

Prime Minister Benjamin Netanyahu  
Office of the Prime Minister  
3 Kaplan Street, Qiryat Ben-Gurion  
P.O. Box 187, 91919 Jerusalem  
Israel

24 November 2013

Dear Mr. Prime Minister,

On 16 September 2013, the High Court of Justice unanimously overturned amendments to the Prevention of Infiltration Law, ruling that administrative detention of asylum seekers without trial for a minimum of three years violates Israel's Basic Law on Human Dignity and Liberty. The High Court set a deadline of 15 December 2013 by which the cases of some 1,750 asylum seekers and migrants must be individually examined for release.

Despite this ruling, legislation that has been approved by the cabinet and is before the Knesset, calls for the vast majority of these individuals to remain in detention. According to the proposed legislation, asylum seekers who cannot be deported because their life or freedom would be in danger will be transferred to an "open facility," after one year in administrative detention. Media reports claim they will likely be sent to *Sadot*, in the Negev desert, which can currently hold 3,300 individuals. Furthermore, it is reported that some asylum seekers not currently detained will also be sent to *Sadot*, which will be run by the Israeli Prison Service. The legislation indicates that they will be required to report in three times a day, to prevent work or flight. Reportedly, there will be no limit on the length of residence in *Sadot*.

The relative isolation of the *Sadot* facility, its oversight by the Israel Prison Service, the indefinite duration of the residence and the frequent reporting requirement together suggest an extended form of detention. Further, these conditions call into question whether the policies enumerated in the proposed legislation comport with the High Court's decision. These requirements also stand in contrast to the UN High Commissioner for Refugees' 2012 Detention Guidelines, which would limit detention for asylum seekers to a last resort, noting that detention may not be indefinite or applied retroactively.

As a result, we, the undersigned organizations, urge the Israeli government to release the remaining eligible individuals from detention promptly in accordance with the High Court decision.

In addition, we take this opportunity to encourage the Israeli government, as we have done in previous instances, to ameliorate the condition of asylum seekers in Israel in line with due process and humanitarian considerations by guaranteeing the implementation of full, fair, and transparent refugee status determination procedures, which, in accordance with Israel's obligations under the 1951 UN Refugee Convention and its 1967 Protocol, guarantee access to legal counsel and appropriate interpreters, and an independent appeal process. We further urge that the Israeli authorities provide asylum seekers social services, work or business permits, and freedom of movement, to the extent possible, including (if applicable) in *Sadot*; and allow asylum seekers to remain in Israel's urban centers rather than transferring some or all to *Sadot* or any other "open facility."

We realize that, in recent years, Israel had become a favored destination for asylum seekers from Africa, primarily Eritrea and Sudan, and that the country now hosts some 55,000 such persons. We recognize that this population had presented a mounting social and demographic challenge easy to underestimate. But Israel's recent completion of a fence along the border with Egypt has virtually stopped the arrival of new asylum seekers from Africa and has therefore mitigated the growth of this challenge.

As steadfast friends of Israel, we respectfully urge the government to recommit itself to the design and implementation of asylum policies that are consistent with the decisions of Israel's own independent judiciary, its international law obligations, and our shared Jewish values.

Sincerely,

*In alphabetical order:*

Gideon Aronoff, Chief Executive Officer, **Ameinu**

Gal Peleg Laniado, Central Shaliach, **Hashomer Hatzair North America**

Kali Silverman, Director, **Habonim Dror North America**

Mark Hetfield, President and CEO, **HIAS**

E. Robert Goodkind, Chair, **Jacob Blaustein Institute for the Advancement of Human Rights of AJC**

Rabbi Steve Gutow, President and CEO, **Jewish Council for Public Affairs**

Rita Freedman, Acting Executive Director, **Jewish Labor Committee**

Mary Ann Stein, President, **The Moriah Fund**

Rabbi David Rosenn, Executive Vice President, **New Israel Fund**

Ron Skolnik, Executive Director, **Partners for Progressive Israel**

Sauna Leven, Director, **René Cassin**

Maya Paley, Founder, **Right Now**

Jill Jacobs, Executive Director, **T'ruah: The Rabbinic Call for Human Rights**

Deborah Waxman, President, **Reconstructionist Rabbinical College/Jewish Reconstructionist Communities**