



“THIS IS WORSE THAN COVID-19”

ETHIOPIANS ABANDONED AND ABUSED IN SAUDI PRISONS

AMNESTY
INTERNATIONAL



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First published in 2017

by Amnesty International Ltd

Peter Benenson House, 1 Easton Street

London WC1X 0DW, UK

Index: MDE 23/3125/2020

Original language: English

amnesty.org



Cover photo: *Migrants in overcrowded cell, Saudi Arabia, 2020* © Private

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INTRODUCTION

“I spoke to the embassy on the phone. I said that I wanted to go home, that this is worse than COVID-19, and that we don’t want to stay here.”

Kiros, a 28-year old in Jizan central prison who was expelled from Souq al-Ragu.¹

“Everyone is very frustrated. If there is no solution, in one week, we plan to break the door. If they kill us it doesn’t matter. Maybe some of us will manage to escape.”

Hagos, a 24-year old construction worker who has been detained since his arrival in Saudi Arabia in April 2020.²

Since early March 2020, Huthis authorities in Yemen have expelled thousands of migrant workers, mainly Ethiopians, to Saudi Arabia in the context of the breakout of the COVID-19 epidemic.³ They are now arbitrarily detained in Saudi Arabia, including pregnant women, children and infants, in abusive conditions.

Detainees have had no access to adequate food, healthcare, accommodation and sanitation. Amnesty International documented at least three cases of men who died in detention, as well as cases of torture or other ill-treatment. In the context of the COVID-19 epidemic, Saudi Arabia should immediately release Ethiopian migrants, end torture or other ill-treatment and ensure that detention conditions meet international standards; Ethiopia should assist its nationals and facilitate their return.

Amnesty International estimates that thousands of Ethiopian migrants have been detained in Saudi Arabia since March, based on the International Organization for Migration’s (IOM) monthly figures of Ethiopian migrants arriving in Yemen (see section “Under fire: a perilous journey across the border”), on detainees’ testimonies about the number of cells and their occupancy, and on an Ethiopian official public statement from 7 September 2020. In this statement Abdo Yassin, Ethiopia’s Consul General in Jeddah told the Ethiopian News Agency that “there are about 16,000 Ethiopians kept in the prison and the holding cells” in Al Shumaisi detention centre near Mecca.⁴

This briefing is based on interviews conducted remotely with 12 Ethiopian migrants in detention in June and July 2020, as well as interviews with another Ethiopian migrant, and five humanitarian actors working with migrants and on protection in Yemen and Ethiopia. Amnesty International also reviewed and verified videos and pictures showing people crossing from Yemen to Saudi Arabia, as well as conditions inside detention centres.

Detainees have been subjected to serious human rights violations during their detention. At least three have died and others have been subjected to torture and other ill-treatment and deprived of urgent medical care.

¹ Interview with Kiros via messaging app, 6 July 2020.

² Interview with Hagos via messaging app, 15 July 2020.

³ Most migrants arriving in Yemen are from Ethiopia, with Ethiopians comprising 83% of arrivals in August 2020 alone. IOM, *Flow Monitoring Points, Migrants Arrivals and Yemen Returns in August 2020*, available at: https://displacement.iom.int/system/tdf/reports/20200908_FMR_Migrant%20Arrivals%20August%202020%20Dashboard.pdf?file=1&type=node&id=9640 (accessed 26 September 2020)

⁴ Audio statement available on the Ethiopian News Agency website: https://www.ena.et/?p=100587&fbclid=IwAR0tbuS6T9sqONs0A8-BsaSEJrla_h50VbpmBnexpYsoHDoHNai51A-c4Uc (accessed 26 September 2020)

Detainees interviewed by Amnesty International all said that they lack adequate food, water, health care, sanitation facilities and clothes. Cells are seriously overcrowded, and detainees rarely go outside. New-borns, infants and teenagers are detained in the same dire conditions as adults. While it was difficult for Amnesty International to establish the scale of deaths in detention and corroborate the claims that were made, seven detainees interviewed reported that they had seen dead bodies of other detainees or had contact with a female detainee whose baby had died in detention, and all had independently heard reports of people dying in other rooms. Eight detainees had experienced and witnessed beatings by guards and two reported that guards had administered electric shocks as punishment for complaining about detention conditions, which would amount to torture.

Migrants are detained in at least five detention centres across Saudi Arabia and have been transferred between facilities throughout their detention. First taken to Al-Dayer centre, close to the Yemeni border, which consists of bare rooms without a proper roof in some cases. Two detainees Amnesty International interviewed were transferred to what they called “Jizan military camp”, a compound with armed men, close to Jizan city and to the sea, where conditions were as dire as in Al-Dayer centre. All detainees Amnesty International spoke to were then transferred to Jizan central prison, which also has inadequate facilities. After spending between 10 days and a month there, most detainees were transferred again, to either Jeddah or Mecca prison, with the rest staying in Jizan central prison for up to three months. Jeddah and Mecca prisons provide detainees with comparatively better infrastructure, as rooms are less overcrowded, all detainees have a bed, and they have access to water and sanitation, though essential goods and services are insufficient. According to detainees’ testimonies, transferring prisoners to centres further from the border frees space for the Saudi authorities to accommodate incoming migrants.

Detainees reported that Ethiopian officials have visited them in detention, witnessed the dire conditions first-hand, and that they received requests from detainees to return home. Before Ethiopia adopted COVID-19 related travel restrictions, in the first three months of 2020, an average of 10,000 migrants a month were sent back to Ethiopia from Saudi Arabia monthly, according to IOM.⁵ Since then, however, returns have drastically dropped.

Under international law, everybody regardless of their status has the right not to be arbitrarily detained or detained solely on immigration-related grounds, should have the opportunity to legally challenge their detention, and where they are detained, conditions should meet minimum standards. During a global public health crisis, such as COVID-19, Amnesty International considers that detention solely for migration-related reasons is not a necessary or proportionate restriction on the right to liberty, especially when the right to health cannot be guaranteed. Women and children benefit from specific protections under international law and should not be subjected to violations. International law also guarantees the right to consular assistance.

Saudi Arabian authorities must immediately end the detention of Ethiopian migrants solely on the basis of their immigration status during COVID-19, ensure that detention conditions meet international standards in the meantime, and prioritize the release of pregnant and nursing women, infants and children. Saudi Arabian authorities must also investigate and prosecute those responsible for abusive detention practices. The Ethiopian government should work to urgently facilitate the voluntary repatriation and reintegration of Ethiopian nationals and press the Saudi government to improve detention conditions in the interim. Subsequently, Ethiopia should ensure that people are safe and treated with dignity when they return and that they have access to necessary support, especially health care.

METHODOLOGY

This briefing is based on interviews with 12 detained Ethiopian migrants between 24 June 2020 and 31 July 2020, seven men and five women, of whom two were pregnant. All of them had been expelled from Yemen and detained in Saudi Arabia after the outbreak of COVID-19, so this briefing is limited to the situation from March 2020 onwards. Interviews were conducted remotely via a messaging app with interpretation from Amharic and Tigray to English. Names of interviewees have been changed to protect their security. Amnesty International also interviewed another Ethiopian migrant in Saudi Arabia who is in contact with several detainees, and five humanitarian actors working with migrants and on protection in Yemen and Ethiopia. To corroborate allegations, Amnesty International’s Crisis Evidence Lab sourced, reviewed and verified videos and photographs showing people crossing from Yemen to Saudi Arabia. This involved checking if and when they first appeared online, the language spoken in videos, and precisely geolocating where the audio-visual

⁵ IOM, *Impact of COVID-19 restrictions on migrants along the eastern corridor*, Report 4, 31 June 2020, available at: https://reliefweb.int/sites/reliefweb.int/files/resources/IOM_Eastern%20Corridor%20Migrant%20Situation_15072020.pdf (accessed 26 September 2020)

content was captured. The videos were corroborated with satellite imagery dated from the period in question showing evidence of people gathered around the border. The Crisis Evidence Lab also verified videos showing conditions inside the detention centres.

On 4 September and 15 September 2020 respectively, Amnesty International wrote to the Saudi Minister of Interior, Abdulaziz bin Saud Al Saud, and to the Ethiopian Minister of Foreign Affairs, Gedu Andargachew, requesting a response to these findings. No response had been received as of 24 September when the report was finalised.

Though abusive detention is not unique to Ethiopian migrants, this briefing focuses on them, as the vast majority of African migrants travelling from Yemen to Saudi Arabia come from Ethiopia, according to IOM's figures.⁶

⁶ IOM, *Flow Monitoring Points, Migrant Arrivals and Yemeni Returns, January to June 2020*, available at: https://displacement.iom.int/system/tdf/reports/Flow%20monitoring%20Report%20Draft%20_%20Jan%20to%20June%202020_V5_0.pdf?file=1&type=node&id=9509 (accessed 26 September 2020)

UNDER FIRE: A PERILOUS JOURNEY ACROSS THE BORDER

From 2019 until the outbreak of COVID-19 in March 2020, an average of 10,000 Ethiopian men, women and children undertook the perilous journey from their home country to Yemen through Djibouti or Somalia each month, aiming to reach Saudi Arabia and find work “*in the hope to have a better life*”, as one migrant said.⁷

On this journey, women risked their personal safety. An Ethiopian woman told Amnesty International that female migrants commonly risked being sexually abused in Yemen.⁸ Abeba, said that many women were raped during their stay in Yemen by Yemeni policemen and smugglers. “*My sister is five-month pregnant. She was raped in Yemen. Every time I ask her by who she starts crying,*” Abeba said.⁹

When the COVID-19 pandemic escalated in early March, Ethiopian migrants working in Northern Yemen close to the Saudi border in order to earn money to pay smugglers to go to Saudi Arabia were expelled by Huthi authorities whom they said accused them of spreading the virus. Zenebe, a 26-year old construction worker said that a Huthi official had told him: “*We don’t want you to die here, go to Saudi Arabia.*”¹⁰

“Huthis told everybody to leave the place without taking our belongings. We had to rush out. Twenty thousand people were walking in the direction of Saudi Arabia.” Tesfay.¹¹

According to the IOM, migrants’ testimonies documented by Amnesty International and videos seen by the organization showing movements along the border, several thousand people were expelled across the border in March and April 2020. Migrants reported that during this period, crossings took place daily from two locations in the Sa’afda governorate: Souq al-Ragu and al-Ghar. At the time of writing several thousand Ethiopian migrants are estimated to be stranded at the Yemeni-Saudi border without access to health care or clean water.¹²

According to seven testimonies, Ethiopian men, women and children crossed the border under crossfire between Huthis and Saudi security forces.

“When we got closer [to the Saudi crossing point], the Saudi side was firing at us. [But] we didn’t have any other possibility than continuing in this direction. The Huthis were also firing. So we chose to go one way. There were wounded people. A friend next to me was wounded in his leg and his arm. He fell to the ground. We tried to carry him but the Saudis saw us and fired, so we had to leave. Thousands of people were running,” said Tesfay.¹³

“A lot of girls died. We had to run, we don’t know what happened. Some boys wrapped their wounds, but I don’t know what happened to them afterwards,” Selam a 25-year old woman who crossed from al-Ghar

⁷ IOM, *Flow Monitoring Points, Migrant Arrivals And Yemeni Returns From Saudi Arabia in 2019*, available at: https://displacement.iom.int/system/tdf/reports/YE-Migrants_FMR_%202019_Annual_Dashboard_08012020%20Final_0.pdf?file=1&type=node&id=7619 (accessed 26 September 2020) and IOM, *Flow Monitoring Points Migrant Arrivals And Yemeni Returns From Saudi Arabia in April 2020*, available at: https://displacement.iom.int/system/tdf/reports/YE-Migrants_FMR_%20April%202020%20Dashboard_04052020_0.pdf?file=1&type=node&id=8468 (accessed 26 September 2020)

⁸ Interview with Abeba via messaging app, 9 July 2020.

⁹ Interview with Abeba via messaging app, 9 July 2020.

¹⁰ Interview with Zenebe via messaging app, 14 July 2020.

¹¹ Interview with Tesfay via messaging app, 22 July 2020.

¹² IOM, *Tens of thousands of migrants stranded in Yemen fear for their lives*, 14 July 2020, available at: <https://reliefweb.int/report/yemen/tens-thousands-migrants-stranded-yemen-fear-their-lives> (accessed 26 September 2020). Testimony also shared via email interview with a humanitarian worker on 23 September 2020.

¹³ Interview with Tesfay via messaging app, 22 July 2020.

said.¹⁴ “I saw six people who died. They [Saudi security forces] shot them. Other people died later,” Kiros, a 28-year old man who crossed from Souq al-Ragu said.¹⁵ Amnesty International was not able to independently corroborate shootings, but most detainees said that they saw wounded and sometimes dead people as they crossed under fire.¹⁶ Some people were deterred by the shooting and stayed in the desert from one to four days, between the two border crossings. “We spent two days without food or water. People were hungry, thirsty, and weak,” said Solomon, a 28-year old migrant.¹⁷

Saudi security forces apprehended migrants as they arrived on the Saudi side of the border. Interviewees told Amnesty International that Saudi border guards took all their belongings, including money, phones and clothes. One migrant reported being severely ill-treated by border guards. “Guards told us to face the ground and [they] beat us. When we tried to move, they shot at us,” Kiros said.¹⁸ The majority of people Amnesty International interviewed were immediately taken to Al-Dayer centre, but three men said that guards took them to a compound close by, near a river, where they spent a day or two.¹⁹ “People were weak, some fell on the ground. We were chained together in pairs. They tied us from the arm, with plastic chains. Soldiers were surrounding us,” Solomon said.²⁰ One of the detainees told Amnesty that around 30 children aged between 12 and 16, were detained with them.²¹ “When we said we wanted water, they didn’t give us any and [they] beat us,” Solomon said.²² Detainees reported that they were eventually taken to a nearby river to drink from it. In this compound, one male detainee said he was tested for COVID-19, while two other men said that they were tested in Al-Dayer.²³

Migrants were then transferred in pick-ups or vans, from the border or from the compound, to a permanent detention centre. “They [Saudi security forces] transferred us to Al-Dayer in big cars of 50 or 60 people. They did rotation during the whole day,” Solomon said.²⁴

¹⁴ Interview with Selam via messaging app, 25 June 2020,

¹⁵ Interview with Kiros via messaging app, 6 July 2020.

¹⁶ Interviews with Abeba, Zeru, Zenebe, Hagos, Roza, Solomon, Tesfay and Tirhas via messaging app on 9, 10, 14, 15, 16, 20, 22, 31 July 2020.

¹⁷ Interview with Solomon via messaging app, 20 July 2020.

¹⁸ Interview with Kiros via messaging app, 6 July 2020.

¹⁹ Interviews with Kiros, Solomon, and Tesfay via messaging app on 6, 20 and 22 July 2020.

²⁰ Interview with Solomon via messaging app, 20 July 2020.

²¹ Interview with Tesfay via messaging app, 22 July 2020.

²² Interview with Solomon via messaging app, 20 July 2020.

²³ Interviews with Hagos, Solomon, and Tesfay via messaging app, 15, 20 and 22 July 2020.

²⁴ Interview with Solomon via messaging app, 20 July 2020.

ABUSIVE AND UNSANITARY DETENTION CONDITIONS

At the time of writing, several thousand men, women, including pregnant women, and children, including new-borns, infants and unaccompanied teenagers, continue to be detained in at least five detention centres. All have been held in different centres throughout their detention, according to migrants' testimonies, and while conditions and standards varied across locations, Amnesty International documented a common pattern of overcrowded cells, inadequate food, water and sanitation, including toilet facilities, as well as a lack of adequate medical care. Men and women were separated upon arrival and taken to different buildings.

LACK OF ACCESS TO ADEQUATE HEALTH CARE INCLUDING FOR SERIOUS CONDITIONS

Detainees have not had access to adequate health care in any of the detention centres. In two centres later in the detention journey, detainees with particularly serious conditions are taken to see a health worker. A detainee who was examined by a health worker said that the authorities provide the same pills to each patient without telling them what it is, regardless of the specific health issues, whether it is skin disease or a wound infection. The result is that many conditions go untreated or receive inappropriate care and treatment.²⁵

Migrants Amnesty International interviewed said that they saw detainees with open wounds who did not receive treatment.²⁶ Detainees reported that gunshot wounds were the most pressing health issue in Al-Dayer centre, which is the first centre where migrants are detained, and this put wounded detainees at risk of death. *"People wounded were not treated. Some started having worms [in their wounds]. They were crying all night. It was painful to hear,"* Zenebe said.²⁷ These people could have been treated as there is a health facility in Al-Dayer centre where pregnant women were taken for delivery (see "Abusive detention of women and children" section). Amnesty International was unable to establish what happened to detainees with gunshot wounds because detainees interviewed said that they had not usually been transferred to other facilities together and they had no subsequent contact. *"Some wounded people and people who lost their minds were left behind in Al-Dayer,"* Abeba said.²⁸

Amongst the most frequent health issues that detainees reported having and seeing among co-detainees are skin infections that can turn into open wounds as a result of irritation, food poisoning, diarrhoea, yellow fever and what detainees describe as "body inflation".²⁹ The combination of illness and insufficient food has led many detainees to lose weight and become very weak. *"They cannot walk so we have to carry them to the toilets,"* said Hagos, who was detained in Jizan central prison for five months.³⁰

Detainees said that they repeatedly ask guards for medical care without success.³¹ Instead these requests prompt further abuse. In one instance, a detainee recounted that after they grew frustrated and protested,

²⁵ Interview with Roza via messaging app, 17 July 2020.

²⁶ Interviews with Abeba and Zenebe via messaging app, 9 and 14 July 2020.

²⁷ Interview with Zenebe via messaging app, 14 July 2020.

²⁸ Interview with Abeba via messaging app, 9 July 2020.

²⁹ Interviews with Yohannes, Kiros, Abeba, Zeru, Zenebe, Hagos, Roza and Solomon via messaging app, 2, 6, 9, 10, 14, 15, 17 and 20 July 2020.

³⁰ Interview with Hagos via messaging app, 15 July 2020.

³¹ Interviews with Kiros, Zeru, Zenebe, Hagos, and Roza via messaging app, 6, 10, 14, 15 and 17 July 2020.

guards beat him and his cellmates with projectile electroshock weapons (see section “Torture or other ill treatment by guards”).³² Pregnant women do not have access to pre-natal care (see section “Lack of care and treatment for pregnant detainees”). However, in the most serious cases, detainees are taken to a medical room inside the detention centre and examined by a man who identified himself as a doctor. They said that he asks them basic questions and then prescribes pills without further follow-up.³³ As a result, detainees are left in pain and their health at risk of further deterioration.

Traumatized by the journey, detention and uncertainty of their situation, detainees experience serious mental health issues. Detainees describe other detainees as “*losing their mind*.”³⁴ Yet despite the great need there is no evidence of any mental health care and treatment being available in any of the detention centres.

“Some women speak to themselves, some don’t dress up, some can’t control [themselves] when they urinate... If we stay too long here, many will become like that. There is too much stress. Many people fight each other because there are different ethnic groups. Everybody is hopeless.” Abeba, a 24-year old woman who undertook the journey from Ethiopia to Saudi Arabia with a female friend.³⁵

Two detainees told Amnesty International that they had prevented desperate cellmates from trying to take their own lives in Jizan central prison and in Jeddah prison respectively.³⁶ Migrants said that detention conditions, especially the heat and insufficient food, as well as having no prospect of release in sight, caused intense stress and frustration among detainees, leading some to try to take their own life. Hagos, said that two men had tried to kill themselves in his room:

“One man put clothes around his neck and pulled them. We took the clothes away from his neck. Now we’re not leaving him alone, there is always someone watching him. (...) Another one went to the toilets and tied up clothes [around his neck]. Since he was staying there for a long time, we came inside and untied him. He was still alive.”³⁷

In a similar account, Zeru, who had been detained in Jeddah prison for four months, said that some people had tried to kill themselves by hanging using clothes, but were stopped by fellow inmates.³⁸

SEVERELY OVERCROWDED CELLS

According to testimonies and video reviewed by Amnesty International, migrants have been crammed into cells, with at least 65 and in some cases up to 500 individuals held in the same cell at once. In Al-Dayer and Jizan central prison, detainees reported sharing cells with, on average, 350 people. The detainees told Amnesty that they knew the number of detainees in their cell because prison guards counted them upon arrival in each centre. “*We are between 300 and 350 people in my cell. I know it because they counted us when we arrived,*” said Hagos.³⁹

In both locations, and regardless of cell size, there is insufficient space for everyone to lay down and sleep at the same time, whether there are beds or not in the cell, according to detainees Amnesty spoke with.⁴⁰ Conditions appear to be worse in Al-Dayer centre. “*Everybody cannot sleep at the same time. Some have to stand while some sleep. There is no bed, we had to sleep on the soil. And the room was not fully covered [with a] roof,*⁴¹ *so when it rains, the rain fell on us and on the ground. There was no way out for the water,*” reported Roza, a 20-year old woman who was detained in Al-Dayer for 23 days.⁴²

In Jizan central prison, detainees reported sleeping on metal bunk beds without mattresses or blankets, and that some detainees had to sleep on the floor or under beds, and that lack of space restricted their mobility.⁴³ As temperatures reach 35°C in April and May and near 40°C in July and August, these

³² Interview with Tesfay via messaging app, 22 July 2020.

³³ Interviews with Abeba, Zenebe, Roza, and Tesfay via messaging app, 9, 14, 17 and 22 July 2020.

³⁴ Interviews with Abeba, Hagos and Roza via messaging app, 9, 15, and 17 July 2020.

³⁵ Interview with Abeba via messaging app, 9 July 2020.

³⁶ Interviews with Zeru and Hagos via messaging app, 10 and 15 July 2020.

³⁷ Interview with Hagos via messaging app, 15 July 2020.

³⁸ Interview with Zeru via messaging app, 10 July 2020.

³⁹ Interview with Hagos via messaging app, 15 July 2020.

⁴⁰ Interviews with Zeru, Hagos, Roza, and Solomon via messaging app, 10, 15, 16, and 20 July 2020.

⁴¹ The roof was made of metal bars like a cage, according to detainees’ account, which matches videos reviewed by Amnesty International.

⁴² Interview with Roza via messaging app, 16 July 2020.

⁴³ Interviews with Kiros, Abeba, Zenebe, Hagos and Roza via messaging app, 6, 9, 14, 15 and 16 July 2020.

overcrowded cells become extremely hot, especially in Al-Dayer centre and Jizan central prison where there is insufficient or in some cases no ventilation, all detainees said. In Jeddah prison and Mecca prison, detainees estimated that there are between 60 and 80 individuals detained in each cell. Unlike the centres, there are blankets on bunk beds as well as ventilation, which helps in the heat, according to detainees.⁴⁴ All detainees reported that they had been confined inside 24 hours per day, without exposure to natural light, fresh air or opportunity to exercise.

INSUFFICIENT FOOD AND WATER

All detainees regardless of their place(s) of detention, said they were given insufficient food of poor nutritional value. Usually at most, detainees said they ate a small flat bread in the morning and in the evening, and some rice for lunch or only bread. In Al-Dayer centre, some detainees said that they received food only twice a day. *“Sometimes there was not enough food and we fought each other,”* said Zeru, a 24-year old man who was detained in Al-Dayer centre for five days.⁴⁵ In Jeddah prison, the food was to some extent better according to two detainees, with a slightly larger portion and sometimes beans in addition to rice.⁴⁶ Several detainees reported being sick because of the food, as it was left outdoors in the heat before it was distributed, they said. Other detainees became weak due to insufficient and unhealthy food.⁴⁷

In all centres, detainees collect water in plastic bottles from the bathroom tap, when there is running water. In Al-Dayer centre and Jizan military camp, detainees do not have enough water to drink, despite the intense heat.⁴⁸ *“There was not enough water to drink. We lined up to get water and sometimes we fought. Tap water was controlled from outside. They [prison guards] opened it for 30 minutes during meals and then closed it. The rest of the time it was closed,”* Roza said.⁴⁹ The result was that in these two centres, detainees have no access to water for sufficient periods of time.

INADEQUATE SANITATION

In the detention centres where migrants are initially detained, toilet facilities are unsanitary, and there is insufficient water for detainees in hot and overcrowded cells to wash, according to all detainees that Amnesty International spoke to. Consequently, until they are transferred to prisons in Jeddah or Mecca, detainees rarely take a shower. Even when there is enough water to take a shower in subsequent detention facilities, there is no soap, so detainees cannot maintain personal hygiene.⁵⁰ Since all their belongings were confiscated at the border, detainees have only the clothes they are wearing with no possibility to change.⁵¹ These conditions have contributed to skin diseases, which are not adequately treated (see section “Lack of access to adequate health care including for serious conditions”). *“I didn’t clean my body properly for four months. I have lice on my hair because I wash them without soap, and in my clothes as well,”* Tirhas, a 30-year old woman said.⁵²

In Al-Dayer centre, there is no toilet and detainees use a corner of the room as a toilet space, all detainees said.

“It’s hell, I’ve never seen something like this in my life. We have to sleep, eat, and do toilets in the same place. There are no toilets. We urinate on the ground, not far from where we sleep. Sometimes we had to walk on it,” Zenebe, who was detained in Al-Dayer centre for a month.⁵³

In Jizan central prison, toilets are unclean, overflowing and cannot function properly as there is not enough water and their number is insufficient.⁵⁴

⁴⁴ Interviews with Selam, Abeba, Solomon, and Tesfay via messaging app, 25 June and 9, 20 and 22 July 2020.

⁴⁵ Interview with Zeru via messaging app, 14 July 2020.

⁴⁶ Interviews with Selam and Roza via messaging app, 25 June, and 16 July 2020.

⁴⁷ Interviews with Abeba, Zenebe and Roza via messaging app, 9, 14, and 17 July 2020.

⁴⁸ Interviews with Zeru, Zenebe, Roza, and Tesfay via messaging app, 10, 14, 17 and 22 July 2020.

⁴⁹ Interview with Roza via messaging app, 16 July 2020.

⁵⁰ Interviews with Selam and Tirhas via messaging app, 25 June and 31 July 2020.

⁵¹ Interviews with Selam, Kiros, Zenebe, Roza, Solomon, and Freweyni via messaging app, 25 June, and 6, 14, 17, 20 and 28 July 2020.

⁵² Interview with Tirhas via messaging app, 31 July 2020.

⁵³ Interview with Zenebe via messaging app, 14 July 2020.

⁵⁴ Interviews with Yohannes, Kiros, Zeru, Hagos, and Solomon via messaging app, 2, 6, 10, 15 and 20 July 2020.

ABUSIVE DETENTION OF WOMEN AND CHILDREN

In Saudi Arabia, men and women are detained separately most of the time. In a few instances, they were detained together during their first few days in Al-Dayer centre. In Jeddah and Mecca prisons, women were guarded by female guards, but in other centres, women were guarded by, and interacted with, male guards. Detainees did not report sexual abuse by guards and said they barely saw them.

According to three women detainees, they and other female detainees did not have access to sanitary products in Al-Dayer centre and Jizan central prison with products only being distributed in Jeddah prison. Consequently, women had to cut pieces from clothes to use during their period, even though they did not have a change of clothes. In Jizan central prison, one detainee said that an Ethiopian official once brought some sanitary pads during a visit.

LACK OF CARE AND TREATMENT FOR PREGNANT DETAINEES

According to detainees, there is a significant number of pregnant women in detention.⁵⁵ Roza, who is six-months pregnant, said that there were 30 other pregnant women out of 108 detainees in her cell in Jizan central prison, while they were five pregnant women, out of 100 detainees in Jeddah prison.

Pregnant women do not benefit from any preferential treatment, except in Al-Dayer centre, where they are allowed to sleep outside of the unsanitary main cell in an inner courtyard without any bed. They endure heat, inadequate food, poor hygiene, as well as lack of health care before they reach Jeddah prison, usually for more than a month after crossing from Yemen. Pregnant women Amnesty International interviewed said that they were concerned about not having a change of clothes, that their outfit does not cover their whole body, that they are dirty and have lice in some cases (see section “Inadequate sanitation”). Once they give birth, women do not have clean clothes to dress their baby and they use scarves instead.⁵⁶

Even in Jeddah prison, pregnant women do not have routine access to health care. In one instance, Selam, a pregnant woman who asked to see a doctor told Amnesty International that guards had told her that if she went outside she would contract COVID-19, bring that back to her cell, and that she should not go out.⁵⁷

Roza, a 20-year old woman who is six-months pregnant, and Tirhas, a 30-year old woman who is nine-months pregnant, were eventually allowed to see a doctor inside the prison compound in Jeddah, along with more than 15 women, mostly pregnant. Two detainees told Amnesty that guards put metal chains on women’s legs and tied them in a pair. Their movement was restricted as they took a car and walked for about 25 minutes around the compound to reach the medical room, where they remained chained during examination, according to Roza. While Tirhas had an ultrasound exam, Roza was refused one and she has not had an ultrasound throughout her pregnancy. *“This is not a proper check-up. The doctor asks us how we feel and gives us some medicine.”⁵⁸ He took my temperature. I saw the ultrasound machine. I asked him to do an exam with it. I told him I had pain in the stomach and I vomit sometimes. He just asked me if the baby moves. But he didn’t do any exam with the machine. He gave the same pills to all of us, so I didn’t take them,”* Roza said.⁵⁹

Lack of pre-natal medical care increases the risk for both mothers and babies. Roza said that she knows two women who miscarried. One was five-months pregnant. During a visit to the medical facility, the doctor did an ultrasound exam and said that the baby had died. He gave the woman pills. According to Roza, the woman took them, she was in pain, but she had no bleeding and her stomach has kept the same volume.⁶⁰ This is a clear example of inappropriate medical treatment and can have serious repercussions on the woman’s health and on future pregnancy.

Several women have given birth during their detention. They were taken to a medical facility, where they stayed for a week or up to ten days, before returning with their new born to the same unsanitary detention conditions, without adequate food, water and sanitation in Al-Dayer centre.⁶¹ This puts the new born baby at risk. *“A woman gave birth one month and three days ago. They baby has no clothes. He looks sick, his face*

⁵⁵ Interviews with Yohannes, Kiros, Abeba, Zenebe, Solomon, and Freweyni via messaging app, 2, 6, 9, 14, 20 and 28 July 2020.

⁵⁶ Interviews with Roza and Tirhas via messaging app, 17 and 31 July 2020.

⁵⁷ Interview with Selam via messaging app, 25 June 2020.

⁵⁸ They did not tell them what the medicine was for.

⁵⁹ Interview with Roza via messaging app, 17 July 2020.

⁶⁰ Roza was not able to communicate again with this woman and had no further information about her condition.

⁶¹ Interviews with Roza and Freweyni via messaging app, 17 and 28 July 2020.

is sunken, and he is very thin”, said Roza. “If we spend more time here, the same will happen to us. We can’t get good treatment when we give birth. The more we stay here, the more we suffer,” Roza said.⁶²

CHILDREN

Detention conditions can have a particularly serious impact on children and unaccompanied children are particularly vulnerable. Women Amnesty International interviewed have been detained in their cell with an average of 10 children aged between one and four-years old, alongside their mothers in each detention centre.⁶³ Both men and women have been detained in the same cell as several dozen unaccompanied teenagers, ranging from 14 to 17-years old, in Al-Dayer and in Jizan central prison, and about half a dozen to a dozen in Jeddah prison. Detainees say that no one looks after these children.⁶⁴

Children also lack sufficient access to food, water and sanitation but the impact can be even greater. Lack of sufficient food impairs their development, with adult detainees saying that they are much thinner than they should be for their age.⁶⁵ When detainees must fight to get food because there is not enough for everyone, children are likely to obtain even less food than other adults.⁶⁶ Children cannot wash properly and some have skin diseases. The only prisons where guards distribute formula milk and diapers are Mecca and Jeddah prison.⁶⁷ Children do not have access to any education, impacting their cognitive development with potential consequences on their future if detention continues.

⁶² Interviews with Roza via messaging app, 17 July 2020.

⁶³ One woman who had older children said that they stayed in Ethiopia.

⁶⁴ Interviews with Zenebe and Solomon via messaging app, 14 and 20 July 2020.

⁶⁵ Interviews with Roza and Tesfay via messaging app, 17 and 22 July 2020.

⁶⁶ Interview with Tirhas via messaging app, 31 July 2020.

⁶⁷ Interviews with Roza and Tirhas via messaging app, 17 and 31 July 2020.

DEATHS IN CUSTODY, TORTURE AND OTHER ILL-TREATMENT

“Conditions are very difficult. Sometimes you feel you have no other choice but to suicide.”

Hagos, a 24-year old migrant in Al-Dayer centre.⁶⁸

DEATHS IN CUSTODY

Of the 12 detainees that Amnesty International interviewed, all of them said they knew of persons who had died in detention in cells other than their own; five reported that they had personally seen the bodies of seven people in total, across the different detention centres, and two women said they had been in contact with mothers whose babies had died in detention. While it was not possible for Amnesty International to independently corroborate these claims, the detainees' claims could indicate that the seven reported deaths are likely to be an underestimation of the real number of people who would have died in detention.

Two of the detainees Amnesty spoke with reported seeing the dead bodies of three male adults, including one Ethiopian man, a Yemeni man and a Somali man in Al-Dayer centre. While the cause of their deaths is unclear, migrants believe they became sick because of the food.

“Guards took the bodies from the men’s room and put them outside in front of our room for the day. They take them out because bodies can’t stay inside the room with the other men. I don’t know why they stay outside all day. I felt sad when I saw the body. We cried. We shouted, asking the guards to remove it. After a while, we started being afraid for ourselves. Since they died because of the food, sometimes we don’t eat food,” Roza.⁶⁹

Freweyni, a 25-year old house cleaner, was temporarily taken to a room with male teenagers because her room was full in Al-Dayer centre. She reported seeing the dead body of a 15-year old boy.

“He was sleeping on the ground, covered with clothes. He was very weak. He urinated while sleeping. A boy was taking care of him. [...] We shouted and the guards came in to take him. Four days later, I saw this boy lying on the ground outside. He was dead. I saw another body next to him. It was covered with clothes, so it was impossible to know its age”.⁷⁰

In the same centre, Freweyni told Amnesty International that she saw a 20-year old woman collapse in her room at the end of a day where there had been no food distribution. The woman lost consciousness and was taken outside by guards, according to Freweyni. Pregnant women allowed to stay outside later told Freweyni that the 20-year old had died.

At the military camp near Jizan city, a detainee told Amnesty International that he had seen the body of an Ethiopian man who died after being shot trying to escape.⁷¹

⁶⁸ Interview with Hagos via messaging app, 15 July 2020.

⁶⁹ Interview with Roza via messaging app, 17 July 2020.

⁷⁰ Interview with Freweyni via messaging app, 28 July 2020.

⁷¹ Interview with Roza via messaging app, 16 July 2020.

“The situation was dire. People broke the window and many tried to escape. There was a lot of shooting. Some people were shot at and died. I saw one dead body that stayed outside for a day. Someone from the [Ethiopian] embassy came, took his fingerprints and took the body away. He blamed us for trying to escape,” Kiros, who has been detained in this facility for a month and a half.⁷²

According to one detainee, Hagos, an Ethiopian man was taken out of the cell that they were sharing in Jizan central prison and a guard later told him that he had died.⁷³ The exact reason of death is unclear but Hagos said that he saw him becoming weaker day by day.

In addition, three women reported that two babies and three toddlers had died in Al-Dayer, Jeddah and Mecca prisons, and they believed that this was due to lack of milk.⁷⁴

“A woman had a baby in Al-Dayer. She didn’t have milk. She gave him only water. When we arrived here [in Jeddah prison], she went to the doctor. But the baby was too weak. He died five days ago. His father is in a different prison,” Selam, who has been detained in Jeddah prison for four months with the mother.⁷⁵

In Mecca prison, a 14-month old and a two-year old died in rooms close to Abeba, who was detained in Mecca prison for five months. *“The children became sick in Al-Dayer because we were sleeping in a dirty place, it was too hot and we didn’t receive enough food. They had diarrhoea and they were very thin,”* said Abeba. *“Children were taken to the hospital, where they died. They [doctors] showed the dead bodies to their mothers. Mothers don’t know what they did with the bodies.”*⁷⁶

TORTURE OR OTHER ILL-TREATMENT BY GUARDS

Two detainees reported that guards had administered electric shocks to them and other detainees in three different detention centres, as punishment for complaining about detention conditions.⁷⁷ Amnesty considers this to be torture or other ill-treatment. *“If we complain, they apply some device on you and you fall down. It’s like when you touch something with electricity. It leaves a red mark on your skin,”* said Solomon.⁷⁸ He said that guards used electroshock devices against him in Jizan central prison and in Jeddah prison because he complained and protested with other detainees about the lack of health care:

“They used this electric device. I had a red mark on my back. It made a small hole on my clothes. I saw a man whose nose and mouth were bleeding after that. Since then, we don’t complain anymore because we’re afraid they’ll do again the electric thing on our back. We keep quiet”.⁷⁹

Tesfay recounted a similar experience in Jeddah prison as well, after he and his fellow inmates refused to take bread because there was not one piece for each man in their room:

“They took us all outside, except an old man. They were twenty and told us to face the wall. They used the device on all of us on our back. My skin became red. It was very painful for two days, I couldn’t sleep. The day before, I heard crying in the room next door. We asked what happened. They said that one man was beaten with the same stick.”⁸⁰

Eight out of the 12 detainees Amnesty International spoke to said that they had experienced and seen beatings by prison guards, and shootings, during escape attempts at every detention centre except Mecca prison.⁸¹

⁷² Interview with Kiros via messaging app, 6 July 2020.

⁷³ Interviews with Kiros, Hagos, Roza, Tesfay, Freweyni and Tirhad via messaging app, 6, 15, 17, 22, 28 and 31 July 2020.

⁷⁴ Interviews with Abeba, Roza, and Tirhas via messaging app, 9, 17, and 31 July 2020.

⁷⁵ Interview with Selam via messaging app, 25 June 2020.

⁷⁶ Interview with Abeba via messaging app, 9 July 2020.

⁷⁷ Interviews with Solomon and Tesfay via messaging app, 20 and 22 July 2020.

⁷⁸ Interview with Solomon via messaging app, 20 July 2020.

⁷⁹ Interview with Solomon via messaging app, 20 July 2020.

⁸⁰ Interview with Tesfay via messaging app, 22 July 2020.

⁸¹ Interviews with Kiros, Zeru, Zenebe, Hagos, Roza, Solomon, Tesfay and Tirhas via messaging app, 6, 10, 14, 15, 17, 20, 22 and 31 July 2020. Amnesty International interviewed one woman who was detained in Mecca. However, according to testimonies, women are less likely to be mistreated than men. Therefore, it is impossible to conclude that there is no mistreatment committed against male detainees in this facility as well.

In most cases, guards beat detainees with sticks or their hands during disturbances or as punishment when detainees complained about detention conditions. “*We are afraid. They hit us with black sticks if they find out that we have a mobile or if we complain,*” said a 30-year old migrant who has been detained in Jizan central prison for five months.⁸² In Al-Dayer centre, Tesfay, said that one fellow inmate was physically assaulted by guards after asking for medical care. “*They took him outside and beat him with a stick. They insulted him saying: ‘You are a donkey! Why do you need medical help?’*”⁸³

⁸² Interview with Yohannes via messaging app, 2 July 2020.

⁸³ Interview with Tesfay via messaging app, 22 July 2020.

RETURN TO ETHIOPIA REMAINS A DISTANT PROSPECT

VISITS FROM ETHIOPIAN OFFICIALS

Almost every detainee Amnesty International interviewed had seen at least one representative of the Ethiopian embassy or consulate during their detention, sometimes on several occasions. They reported that Ethiopian officials had visited every detention facility, except Mecca prison, and seen detention conditions first-hand. Detainees were able to speak with officials and alerted them about detention conditions and their needs, including in Al-Dayer centre.

“A guard said that a man from the embassy had come to visit us. Pregnant women asked the man to come inside to look around. He couldn’t walk inside because of excrement on floor. He said that he couldn’t take us home because of COVID-19. He also said that other prisons were full, but that he will try to talk to the Saudis to take us to a better place,” Abeba.⁸⁴

In Jizan central prison, Kiros also met with Ethiopian officials. *“I saw a man from the embassy who brought some medicine for the skin and who gave us clothes,”* Kiros said.⁸⁵

Officials’ visits sometimes coincided with detainees’ transfer to facilities where detention conditions are better although Amnesty International has been unable to establish whether the Ethiopian officials played any role in this. *“A man visited us first when we arrived from Al-Dayer [to Jizan central prison] and then when we left to Jeddah prison. He said that we would go to Jeddah prison because there was no flight to our country and because they needed to free space in Jizan prison in order to bring women from Al-Dayer to Jizan central prison,”* Roza said.⁸⁶

In addition to visits, detainees also told Amnesty International that they called the Ethiopian embassy many times.⁸⁷ In several instances, they were able to speak with an official, share their concerns, needs and wish to return to Ethiopia. *“I spoke to embassy on the phone. I said that I wanted to go home, that this is worse than COVID-19, and that we don’t want to stay here,”* Kiros said. He said that officials replied: *“We are waiting for the Ethiopian government, just be patient.”*⁸⁸

Ethiopian officials have thus had access to their nationals and are fully aware of their conditions of detention as well as their wish to return. In two instances, detainees reported that Ethiopian officials had told them that they would be repatriated to Ethiopia shortly.⁸⁹ As Roza was complaining about lacking a change of clothes in Jeddah prison, an official told her: *“You don’t need clothes, you’ll go back to your country.”*⁹⁰ They explained that it was not immediately possible because of COVID-19 and because flights were grounded. Three detainees reported that they had filled forms with their identity information and contacts of relatives in Ethiopia and two said that they had their pictures taken.⁹¹ They assumed that this form is the first step towards their return. *“First, a person from the embassy came with forms to fill. He took pictures of us. After about a month, he came back and said that we will go home,”* said Zeru, who was in Jizan central prison at

⁸⁴ Interview with Abeba via messaging app, 9 July 2020.

⁸⁵ Interview with Kiros via messaging app, 6 July 2020.

⁸⁶ Interview with Roza via messaging app, 17 July 2020. On 23 March 2020, the Ethiopian government adopted travel restrictions and closed borders in order to contain the COVID-19 epidemic. Yet, in similar contexts, other countries have chartered flights in order to repatriate their nationals.

⁸⁷ Interviews with Kiros, Zenebe, and Roza via messaging app, 6, 14, and 17 July 2020.

⁸⁸ Interview with Kiros via messaging app, 6 July 2020.

⁸⁹ Interviews with Zeru, Zenebe, Hagos, and Roza via messaging app, 10, 14, 15 and 17 and 22 July 2020.

⁹⁰ Interview with Roza via messaging app, 17 July 2020.

⁹¹ Interviews with Kiros, Zeru, Zenebe, and Hagos via messaging app, 6, 10, 14, and 22 July 2020.

that time and was transferred to Jeddah prison, where he has been for four months.⁹² Yet they are still waiting.

According to detainees, Saudi guards have repeatedly told them throughout their detention that they were ready to send them back to their home country and indicated that if they had not returned yet, it was because of the Ethiopian government.⁹³ During his detention in a military camp near Jizan, Kiros said that a security official told him: “*We are ready, we can send you home in one week. It's your government that doesn't take you back.*” Solomon thought that a return operation was approaching when, in Jeddah prison, he received a new form. “*Guards gave us an identification paper with Arabic characters and our picture. They didn't tell us its purpose, but they said that if we lose it, we will not fly back home,*” Solomon said.⁹⁴ Yet nothing materialised.

REPATRIATION OPERATIONS TO ETHIOPIA

Between May 2017 and March 2019, 260,000 Ethiopians were transferred from Saudi Arabia to Ethiopia.⁹⁵ In the first three months of 2020, an average of 10,000 migrants were sent back from Saudi Arabia to Ethiopia every month, according to IOM.⁹⁶ However, since 23 March 2020, when the Ethiopian government adopted travel restrictions and closed borders to contain the COVID-19 pandemic, the number of returns drastically dropped. Despite this, globally, at least 34,000 returns of Ethiopian migrants to their home country were registered, between the COVID-19 outbreak and 20 July 2020, including 3,998 Ethiopian migrants who were returned from Saudi Arabia, according to the IOM.⁹⁷ According to media reports quoting a Foreign Ministry spokesperson, 274 migrants have been repatriated to Addis Ababa in early September and the Ministry of Foreign Affairs announced in a statement on 3 September 2020 that 2,000 migrants will be returned from Ethiopia by early October.⁹⁸ This shows that returns have not totally halted and it is still possible to repatriate Ethiopian migrants even during the pandemic if both governments are committed to doing so.

The Ethiopian government has stated that it has insufficient quarantine space for returnees, delaying the repatriation process. A note from the Ethiopian consulate in Jeddah of 24 June 2020, reviewed by Amnesty International, states:

“In line with declarations by the United Nations and the African Union, decision has been made that refugees shall stay where they are until there is a solution to the COVID-19 pandemic. In addition, we were not able to transport [detainees to the country], due to the outstanding requests by 500,000 Ethiopians to get free quarantine service and since there is capacity limitation to prepare adequate quarantine places. (...) We feel pain and anxiety of our nationals in prisons and there is a pressure to resolve it as a priority. Hence, we want our nationals to understand that the return process has been impeded due to international cautionary measures to contain the COVID-19 pandemic.”⁹⁹

The government initially introduced a 14-day quarantine period for individuals entering Ethiopia, before reducing it to seven days. Conditions in many quarantine facilities are poor, lacking showers or running water, according to humanitarian actors.¹⁰⁰ The government closed one of its quarantine centres dedicated

⁹² Interview with Zeru via messaging app, 10 July 2020.

⁹³ Interviews with Selam, Kiros, Zenebe, Roza and Solomon via messaging app, 25 June and 6, 14, 17, and 20 July 2020.

⁹⁴ Interview with Solomon via messaging app, 20 July 2020.

⁹⁵ IOM, *Return of Ethiopian migrants from the Kingdom of Saudi Arabia (5 May 2017-31 March 2019)*, available at: <https://reliefweb.int/report/ethiopia/return-ethiopian-migrants-kingdom-saudi-arabia-5-may-2017-31-march-2019> (accessed 26 September 2020)

⁹⁶ IOM, *Impact of Covid-19 Movement restrictions on Migrants along the Eastern Corridor, report 4, as of 30 June 2020*, 15 July 2020, available at: https://reliefweb.int/sites/reliefweb.int/files/resources/IOM_Eastern%20Corridor%20Migrant%20Situation_15072020.pdf (accessed 26 September 2020)

⁹⁷ Interview conducted via email on 23 September.

⁹⁸ Tigist Geme, “UN amplifies Ethiopian migrant detainees’ cries for help in Saudi Arabia”, *Voice of America*, 18 September 2020, available at: <https://www.voanews.com/africa/un-amplifies-ethiopian-migrant-detainees-cries-help-saudi-arabia> (accessed 26 September 2020). See also: the Ethiopian Ministry of Foreign Affairs, *Press release on Ethiopian migrants in Saudi Arabia*, 3 September 2020, available at: <https://www.facebook.com/MFAEthiopia/posts/3945500338810513> (accessed 26 September 2020)

⁹⁹ Source on file with Amnesty International.

¹⁰⁰ Interview with an INGO worker based in Addis-Ababa, 30 July 2020.

to returnees because of the low level of returns.¹⁰¹ Quarantine sites dedicated to returnees can accommodate 1700 to 1800 people in Addis-Ababa, according to a humanitarian source.¹⁰² Yet, the last large movement of returns occurred in mid-June, when 1,000 people returned from Kuwait.¹⁰³ The decline in numbers of returns since June indicates that even this limited quarantine space for returnees is not fully used.¹⁰⁴ Safely accommodating thousands of returning migrants poses a major challenge, but this is not insurmountable if the Ethiopian government seeks the necessary international cooperation and assistance from IOM and humanitarian agencies.

¹⁰¹ IOM, *Impact of COVID-19 Movement Restriction on Migrants along the Eastern Corridor, Report 5, as of 31 July 2020*, 11 August 2020, available at: https://reliefweb.int/sites/reliefweb.int/files/resources/IOM_Eastern%20Corridor%20Migrant%20Situation_11082020.pdf (accessed 26 September 2020)

¹⁰² Interview with an INGO worker based in Addis-Ababa, 30 July 2020.

¹⁰³ IOM, *Impact of Covid-19 Movement restrictions on Migrants along the Eastern Corridor, report 4, as of 30 June 2020*, 15 July 2020, available at: https://reliefweb.int/sites/reliefweb.int/files/resources/IOM_Eastern%20Corridor%20Migrant%20Situation_15072020.pdf (accessed 26 September 2020)

¹⁰⁴ Interview with an INGO worker based in Addis-Ababa, 30 July 2020.

The UN Subcommittee on Prevention of Torture has stated that the right to challenge the lawfulness of detention before a court is characterized as a “fundamental safeguard against torture or other cruel, inhuman or degrading treatment or punishment.”¹⁰⁷

In addition, Amnesty International believes that during a global public health crisis such as COVID-19, detention solely for migration-related reasons is not a necessary or proportionate restriction on the right to liberty, especially when the right to health cannot be guaranteed.

HUMAN RIGHTS VIOLATIONS IN DETENTION

Beatings of detainees and allegations of the use of electroshock weapons against detainees as punishment for complaining about detention conditions would constitute torture or other ill-treatment. This violates Article 2 of the CAT to which Saudi Arabia is a signatory (1997).

Lack of sufficient food, drinking water and sanitation impacting detainees’ health combined with inadequate health care may amount to cruel, inhuman and degrading treatment, which is prohibited by CAT. Denial of adequate food and health care and the inability to maintain personal hygiene over a prolonged period, without any end in sight, has led to both physical and psychological suffering of detainees.

Ethiopian migrants’ detention conditions contravene the UN Standard Minimum Rules for the Treatment of Prisoners on minimum floor space, windows and light, sanitary installations, personal hygiene, clothing, food, exercise and medical services.¹⁰⁸ The rules state that “all accommodation provided for the use of prisoners and in particular all sleeping accommodation shall meet all requirements of health, due regard being paid to climatic conditions and particularly to cubic content of air, minimum floor space, lighting, heating and ventilation.”¹⁰⁹

Women have certain rights under CEDAW, to which Saudi Arabia is a signatory (2000). Article 12 guarantees “appropriate services in connection with pregnancy, confinement and the post-natal period.”¹¹⁰

Children have been particularly suffering from the harsh detention conditions and some are reported to have died because of the lack of food, milk and health care, violating Article 6 and Articles 24 of CRC. According to Article 3.1 of the CRC, “the best interests of the child shall be a primary consideration.” Article 3.2 provides that states should “undertake to ensure the child such protection and care as is necessary for his or her well-being.” States should also ensure that children have access to education and healthcare. As UNHCR has made clear “[C]hildren should not be detained for immigration related purposes, irrespective of their legal/migratory status or that of their parents, and detention is never in their best interests.”¹¹¹ This principle has been reaffirmed by the Working Group on Arbitrary Detention: “The deprivation of liberty of an asylum-seeking, refugee, stateless or migrant child, including unaccompanied or separated children, is prohibited” and “detaining children because of their parents’ migration status will always violate the principle of the best interests of the child and constitutes a violation of the rights of the child. Children must not be separated from their parents and/or legal guardians. The detention of children whose parents are detained should not be justified on the basis of maintaining the family unit, and alternatives to detention must be applied to the entire family instead.”¹¹² The Committee on the Rights of the Child also stated that:

¹⁰⁷ Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Sub Committee on Prevention of Torture, *Report on the visit of the subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment of Punishment to Honduras*, CAT/OP/HND/1, 10 February 2010, para. 137, available at: <https://undocs.org/CAT/OP/HND/1> (accessed 26 September 2020)

¹⁰⁸ Rules 10, 11, 12, 13, 15, 16, 18, 20, 21, 22, 23, 24, 25. United Nations, *Standard Minimum Rules for the Treatment of Prisoners*, 30 August 1955, available at: <https://www.refworld.org/docid/3ae6b36e8.html> (accessed 26 September 2020)

¹⁰⁹ Rule 10, United Nations, *Standard Minimum Rules for the Treatment of Prisoners*, 30 August 1955, available at: <https://www.refworld.org/docid/3ae6b36e8.html> (accessed 26 September 2020)

¹¹⁰ Article 12, UN General Assembly, *Convention on the Elimination of All Forms of Discrimination Against Women*, 18 December 1979, United Nations, Treaty Series, vol. 1249, p. 13, available at: <https://www.refworld.org/docid/3ae6b3970.html> (accessed 26 September 2020)

¹¹¹ UNHCR, *UNHCR’s position regarding the detention of refugee and migrant children in the migration context*, January 2017, available at: <https://www.unhcr.org/protection/detention/58a458eb4/unhcrs-position-regarding-detention-refugee-migrant-children-migration.html> (accessed 26 September 2020)

¹¹² Para 11 and 40, UN Working Group on Arbitrary Detention, *Revised Deliberation No. 5 on deprivation of liberty of migrants*, 7 February 2018, available at: <https://www.refworld.org/docid/5a903b514.html> (accessed 26 September 2020)

“regardless of the situation, detention of children on the sole basis of their migration status or that of their parents is a violation of children’s rights, is never in their best interests and is not justifiable.”¹¹³

ETHIOPIA’S ROLE IN VOLUNTARY REPATRIATION

Ethiopia has an embassy in Saudi Arabia’s capital Riyadh and a consulate in Jeddah. Officials have had repeated access to detainees in all detention centres. Ethiopia is therefore in a position to provide consular assistance.

According to the Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms while Countering Terrorism and the Special Rapporteur on Extrajudicial Executions:

“States [...] have a positive obligation to take necessary and reasonable steps to intervene in favour of their nationals abroad, should there be reasonable grounds to believe that they face treatment in flagrant violation of international human rights law. This includes flagrant denial of justice, the imposition of the death penalty, torture or cruel, inhuman or degrading treatment, sexual violence, or deprivation of liberty in grave violation of human rights standards, including arbitrary detention, incommunicado detention, and detention that fails to comply with the most basic standards of humanity.”¹¹⁴

In 2019, Ethiopia assured the UN Human Rights Council that it was taking action so that Ethiopian migrants detained abroad can voluntarily return. “Concerted efforts are underway to ensure the safe return of irregular migrants detained abroad.”¹¹⁵ Ethiopia is also a signatory to the Global Compact on Safe and Orderly Migration which includes objective 21 providing for cooperation in facilitating safe and dignified return and readmission, as well as sustainable reintegration for migrants. Amnesty International encourages the Ethiopian government to follow up on the commitments made and effectively address the needs of Ethiopian migrants detained in Saudi Arabia, including through seeking support from IOM where required.

While Ethiopia has no legal obligation to repatriate its nationals, Amnesty International believes that the Ethiopian government including by working with the IOM can and should take all positive steps to facilitate the voluntary, safe and dignified repatriation of all Ethiopian migrants as rapidly as possible.

¹¹³ Para 32, UN Committee on the Rights of the Child (CRC), *Committee on the Rights of the Child, Report of the 2012 Day of General Discussion on the Rights of All Children in the Context of International Migration*, 28 September 2012, available at: <https://www.refworld.org/docid/51efb6fa4.html> (accessed 26 September 2020).

¹¹⁴ Para 3, United Nations Human Rights Special Procedures, *Extra-territorial jurisdiction of States over children and their guardians in camps, prisons, or elsewhere in the northern Syrian Arab Republic*, 2020, available at: <https://www.ohchr.org/Documents/Issues/Terrorism/UNSRsPublicJurisdictionAnalysis2020.pdf> (accessed 26 September 2020)

¹¹⁵ Para 50, UN Human Rights Council, National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21 : [Universal Periodic Review] : Ethiopia, 25 February 2019, available at: <https://digitallibrary.un.org/record/3798145?ln=en> (accessed 26 September 2020)

RECOMMENDATIONS

Ethiopia and Saudi Arabia should work together to ensure voluntary, safe and dignified repatriation is available to Ethiopian nationals consistent with International human rights law and standards.

TO THE GOVERNMENT OF SAUDI ARABIA

- Release immediately all detainees, prioritising those in a most vulnerable situation including women and children;
- Ensure that every person entering Saudi Arabia from Yemen is allowed to do so safely and is transferred to an appropriate reception centre that meets international standards regarding food, medical services, sanitary installations, personal hygiene, windows and light, clothing;
- Immediately end torture and other ill-treatment in detention;
- Ensure access to adequate food, water, sanitation, health care, accommodation and clothes;
- Ensure that all detainees requiring medical assistance receive timely and appropriate care and treatment including pregnant women;
- Address specific needs of pregnant women and lactating mothers including provision of medical services, clothes for infants and appropriate post-natal accommodations;
- Provide appropriate care to survivors of rape, including physical and mental health care;
- Ensure humanitarian agencies and independent monitors have access to detention centres;
- Ensure that all detainees have access to legal advice and can apply for judicial review to challenge the lawfulness of their detention;
- Upon release and before repatriation, ensure migrants' access to essential services, care and safety, including adequate and safe accommodation and healthcare, free from discrimination and ill-treatment;
- Conduct an independent and impartial investigation into all allegations of human rights violations, including firing on migrants at the border and unlawful killings, torture and other ill-treatment during detention and hold all perpetrators to account in fair trials that meet international standards without recourse to the death penalty;
- Ensure that all detention centres and prisons comply with the UN Standard Minimum Rules for the Treatment of Prisoners and that facilities are upgraded accordingly;

TO THE GOVERNMENT OF ETHIOPIA

- Take positive steps to facilitate the voluntary, safe and dignified repatriation of all Ethiopian migrants as rapidly as possible, including by engaging with IOM, prioritising women and children and vulnerable persons;
- Ensure that consular assistance and visits are available to all detained nationals in Saudi Arabia, respond in a timely and effective way to requests for support, and make representations to the Saudi authorities to improve detention conditions pending repatriation;
- Establish proper reception arrangements for returning pregnant women, women with young children and unaccompanied children;

- Seek international support to increase the number and capacity of quarantine sites and improve conditions in these sites to guarantee human rights;
- Include stranded migrants in the national COVID-19 response plan;

TO THE INTERNATIONAL ORGANIZATION OF MIGRATION AND HUMANITARIAN ORGANISATIONS

- Support the Ethiopian government in facilitating the voluntary, safe and dignified return of Ethiopian migrants, including through scaling up capacities to host returning migrants, including quarantine facilities, testing, transport to area of origin, and psychosocial support;

TO OTHER GOVERNMENTS AND DONORS

- Increase funding and technical assistance to support Ethiopia's COVID-19 response including expanding quarantine facilities for repatriated migrants;
- Condition funding dedicated to repatriated migrants to a number of repatriations every month.

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“THIS IS WORSE THAN COVID-19”

ETHIOPIANS ABANDONED AND ABUSED IN SAUDI PRISONS

Thousands of Ethiopian migrants, who have been expelled from Yemen after the COVID-19 epidemic outbreak, have been arrested and arbitrarily detained in “hellish” conditions in Saudi Arabian prisons.

This report exposes the lack of access to adequate food, water, healthcare, accommodation and sanitation. Some detainees have been subjected to torture or other ill-treatment. Pregnant women, babies and small children are among those being held in appalling conditions which are putting their lives at risk. Amnesty International documented the deaths of three adults in detention and detainees reported at least four more. Enduring dire conditions for five months without the prospect of release and returning home (even though Ethiopian officials have visited the detention centres), some detainees have attempted to take their own lives.

During a global public health crisis, such as COVID-19, Amnesty International considers that detention solely for migration-related reasons is not a necessary or proportionate restriction on the right to liberty, especially when the right to health cannot be guaranteed.

Amnesty International is calling on Saudi Arabia to immediately release Ethiopian migrants, end torture or other ill-treatment against them and ensure that detention conditions meet international standards. The organization is also calling on Ethiopia to urgently facilitate the voluntary repatriation and reintegration of Ethiopian nationals.