siding with the petitioners who continued their fight against the Anti-Infiltration Law. Nonetheless, the court decision failed to prescribe how the government should deal with these tens of thousands of Africans in Holot facility, who it does not want to recognize as refugees (it has already stopped hearings arguing that it is unnecessary in the new reality) but promises that it will not deport. In effect, the Eritrean and the other African asylum seekers are in limbo, without any social or health rights and at the same time denied the right to work. In this connection, as the asylum seekers are not allowed to work, it is helpful to see the question: *Are there foreign workers in Israel?*

According to reliable sources, during the past ten years about 100,000.00 non-Jewish people came from the former Soviet Union to Israel on tourist visas and overstayed their visas illegally. These were in principle supposed to be subject to deportation. However, there was no government campaign against them, no measure was taken whatsoever, and no popular movement calling for their deportation was heard of. Besides, there are hundreds of thousands of South-East Asian workers, most of them without any legal status, but still live and

work in full peace. When it comes to Africans who came fleeing persecution and have justifiable reasons, the story is totally different.

All discussions above will take us to the latest development or to the latest plan designed by the government to get rid of the immigrants. Hence: *What is new then?*

The latest plan the Israeli government came up with is what it calls “the three options”: stay in the Holot Detention Facility, go back home, or accept “voluntary repatriation” to a third country. Based on this, the Israeli government, as media reports confirm, has made a secret agreement with Uganda and Rwanda so that they would receive the immigrants to have them settled there, in return for arms, military training and some aid, including cash and technology. At the same time, the Israeli government had offered each immigrant who agrees to the plan US \$ 3,500.00. At present, we see that some of the asylum seekers who have lost hope in Israel, are accepting this arrangement, and the Israeli government has already started implementing that plan since March 2015. Here the questions to be raised would be: *How was this plan received? Does it solve the problem of the Eritrean and other African asylum seekers?*

In an attempt to answer the questions above, it is relevant to quote the Israeli Interior Minister, Gilad Erdan, when the relocation to Uganda started, saying that voluntary resettlement plan had “encourage [d] infiltrators to leave the State of Israel honourably and safely.” Again, the human rights organizations questioned and ridiculed the “honour” he had talked about and continued their opposition, describing this plan of relocation as a coercive repatriation; not a voluntary one. In fact, they challenged the third-country deportations in late 2015 before the Israeli Supreme Court.

Nevertheless, the decision is still pending but the “voluntary departures” have continued. An Israeli human rights activist asked, “What does it mean when an unknown third country is someone’s best option?” Answering his own question, he added, “To me that says they never really had a choice.” Though relocation to a third country could be better than living in the Israeli detention centre, the questions are: *What is the legal status of these asylum seekers in Uganda or Rwanda? For how long does the \$ 3, 500.00 would support them? Would they be able to get jobs in Uganda and Rwanda?* These questions would be answered in due time, but the chances for positive answers seem to be slim. To cast little light into what would happen in future, it is appropriate to indicate that we have already heard that smuggling some of the relocated asylum seekers from Rwanda to Uganda has already started, and Uganda, though could be better than Rwanda, does not seem to be promising for Eritreans to be their new home. They may start all over again, looking for immigration to another country. For these Eritreans and others, it will be a vicious circle, unless all Eritreans fasten our belts and take the task of bringing about a quick demise of the brutal ruling gang seriously, starting with a sober assessment of ourselves and in a very honest manner.

Before ending this piece, I will touch on a mix of issues, including what the Israeli leaders need to know, how we feel towards the inhumane behaviours of their government, and what we expect from their state, if it is really a part of the civilized world.

In the first place, it is necessary to remind the Israeli government that the state detention policies not only violate Israel’s international commitments for human dignity and freedom of asylum seekers, who

escaped life threatening circumstances, but also disgrace the Jewish moral values that we know welcome refugees, given the history of the persecution of the Jews. Nobody can put it better than Ravit Hechet, whose quotation I have put at the top of the article for anybody to see. At the same time, we need to tell the Israeli government how the Jewish communities in Eritrea had been treated by the parents and grandparents of those whom they are currently humiliating and treating in a very inhumane way.

Specifically, many of us still remember that there was a small Jewish community in almost every major city of Eritrea (the one in Asmara was vividly big and visible enough for everybody to remember) in 1960s and early 1970s, where they used to run very prosperous businesses, lived peacefully among the Eritrean population, and have their synagogues and community schools. In fact, many Asmarinos would remember that the Jewish community in Asmara grew and prospered without anybody describing its members in hostile words that would give a dreadful picture and arouse public sentiments against them. The Eritrean hospitality, protection, and respect to guests we have mentioned here, are contrary to the recent tone of the campaign by Israeli leaders and the inhumane acts of their government against the Eritrean and other African asylum seekers.

It is important to note here that we do not hesitate to reiterate that the building of the Holot facility was a dangerous inhumane measure to lock indefinitely the asylum seekers who do not want to go back home, depriving them of the right to work and earn a living to support themselves. Conversely, we see the country attracting foreign workers from South-East Asia for low-paid jobs that could be meaningfully offered to the asylum seekers. Though no intention to be

mean, here I am forced to ask: *In what way is this different from a replication of apartheid?*

All in all, anybody who possesses an ounce of conscience needs to condemn all of the above human right violations, anti-African refugee sentiments and practices, racist policies and discrimination, malicious campaigns, physical attacks, and harsh treatments I tried to detail, while urging the Israeli government to listen to the voices of reason by the international community and the local human rights groups, who have been expressing their concerns through a variety of actions. At the same time, one would urge the Israeli government to design and implement an appropriate and coherent legal framework to process the requests of asylum seekers, as it is done in the civilized world of which Israel claims to be an integral part, give them work permits, grant them access to social services all human beings deserve, dismantle the existing Holot detention facility , and give proper protection to the defenseless asylum seekers.

Above all, it is only through the above-mentioned principled measures that Israel could prove to the world community that it complies with the UN convention for refugees to which it is a signatory, end the enormous turmoil the issue of African asylum seekers has caused, and fulfill the obligations required by the Jewish moral values for which Haretz Newspaper criticized Prime Minister Netanyahu on January 8, 2014, saying, “Netanyahu, who speaks incessantly about the nation-state of the Jewish people, has forgotten what it means to be a Jew.” Further, it should be made clear to the Israeli government that the Eritrean and other African asylum seekers did not go to Israel to harm the Jewish people or to share their wealth, employment opportunities, and social services with them. They were there compelled by

persecution that left no other choice for them; an experience the Jews had gone through in Europe and the Middle East. On basis of this understanding, the asylum seekers should be treated with respect in accordance with the treaty to which Israel is a signatory; not with cold heart, neglect and hatred. Israel should be the last country in the world to turn its back to humanity, remembering the history of the persecution of Jews and honouring their struggle for survival. Simply put, the realization and the fulfillment of these obligations are not only in the interest of the asylum seekers but also in the interest of the Israeli society and government, whose credibility has been sorely discredited.

Similarly, another side issue we need to consider is formulated in the question: **What should be our role as Eritreans to pressure the Israeli government to change its inhumane behavior towards the African asylum seekers?**

Eritrean human rights activists and justice seekers throughout the world should play their role in supporting these asylum seekers, who are showing heroic deeds to protect their rights and be the loudest voice for the voiceless back home. This political, diplomatic and financial support could include advocacy in all forums, promoting their cause in opposition media outlets (unlike the radio programs, it is rare to read any news coverage about them in most Eritrean opposition websites), and building relations with the Israeli human rights organizations and media that support the cause of this struggling group. Moreover, it is also important to realize that American pressure on the Israeli government is very important because the US gives Israel a very generous aid package. Particularly, it is difficult to see change of behaviour in the Israeli government without pressure from the US.

This is a very strong string to pull and a considerable leverage to use, not only in favour of this group of asylum seekers but for our national cause to bring the demise of the ruling gang too. At the surface, this could look to be unlikely to happen in the present US political circumstances, but “If there is a will, there is a way”. There are still chances for success, provided that we take the right approach and hit the nail when it is hot. In fact, there are highly-qualified, rich and diversified Eritrean human resources and potentials that we could use to achieve that end and beyond. The thing is how to pull our resources together and use them in a meaningful manner, doing away with our personal biases that have been standing as the main obstacle on our way. *Is there a way to learn after so many years? I would say: Why not?*

In conclusion, I hope many Eritreans will join me to ask the Israeli government:

- *In what way could these scared victims of a brutal regime be considered infiltrators or a threat to the State of Israel to which they came seeking asylum and filed an official claim for refugee status?*
- *In what way are they different from the Jews who were forced to leave Germany in 1930s and spread throughout the world seeking asylum?*
- **How could the leadership of the Jewish State forget that among the traditional and central tenets of the religions of the desert, particularly that of their traditional father, Abraham, were kindness to wanderers and hospitality to strangers? =====**