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“IT’S LIKE WE ARE NOT HUMAN”

FORCED RETURNS, ABHORRENT DETENTION CONDITIONS OF ETHIOPIAN MIGRANTS IN SAUDI ARABIA

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Since 2017, Saudi authorities have forcibly returned hundreds of thousands of Ethiopian migrants to Ethiopia after arbitrarily detaining them for up to 18 months in inhuman and cruel conditions, denying them adequate medical care and subjecting them to torture and other ill-treatment leading to deaths in custody. Saudi authorities should urgently investigate cases of torture and deaths.

1. EXECUTIVE SUMMARY

“I want the world to know this: In Saudi Arabia, those people in prison didn’t break the law. So why do they refuse to provide them food? Why do they beat them? Why don’t they take them to a medical centre? I know someone in detention who lost their mind. This should stop.”

Abdul, a 34-year-old former detainee arbitrarily detained in Saudi Arabia for one year.¹

Since 2017, as part of a campaign to crackdown on undocumented migrants, Saudi authorities have arbitrarily arrested hundreds of thousands of Ethiopian migrants crossing the border from Yemen or residing in Saudi Arabia, held them in indefinite detention in inhuman and cruel conditions, subjected them to torture and other ill-treatment, and then forcibly returned them to their home country. These arbitrary arrests and subsequent treatment occurred solely because the migrants didn’t have valid residency documents, a situation exacerbated by the abusive kafala system in Saudi Arabia.

In this briefing, Amnesty International examines the experience of Ethiopian migrants forcibly returned by the Saudi authorities between June 2021 and May 2022. The Ethiopian men, women and children were arbitrarily held in two detention centres, Al-Kharj detention centre in the capital Riyadh and Al-Shumaisi detention centre near the city of Jeddah. Their experience is illustrative of the range of violations experienced by undocumented migrants in Saudi Arabia who have little recourse to remedies for violations of their rights.

Between 2017 and 2022, around half a million migrants have been returned from Saudi Arabia to Ethiopia solely for their irregular immigration status, as per figures released by the UN International Organization for Migration (IOM).

In March 2022, the Ethiopian authorities announced plans to repatriate over 100,000 Ethiopian migrants held in detention centres in Saudi Arabia by the end of 2022. As of August 2022, the Saudi authorities had returned at least 71,000 Ethiopian men, women and children after holding them for months in places of detention in Saudi Arabia. According to the Ethiopian government’s estimate of individuals expected to return, the Saudi authorities continue to detain an estimated 30,000 individuals who are at risk of forced returns to Ethiopia in the coming months. Additionally, hundreds of thousands of undocumented Ethiopian migrants remain in Saudi Arabia and are at serious risk of arbitrary detention.

The investigation was conducted by Amnesty International between May and June 2022 and included interviews with 11 Ethiopian migrants who were arbitrarily arrested and forcibly returned to their home country, a family member of an Ethiopian migrant who died upon return, three humanitarian workers with knowledge of the humanitarian response in Ethiopia and four journalists with knowledge of the situation of Ethiopian migrants detained in Saudi Arabia. Amnesty International wrote to the Saudi and Ethiopian authorities with queries related to the findings but has not received a response.

The organization found a pattern of arbitrary arrest committed by the Saudi authorities against undocumented Ethiopian migrants, solely for living in Saudi Arabia without a valid residency permit. The migrants interviewed for this briefing said that Saudi police arrested them from their homes, workplaces, or other public spaces and then transferred them to Al-Kharj or Al-Shumaisi detention centres where they were held for up to a year and a half without charge and without an opportunity to challenge their

¹ Interview by voice call with Abdu (name changed for security reasons), former detainee, 1 June 2022.

detention. The Saudi authorities did not provide any of the former detainees interviewed by Amnesty International with information about the duration of their detention or their fate.

Under international law, everybody regardless of their immigration status, has the right not to be arbitrarily detained or detained solely on immigration-related grounds without the opportunity to legally challenge their detention.

Saudi Arabia's restrictive kafala system often gives irregular migrant workers no pathway to obtain legal residency nor allows documented workers to leave or change abusive employers without losing their residency status, subjecting them to the risk of arrest and forcible returns.

Ethiopian Embassy officials provided a *laisser-passer* form for some of the former detainees to fill out with their basic personal information several months into their detention and informed them that the Ethiopian government will be repatriating them but provided no further information on the process.

Former detainees described to Amnesty International dire and inhuman detention conditions, including overcrowded cells with no ventilation and inadequate access to food, water, sanitation, accommodation and health care. Former detainees were also exposed to communicable diseases such as Tuberculosis.

Aziz, a 34-year-old Ethiopian man who wasn't able to take his belongings with him at the time of his arrest told Amnesty International:

“We were not allowed to have blankets or pillows. The only thing we had that was ours during that time was trash bags. We brought the bags for SAR 10 (USD 2.66). We used them for bedding, and like mats to sleep on.”²

Amnesty International also documented the detention of pregnant women and children as young as one month. A video taken in a women's ward which was verified by Amnesty International and geo-located to Al-Kharj detention centre showed women in extremely crowded and unsanitary rooms detained with young children and babies lying on the floor.

Maryam, who spent five weeks in the female detention ward of Al-Shumaisi detention centre said: “My eight-year-old child was taking care of my baby because I was bleeding. The bleeding did not stop after I gave birth before my arrest. I was not doing ok.” She added that there were two pregnant women held with her in the same cell, one of whom delivered a baby while in detention.

Detention centre guards subjected six of the detained migrants whose cases Amnesty International documented to torture and other ill-treatment, including as punishment for using smuggled phones to share photos or videos of their detention conditions on social media or to protest their denial of medical care and insufficient food. The guards beat them with sticks and belts or forced them to stand or lie on an asphalt road, a material known to absorb and retain heat, in very high temperatures outside of the prison causing skin irritation or burns.

Five interviewees told Amnesty International that 10 Ethiopian men who were their cellmates had died in custody as a result of their deteriorating health following torture or denial of medical care. In one case, a former detainee told Amnesty International that the respiratory condition of his cell mate deteriorated to the extent that he was vomiting blood. Despite that, he said the guards did not give the sick detainee access to medical care, and he died shortly thereafter. Amnesty International is not aware of any effective, thorough, impartial and independent investigations conducted into the causes and circumstances of any of these deaths in custody.

The testimonies collected by Amnesty International describe the impact of detention conditions on the Ethiopian migrants' mental and physical health, which posed serious challenges to their re-integration in Ethiopia.

The cruel and inhumane treatment, denial of adequate medical treatment and subsequent deaths in custody are a violation of the UN Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules). In addition, pregnant women and children are recognized as having specific physical and psychological needs and, therefore, should not be detained on immigration grounds.

² Interview by voice call with Aziz (name changed for security reasons), former detainee, 27 May 2022.

Faced with indefinite arbitrary detention under these abusive conditions, with no recourse to challenge their detention, many of the detained migrants felt they had no choice but to agree to return to Ethiopia. It is Amnesty International's assessment that their indefinite arbitrary detention in these dire conditions creates a coercive environment that makes it impossible for migrants to make a truly voluntary decision in line with the principle of free and informed consent, and that their returns to Ethiopia amount to forced returns.

Further, Saudi's failure to ensure a case by case assessment of any potential protection needs of the detained migrants ahead of their forced return to Ethiopia also creates the risk that these individuals may be returned to face persecution or other rights abuses, which would amount to a violation of the customary international law principle of non-refoulement to which Saudi Arabia is bound.

This briefing is a call to the Saudi authorities to end the crackdown on undocumented migrants that has resulted in the arbitrary arrest and forcible returns of over 500,000 Ethiopian migrants since 2017 alone, and to release all those detained solely for their immigration status. The authorities must also immediately launch independent and impartial investigations into deaths in custody, torture, and other ill-treatment, hold the perpetrators accountable in fair trials that meet international standards. They should also improve the cruel and inhuman detention conditions across the country.

As demand for migrant labour increases in Saudi Arabia to keep up with the ambitious projects to build new cities as part of their Vision 2030 and attract foreign businesses and investors, the authorities should abolish the abusive sponsorship (*kafala*) system that gives employers considerable control over the rights and freedom of movement of migrant workers.

2. METHODOLOGY

This briefing is based on research conducted by Amnesty International between May 2022 and June 2022.

Amnesty International chose to focus on the situation of Ethiopian migrants in Saudi Arabia due to the gravity of the violations they face as a group, plans announced by Ethiopian and Saudi authorities to return them to Ethiopia and the prolonged nature of their detention compared to migrants from other nationalities. Our ability to document their ordeal without exposing them to additional risk by interviewing individuals who had recently returned to Ethiopia was a further consideration.

Amnesty International interviewed a total of 19 individuals, including 11 Ethiopian migrants who described their ordeal and that of their relatives in detention in Saudi Arabia and subsequent return to Ethiopia. Out of the 11 interviewed, including 10 men and one woman, ten were forcibly returned to Ethiopia between April 2022 and May 2022 while two of them were forcibly returned between June 2021 and July 2021.

Amnesty International also interviewed a family member of an Ethiopian migrant who died upon return, three humanitarian workers with knowledge of the humanitarian response in Ethiopia and four journalists with knowledge of the situation of Ethiopian migrants detained in Saudi Arabia. Interviews were conducted remotely through a secure messaging application.

Amnesty International corroborated testimonies about the location of detention centres by geo-locating and examining satellite imagery of the Al-Kharj detention centre in the capital Riyadh and the Al-Shumaisi detention centre near the city of Jeddah, where migrants were held.

Amnesty International's Digital Verifications Corps reviewed, verified and analysed open-source videos and images posted online from the Al-Kharj and Al-Shumaisi detention centres between July 2021 and February 2022. The organization also reviewed reports by the UN International Organization for Migration (IOM) and statements by the Saudi and Ethiopian governments.

Amnesty International wrote to the Saudi Ministry of Interior and the Human Rights Commission on 23 September, as well as the Ethiopian government's Refugees and Returnees Service on 15 September requesting a response to these findings. Amnesty International received no response prior to publication.

3. BACKGROUND

Saudi Arabia's population of 35 million includes an estimated 10 million migrant workers, from Asia, Africa and the Arab region employed across a range of sectors,³ including construction, hospitality and domestic work.⁴ Ethiopians make up an estimated 5% of that overall migrant worker population.

Over the past five years, tens of thousands of Ethiopians have travelled to Saudi Arabia to seek better economic opportunities. Some travelled through the Eastern migration route, which involves taking a perilous journey from Ethiopia to Yemen through Djibouti and Somalia and then crossing over into Saudi Arabia.⁵ Others arrive to Saudi Arabia by plane on work permits.

Under Saudi Arabia's repressive sponsorship (*kafala*) system, migrant workers are only able to obtain a work permit or residency through an employer, and they are only able to terminate their contracts or change employers under certain conditions without the consent of their employer. Those who lose their residency status, either because they leave their jobs without the consent of the employer or overstay their work permits, and those who are unable to find employment in the formal sector are at risk of arbitrary detention, deportation to their home country by the authorities, as well as abuses such as forced labour and physical and sexual assault.⁶

Saudi Arabia has carried out a widespread crackdown on undocumented migrants over the past decade, returning hundreds of thousands of migrants to their home country solely for their irregular immigration status. In November 2013, state-aligned media reported that the authorities raided places where undocumented migrants may be employed as part of a clampdown on irregular labour linked to the government's narrative of creating more jobs for citizens. The campaign has been ongoing since then.⁷

On 19 March 2017, Saudi Arabia launched a campaign called "a nation with no legal violator" urging individuals residing in the country in violation of "labour, residency and border security" regulations to leave the country within 90 days without facing any penalties.⁸ Since then, the Saudi Ministry of Interior has on a weekly basis published the numbers of those arrested and returned.

The IOM estimates, that the Saudi authorities have since 2017 returned around half a million Ethiopian migrants alone to their home country.⁹ The majority of returns took place between 2017 and 2019, while the lowest recorded number was in 2020, presumably due to travel-related restrictions to contain the Covid-19 pandemic.

According to Saudi Arabia's Ministry of Interior, between January and November 2022, Saudi officials returned at least 479,000 foreign nationals to their home country out of at least 678,000 foreign nationals arrested for "violating labour, residency and border security" regulations.¹⁰

During that same period, the authorities also announced that they had arrested 14,511 foreign nationals, the majority of whom were Ethiopians and Yemenis, for crossing the border irregularly from Yemen into Saudi Arabia.¹¹ Migrant domestic workers have also been targeted by the authorities through arbitrary detention for their irregular immigration status.¹²

According to the IOM, between January and November 2021, the Saudi authorities returned around 80,000 Ethiopian men and women, including 8,090 children, back to their country before returns were

³ KSA General Authority for Statistics, https://www.stats.gov.sa/sites/default/files/lm_2019_q4_1.xlsx (Accessed on 26 September 2022)

⁴ UN Office on Drugs and Crime (UNDOC), "UNODC & Saudi Arabia Join Forces to Protect Victims of Human Trafficking", 2 November 2020, <https://www.unodc.org/unodc/en/frontpage/2020/November/unodc-and-saudi-arabia-join-forces-to-protect-victims-of-human-trafficking.html>

⁵ International Organization for Migration (IOM), Returns from Saudi Arabia, <https://eastandhornofafrica.iom.int/returns-saudi-arabia> (Accessed on 31 August 2022)

⁶ Migrant Rights, Reform the Kafala system, <https://www.migrant-rights.org/campaign/end-the-kafala-system/> (Accessed on 31 August 2022)

⁷ Alarabiya News, "Saudi Arabia tackles illegal labor to create jobs for nationals", 4 April 2013, <https://english.alarabiya.net/business/economy/2013/04/04/Saudi-Arabia-tackles-illegal-labor-to-create-jobs-for-nationals->

⁸ Saudi Press Agency, Crown Prince confirms that "A nation with no legal violator" campaign comes to end situations for over stayers and illegals", 19 March 2017, <https://www.spa.gov.sa/viewstory.php?lang=en&newsid=1603831>

⁹ IOM, "Return of Ethiopian Migrants from Saudi Arabia – Midyear overview 2022", July 2022,

https://eastandhornofafrica.iom.int/sites/g/files/tmzbd1701/files/documents/iom_rdh_ksa_midyear_overview_2022_0.pdf

¹⁰ Ministry of Interior, Twitter post, 25 June 2022, <https://twitter.com/MOISaudiArabia/status/1540636029350207488> : "In one week: Arrest of 15416 violators of residency, labour and border security regulations" (translation from Arabic by Amnesty International).

¹¹ Log on file with Amnesty International

¹² Amnesty International, "Saudi Arabia: Dozens of Sri Lankan women wrongfully detained for months due to abusive kafala system", 15 April 2021, <https://www.amnesty.org/en/latest/press-release/2021/04/saudi-arabia-dozens-of-sri-lankan-women-wrongfully-detained-for-months-due-to-abusive-kafala-system/>

halted until the end of March 2022.¹³ Humanitarian workers interviewed by Amnesty International believe that returns were halted largely due to the lack of resources and shelter in Ethiopia to accommodate those who were being returned.¹⁴

In March 2022, the Ethiopian government announced a plan to repatriate over 100,000 Ethiopian migrants held in detention centres from Saudi Arabia back to their home country by the end of 2022,¹⁵ adding that around 450,000 out of 750,000 Ethiopians in Saudi Arabia reside in the country without “proper legal documents.”¹⁶

According to the IOM, by the end of June 2022, at least 71,000 Ethiopian migrants had returned to Ethiopia, including 4,026 children.¹⁷

This research builds on Amnesty International’s existing documentation from October 2020 of human rights violations perpetrated by Saudi Arabia against Ethiopian migrants who had crossed the border from Yemen. These violations included arbitrary detention in cruel and inhumane conditions, such as overcrowding, lack of adequate food, water, sanitation, and health care, as well as torture, other ill-treatment and death in custody.¹⁸

4. PROLONGED AND INDEFINITE ARBITRARY DETENTION

Over the past five years, Saudi authorities have arbitrarily arrested tens of thousands of Ethiopian migrants solely due to their lack of valid residency documents, detained them for prolonged periods of time, and subsequently returned them to Ethiopia. The migrants were not afforded an opportunity to challenge their arrest or detention. Prolonged detention without access to judicial review amounts to arbitrary detention and is prohibited under international law.

An estimated 30,000 Ethiopian migrants continue to be arbitrarily detained and will most likely be forcibly returned to their home country in the coming months. However, hundreds of thousands of undocumented Ethiopian migrants remain in Saudi Arabia and are at serious risk of arbitrary arrest and forcible returns. Humanitarian workers and Saudi official practice both indicate that those returned are usually processed via detention centres in Saudi Arabia

The organization documented the arbitrary arrest of 17 Ethiopian migrants, two of whom were detained with their children. All of them told Amnesty International that the Saudi police had arrested them from their homes, workplace or in public locations solely on the basis of their nationality and immigration status. Throughout their detention, none of them were charged with any crime nor were they brought before a judge or given the right to appeal their detention as required under international human rights law.

Four former detainees told Amnesty International that the police had arrested them after asking them for a valid residency permit, which they did not have at that time. Five others told Amnesty that the police had asked them whether they were Ethiopian and had arrested them when they confirmed they were.

Mohammad, a camel keeper who was arrested from his workplace, told Amnesty International:

“The police asked me: Are you Indian or Ethiopian? When I told them I’m from Ethiopia, they handcuffed me and took me into the police car. They also took my phone and money. We were in the car for around two hours because they were looking for other people. They ended up picking up three people, all of them are Ethiopian.”¹⁹

¹³ IOM, Returns from Saudi Arabia (previously cited)

¹⁴ Interview by voice call with two humanitarian workers, 2 June 2022.

¹⁵ Ministry of Foreign Affairs, Federal Democratic Republic of Ethiopia, “National Committee deliberates repatriation and rehabilitation plans for Ethiopians from Saudi Arabia”, 28 February 2022, https://mfa.gov.et/Home/details/45528/?Language=English&Layout=_Layout

¹⁶ Ministry of Foreign Affairs, Federal Democratic Republic of Ethiopia, “Deputy Prime Minister and Foreign Minister Demeke Mekonnen chairs consultative meeting with stakeholders to repatriate Ethiopians from Saudi Arabia”, 4 March 2022, https://mfa.gov.et/Home/details/45540/?Language=English&Layout=_Layout

¹⁷ IOM, “Funding needed to Assist Over 100,000 Ethiopian Migrants Returning from the Kingdom of Saudi Arabia”, 30 March 2022, <https://www.iom.int/news/funding-needed-assist-over-100000-ethiopian-migrants-returning-kingdom-saudi-arabia>

¹⁸ Amnesty International, “This is worse than COVID-19”: Ethiopians abandoned and abused in Saudi prisons”, (Index: MDE 23/3125/2020), 2 October 2020, <https://www.amnesty.org/en/documents/mde23/3125/2020/en/>

¹⁹ Interview by voice call with Mohammad (name changed for security reasons), former detainee, 26 May 2022.

Nine former detainees told Amnesty International that they were held in police stations for up to two weeks before they were transferred to the Al-Shumaisi or Al-Kharj detention centres where they were detained for an average of 11 months and in one case for as long as 18 months. Men and women were taken to separate sections within the detention centres.

Mahmoud, an Ethiopian man arrested from his home in May 2021 with his friend told Amnesty International:

“The police asked us if we know other Ethiopians who live around us. They then said that we will be released if they find ‘no criminal record’... We stayed for 11 months in the same clothes because we were only allowed to bring with us one piece of underwear and clothes.”²⁰

Aziz, another former detainee who was arrested in July 2021 from the home of his employer, said:

“A policeman came to search [for me] in the home I was working in. He was looking for a *habashi* [Ethiopian] man. I wasn't even allowed to wear my shoes or take my belongings when I was arrested. He [the policeman] told me not to take anything.”²¹

Omar, who lived in Saudi Arabia for eight years described to Amnesty International the loss of his livelihood and savings due to his arbitrary detention:

“I spent a year and four months in Al-Shumaisi detention center. I was one of 300 people in one room which should only have 63 people ... Before I was arrested, I would have liked to continue living in Saudi Arabia. After the arrest and in the detention centre, I lost 10,000 Riyals [USD 2,660] in the detention centre. They took my life savings away from me ... Please try to be the voice for those still detained. There are people I know who've been there for over 2 years. There's those with mental health issues. They need your help.”²²

All Ethiopian migrants who spoke to Amnesty International said that from the moment of their arrest by the police, they were left in detention without any information about why they were there and how long they would be there. They were not given access to a judicial authority to challenge their arrest and detention, not granted access to a lawyer, and not informed of any charges against them or the grounds for their detention.

Under such circumstances, their detention is arbitrary since the use of prolonged administrative detention without the possibility of review is prohibited under international law.²³ Amnesty International opposes the routine or automatic use of migration-related detention – since this is by definition arbitrary. Detention solely for migration-related purposes is only allowed in the most exceptional of circumstances, and there is a presumption against such detention. Migrants, refugees and asylum seekers, like anyone else, must benefit from a legal presumption of liberty and as a consequence, if they are subject to any deprivation of liberty, this must be clearly prescribed by law, strictly justified by a legitimate purpose, necessary, proportionate and non-discriminatory.

4.1 ARBITRARY DETENTION OF PREGNANT WOMEN AND CHILDREN

Interviewees told Amnesty International that pregnant women, children with their mothers and unaccompanied children were held in the Al-Shumaisi and Al-Khrj detention centre.²⁴ The migration-related detention of children is strictly prohibited under international law as it can never be in their best interests.²⁵ Saudi Arabia is a signatory to the Convention on the Rights of the Child (CRC). The Committee

²⁰ Interview by voice call with Mahmoud (name changed for security reasons), former detainee, 31 May 2022.

²¹ Interview by voice call with Aziz (name changed for security reasons), former detainee, 27 May 2022.

²³ UN Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, *General comment No. 2 on the rights of migrant workers in an irregular situation and members of their families*, 28 August 2013, (CMW/C/GC/2), para. 27.

²⁴ Interviews by voice call with Maryam (name changed for security reasons), a former detainee and two humanitarian workers, 30 May 2022 and 2 June 2022 respectively.

²⁵ CMW, Concluding observations on the initial report of Nicaragua, 11 October 2016, (CMW/C/NIC/CO/1) paras 39-40; Concluding observations on the initial report of Turkey, 31 May 2016, (CMW/C/TUR/CO/1), para. 47-48; Concluding observations on the initial report of the Niger, 11 October 2016, (CMW/C/NER/CO/1), para. 33. See also WGAD 2018, para. 11; Inter-American Court of Human Rights, Advisory Opinion OC-21-14: Rights and Guarantees of Children in the Context of Migration and/or in Need of International protection, 19 August 2014, para. 154; Special Rapporteur on Migrants 2017, para. 61; and UNHCR, “UNHCR’s position regarding the detention of refugee and migrant children in the migration context”, January 2017.

on the Rights of the Child, the body that oversees the Convention's implementation, has specified that "children should not, as a general rule, be detained," and that "detention cannot be justified solely [...] on their migratory or residence status, or lack thereof."²⁶ The Committee on the Rights of the Child and the Migrant Worker Committee have underlined that "the detention of any child because of their or their parents' migration status constitutes a child rights violation and contravenes the principle of the best interests of the child."²⁷ A video taken in a women's ward, which was verified by Amnesty International and geo-located to Al-Kharj detention centre, showed women in extremely crowded rooms detained with young children and babies lying on the floor. Most children are seen laying on clothes or blankets, indicating a lack of mattresses. The video also shows children lying next to several boxes of diapers and trash bags. The amount of trash bags inside the room could indicate that the trash bags are left in the room for days.²⁸

Maryam, a woman who spent five weeks in the female detention ward of Al-Shumaisi detention centre, told Amnesty International that children held in her cell were as young as one month and up to 10 years old.

She told Amnesty International: "My eight-year-old child was taking care of my baby because I was bleeding. The bleeding did not stop after I gave birth before my arrest. I was not doing ok."²⁹

She added that there were two pregnant women held with her in the same cell, one of whom delivered a baby while in detention. Maryam said that after the other pregnant woman was taken to the medical centre to deliver the baby, the mother and newborn were returned to the detention centre and forced to live in unsanitary conditions. Women and children slept on the floor in rooms crammed with people who had fever or coughs.

According to the IOM, between March and June 2022, 3,396 children were returned from Saudi Arabia to Addis Ababa, the capital of Ethiopia. This number is six times higher than the number of children who returned during the same months in 2021.³⁰ Three humanitarian workers told Amnesty International that a number of those children returned without being accompanied by adults.³¹

5. FORCED RETURN TO ETHIOPIA

As part of their crackdown on undocumented migrants, the Saudi authorities have forcibly returned tens of thousands of Ethiopian migrants after detaining them arbitrarily for indefinite periods of time based solely on their irregular immigration status.

Some of the former detained migrants told Amnesty International that it was only several months into their detention that Ethiopian embassy officials first visited them and asked them to fill out *laisser-passer* forms with their basic personal information.

They said that embassy officials informed them that the Ethiopian government will be returning them to Ethiopia after filling this form, but provided no further information on the process. Embassy officials did not explain how their personal information would be used or when they would be returned.³²

One man who spent 11 months in detention told Amnesty International that he had only found out he was being returned when guards came into his cell and called his and other people's names. He had met with representatives from the Embassy of Ethiopia three months prior and filled a form with his personal information, but they did not mention his date of return.³³

²⁶ UN Committee on the Rights of the Child, General Comment No.6, para 61.

²⁷ CMW, Joint general comment No. 4 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and No. 23 (2017) of the Committee on the Rights of the Child on State obligations regarding the human rights of children in the context of international migration in countries of origin, transit, destination and return, 16 November 2017, (CMW/C/GC/4-CRC/C/GC/23), para. 5.

²⁸ Tiktok video, 14 July 2021,

https://www.tiktok.com/@eldanaeldana443/video/6984468890315214081?is_from_webapp=v1&item_id=6984468890315214081

²⁹ Interview by voice call with Maryam (name changed for security reasons), former detainee, 30 May 2022.

³⁰ IOM, Returns from Saudi Arabia (previously cited).

³¹ Interview by voice call with humanitarian workers, 2 June 2022 and 23 June 2022.

³² Interviews by voice call with Mohammad, Alula and Maryam (names changed for security reasons), former detainees, 26 and 30 May 2022

³³ Interview by voice call with Awol (name changed for security reasons), former detainee, 30 May 2022.

Faced with the choice between indefinite detention in dire conditions without access to legal recourse and repatriation, many of the detained migrants signed forms presented by their embassy to return to Ethiopia.

Under these circumstances, Ethiopian migrants cannot provide free and informed consent for their voluntary return to Ethiopia. Moreover, Saudi Arabia's failure to ensure a case-by-case assessment of any potential protection needs of the detained migrants ahead of their return also creates the risk that individuals will be returned to face persecution or other abuse, which would amount to a breach of the customary international law principle of non-refoulement. Therefore, the Saudi authorities subjected Ethiopian migrants to forced returns in breach of their international obligations.

Article 22 (1) of the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW), which applies to all migrant workers and members of their families, regardless of their immigration status states that: "Migrant workers and members of their families shall not be subject to measures of collective expulsion. Each case of expulsion shall be examined and decided individually." Moreover, Article 22 (6) states that: "Except where a final decision is pronounced by a judicial authority, the person concerned shall have the right to submit the reason he or she should not be expelled and to have his or her case reviewed by the competent authority, unless compelling reasons of national security require otherwise. Pending such review, the person concerned shall have the right to seek a stay of the decision of expulsion."³⁴

Additionally, Article 23 of the CMW states that: "Migrant workers and members of their families shall have the right to have recourse to the protection and assistance of the consular or diplomatic authorities of their State of origin or of a State representing the interests of that State whenever the rights recognized in the present Convention are impaired. In particular, in case of expulsion, the person concerned shall be informed of this right without delay and the authorities of the expelling State shall facilitate the exercise of such right."³⁵

UNHCR's Handbook on Voluntary Repatriation states that the rights of refugees "are not recognized, if they are subjected to pressures and restrictions and confined to closed camps, they may choose to return, but this is not an act of free will." Additionally, "the issue of 'voluntariness' as implying an absence of any physical, psychological, or material pressure is, however, often clouded by the fact that for many refugees a decision to return is dictated by a combination of pressures due to political factors, security problems or material needs."³⁶

Amnesty International is not aware of any process by which the Saudi authorities did not conduct an individualized assessment with regards to any potential risks that detainees may face upon return. The lack of individual assessments is particularly dangerous for Tigrayans from the disputed Western Tigray Zone of Ethiopia in light of the crimes against humanity and ethnic cleansing by the Ethiopian government's security forces.³⁷

While none of the individuals Amnesty International interviewed for this briefing are Tigrayans, IOM estimated that thousands of Ethiopians forcibly returned from Saudi Arabia are from regions affected by conflict, including Tigray.³⁸ In January 2022, Human Rights Watch documented the arbitrary detention, ill-treatment and enforced disappearances in Ethiopia of Tigrayans returned from Saudi Arabia between December 2020 and September 2021.³⁹

The United Nations High Commissioner for Refugees (UNCHR) called on states to "suspend the forcible return of nationals and former habitual residents of Ethiopia originating from any areas that are affected by, or which remain fragile and insecure as a result of, military action and/or ensuing displacement, until the situation stabilizes. The bar on forcible return serves as a minimum standard and needs to remain in place,

³⁴ UN International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, adopted on 18 December 1990

³⁵ UN International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, adopted on 18 December 1990

³⁶ UNHCR, *Handbook on Voluntary Repatriation: International Protection*, 1996 <https://www.unhcr.org/publications/legal/3bfe68d32/handbook-voluntary-repatriation-international-protection.html>

³⁷ Amnesty International and Human Rights Watch, "We will erase you from this land: Crimes against humanity and ethnic cleansing in Ethiopia's Western Tigray Zone", (Index: AFR 25/5444/2022), 6 April 2022, <https://www.amnesty.org/en/documents/afr25/5444/2022/en/>

³⁸ IOM, "Return of Ethiopian migrants from the Kingdom of Saudi Arabia, mid-year overview 2022", 14 July 2022,

https://eastandhornofafrica.iom.int/sites/g/files/tmzbd1701/files/documents/iom_rdh_ksa_midyear_overview_2022_0.pdf

³⁹ Human Rights Watch, *Ethiopia: Returned Tigrayans Detained, Abused*, 5 January 2022, <https://www.hrw.org/news/2022/01/05/ethiopia-returned-tigrayans-detained-abused>

until such time, as the security, rule of law, and human rights situation has significantly improved to permit the safe and dignified return of those determined not to be in need of international protection.”⁴⁰

Under international human rights law, the principle of non-refoulement guarantees that no one, regardless of their migration status, should be returned to a country where they would face human rights violations, including torture, cruel, inhuman, or degrading treatment or punishment and other irreparable harm.⁴¹ International law prohibits “constructive” refoulement, which occurs when states use indirect means to coerce individuals to return to a place where they would be at real risk of serious human rights violations.

IMPACT ON MENTAL HEALTH

Most returnees whom Amnesty International spoke to said that they had travelled to Saudi Arabia to seek better living conditions and employment. They lived in Saudi Arabia for periods ranging between a year and a half to 13 years working in private homes, farms or small businesses. According to humanitarian workers interviewed by Amnesty International, the indefinite arbitrary detention of Ethiopian migrants with no visibility as to the duration of their detention in Saudi Arabia had a huge psychological toll on them.

This is further demonstrated through the accounts of former detainees interviewed by Amnesty International who described the mental health impact of the inhuman detention conditions they were held in for several months as well as witnessing the death of other detainees.

Three humanitarian workers told Amnesty International that they observed a significant deterioration in returnees’ mental health in the past year, with many identified as needing urgent care upon return to Ethiopia.

The International Labour Organization has identified a range of issues that returnees face, including social isolation and marginalization, health problems, post-traumatic stress, depression or other mental health issues. The organization stated in 2018:

“Some of the Ethiopian returnees lived in Saudi Arabia for more than two decades and have returned home empty-handed with neither belongings nor assets. Before deportation, many of the returnees were held in detention centres with inadequate access to food, public utilities, and with a general lack of privacy. Furthermore, due to the extreme conditions experienced in detention centres, many returnees developed severe medical conditions, such as physical and psychological trauma, psychiatric illnesses due to gender-based violence, suspected rape, and respiratory illnesses, including pneumonia.”⁴²

A humanitarian worker told Amnesty International that both humanitarian organizations in Ethiopia and the government lacked sufficient funding to address the massive scale of returns and support in the rehabilitation of returnees.⁴³

According to the IOM’s assessment of the return of Ethiopian migrants from Saudi Arabia to Ethiopia:

“Following the regularization of Saudi Arabia’s labour market, returns have mainly been involuntary. Given this sudden and unprepared forced repatriation, the reintegration of these returnees has been painfully slow and largely unaddressed. Most returnees face severe difficulties in reintegrating, as they return empty-handed because they used their earnings for living expenses and remittances. Many of them also experienced severe hardships during their stay and during return, causing medical and psychological conditions.”⁴⁴

⁴⁰ UN High Commissioner for Refugees (UNHCR), *UNHCR Position on Returns to Ethiopia*, March 2022, <https://www.refworld.org/pdfid/623079204.pdf>

⁴¹ UNHCR, *Advisory Opinion on the Extraterritorial Application of Non-Refoulement Obligations under the 1951 Convention relating to the Status of Refugees and its 1967 Protocol*, <https://www.unhcr.org/uk/4d9486929.pdf>

⁴² International Labour Organization, *Situations and Needs Assessment of Ethiopian returnees from the Kingdom of Saudi Arabia*, 2018, https://www.ilo.org/wcmsp5/groups/public/---africa/---ro-abidjan/---sro-addis_ababa/documents/publication/wcms_670539.pdf

⁴³ Interview by voice call with a humanitarian worker, 23 June 2022.

⁴⁴ IOM, *Returns from Saudi Arabia* (previously cited).

6. CRUEL AND INHUMAN DETENTION CONDITIONS

Saudi immigration officials held the Ethiopian migrants in dire overcrowded cells in the Al-Kharj and Al-Shumaisi detention centres with no ventilation. Interviewees consistently told Amnesty International that they had inadequate access to food, water and sanitation, including toilet facilities and were denied adequate access to medical care throughout their time in detention, where they were exposed to communicable diseases such as Tuberculosis.

Two former detainees told Amnesty International that they were held in cells with around 60 beds that housed 200-400 other detainees. As a result, detainees took turns sleeping on beds while others were forced to sleep on the floor. Videos posted online and verified by Amnesty International showed women and men, in separate sections, crammed in extremely crowded cells consistent with what interviewees described.⁴⁵

According to the United Nations Office on Drugs and Crime (UNDOC), overcrowding, compounded with such detention conditions, undermines health conditions and leads to an increased risk for epidemics of communicable diseases such as Tuberculosis, hepatitis, sexually transmitted infections (STIs) and blood borne diseases, as well as mental health issues.⁴⁶

Bilal, a former detainee held in in Al-Shumaisi for 11 months said:

“There were 200 people in my room when only 64 beds were available. There is not enough mattresses and bedding for us. So many of us slept on metal beds with no mattresses. The rest were sleeping on the floor ... It's like we are not human.”⁴⁷

Interviewees told Amnesty International that prison authorities did not distribute soap or sanitizers to maintain personal hygiene. Water for showering was not always available, and one former detainee described only being able to shower twice a week.⁴⁸ Two former detainees told Amnesty International that they were forced to shave their heads by burning their hair because prison authorities did not distribute shavers. Aziz said: “When we had lice, we had to burn our hair with lighters. It was horrendous.”⁴⁹

Bilal also told Amnesty International that:

“We were not treated like humans... Where I worked [prior to detention], it was extremely hot, around 54°C. In the detention centre, it [room temperature] felt even worse than the conditions outside. I have no other words to express this.”⁵⁰

All former detainees interviewed told Amnesty International that prison authorities did not distribute sufficient amounts of food and water throughout their time in detention. Bilal said that the food distributed for six people was barely sufficient for one person.⁵¹ Mahmoud, another former detainee, described to Amnesty International the food he was provided with, consistent with testimonies of all those who have been detained in both the Al-Kharj and Al-Shumaisi detention centres:

“In the morning they gave us one chapati [Indian flatbread], for lunch time we were given rice - the portion was so little it was smaller than our hand, and for dinner a small chapati.”⁵²

Two former detainees told Amnesty International that the prison authorities provided each person with half a litre of water per day. Five other former detainees added that they were not provided with potable water, except for the bottled water distributed to children held with women, so they had no other choice but to drink from the bathroom tap which was salty and dirty.

⁴⁵ Tiktok video, 14 July 2021, https://www.tiktok.com/@eldanaeldana443/video/6984559520311790849?is_from_webapp=v1&item_id=6984559520311790849 and Twitter post, 4 February 2022, video and analysis available on file with Amnesty International.

⁴⁶ United Nations Office on Drugs and Crime (UNDOC), *Handbook on strategies to reduce overcrowding in prisons*, October 2013, www.unodc.org/documents/justice-and-prison-reform/Overcrowding_in_prisons_Ebook.pdf

⁴⁷ Interview by voice call with Bilal (name changed for security reasons), former detainee, 27 May 2022.

⁴⁸ Interview by voice call with Bilal (name changed for security reasons), former detainee, 27 May 2022.

⁴⁹ Interview by voice call with Aziz (name changed for security reasons), former detainee, 27 May 2022.

⁵⁰ Interview by voice call with Bilal (name changed for security reasons), former detainee, 27 May 2022.

⁵¹ Interview by voice call with Bilal (name changed for security reasons), former detainee, 27 May 2022.

⁵² Interview by voice call with Mahmoud (name changed for security reasons), former detainee, 31 May 2022.

All former detainees told Amnesty International that the spread of lice and other skin diseases prompted many to purchase plastic trash bags to use as blankets for protection. Amnesty International verified photos and videos, geo-located to the Al-Kharj detention centre, which shows at least 10 detainees using black plastic trash bags as a cover.⁵³

Ten former detainees told Amnesty International that prison authorities denied them and other people suffering from a range of serious health problems access to adequate health care and treatment, such as timely access to a doctor or other health professionals and medication.

Four former detainees told Amnesty International that several of their fellow detainees would at times vomit and cough blood, which they believed were symptoms of Tuberculosis. But when they asked the detention centre guards for medical attention, in most cases they were not given access to a doctor. Six former detainees told Amnesty International that nobody in their cell was ever taken to a doctor or medical centre. In one case, prison authorities provided a cream to treat skin irritation.⁵⁴

Three of them said that they had to bang repeatedly on their cell door or to boycott meals to convince the guards to take them to a doctor. Four former detainees who had managed to see a doctor said he had not provided them with timely or adequate medical treatment and had only given them a painkiller (paracetamol) to treat their health problems, including respiratory diseases.

Two humanitarian workers told Amnesty International that a significant number of people who were returned to Ethiopia from Saudi Arabia's prisons suffered from respiratory and infectious diseases such as Tuberculosis.⁵⁵ They added that babies as young as one month who returned with their mothers had not received the required vaccinations at birth while mothers had not received basic post-natal healthcare.

Amnesty International spoke to Aziz and Mahmoud, two former detainees detained in the same cell, who said that two of their former cellmates had died upon their arrival in Addis Ababa. Aziz and Mahmoud said that the two other detainees had developed respiratory problems while in detention in Saudi Arabia, coughing and vomiting blood. One of them had lost a lot of weight and became frail and forgetful. Upon his arrival in Ethiopia, he was reportedly diagnosed by an Ethiopian hospital with Tuberculosis and died shortly thereafter. Amnesty International was not able to independently verify the cause of death.

Mahmoud, a former detainee and friend of one of the men who died in Ethiopia recounted to Amnesty International the experience of his friend who was detained with him:

“In the first seven months of Mustafa’s [pseudonym] detention, he never felt sick... One day [in detention], he called on me as he was vomiting blood ... He then started forgetting things, even our prayer time. He coughed in his sleep and vomited a lot... He couldn’t even balance himself when he tried to stand. His health deteriorated further and he lost a lot of weight with time. He was taken to a health centre [near the prison] the first time for 15 minutes and given paracetamol. He was then taken to a health centre two other times, forced to walk each time for 45 minutes to reach it, but his situation continued to deteriorate. He then refused to go again just to be given paracetamol ... Mustafa was very sick when we landed in Ethiopia. He was referred to St. Paul’s hospital immediately which confirmed that his lungs had been highly affected with Tuberculosis. He died in the hospital the same day we arrived in Ethiopia.”⁵⁶

The Saudi authorities have violated the basic principle of treating prisoners “with the respect due to their inherent dignity and value as human beings,” including by denying them adequate accommodation, clothing and bedding, personal hygiene and health care services.⁵⁷

According to international standards, including the UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment and the UN Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules), all those deprived of their liberty must at a minimum be guaranteed: adequate accommodation meeting the requirements of health; a separate bed and clean bedding; sufficient lighting and ventilation; access to washing and sanitation facilities; one hour of daily exercise in open air (weather allowing); items necessary to maintain personal hygiene; nutritional food of wholesome

⁵³ Analysis of footage on file with Amnesty International.

⁵⁴ Interview by voice call with Omar (name changed for security reasons), former detainee, 26 May 2022.

⁵⁵ Interview by voice call with two humanitarian workers, 2 June 2022.

⁵⁶ Interview by voice call with Mahmoud (name changed for security reasons), former detainee, 31 May 2022.

⁵⁷ UN Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules), Rule 1.

quality; drinking water; and regular communication with their families. Falling short of these minimum standards may negatively impact the rights to health and life.

Rule 24 of the Nelson Mandela Rules clarifies that “the provision of health care for prisoners is a State responsibility” and that “prisoners should enjoy the same standards of health care that are available in the community” without discrimination. Rule 27 also provides that prisoners who require specialist treatment must be transferred to specialized institutions or outside hospitals when such treatment is not available in prison. Rule 44 requires the authorities to inform relatives when detainees are seriously ill or seriously injured. The Nelson Mandela Rules further stipulate that there must be psychiatric services to diagnose and treat mental abnormalities (Rules 22 and 82).⁵⁸

7. TORTURE AND OTHER ILL-TREATMENT IN DETENTION

Former detainees also told Amnesty International that guards at the Al-Shumaisi and Al-Kharj detention centres subjected them to torture and other ill-treatment mostly as a form of punishment for using smuggled phones to share photos and videos of detention conditions on social media, quarrelling with other detainees and boycotting meals to protest against the insufficient amount of food they were given and the denial of medical care for those who are sick.

Six former detainees told Amnesty International that prison guards had slapped them on the face, beaten them with sticks and belts, subjected them to verbal violence, including insults, and forced them to stand or lay on an asphalt road, a material known to absorb and retain heat, in very high temperatures outside of the prison which caused skin burns.⁵⁹

Hussein said that prison officials in Al-Kharj detention centre took him and 15 other detainees to beat them with a metal stick after they complained about the small amount of food they were being provided. He told Amnesty International: “I couldn’t walk for eight days after this. My friend had to take me to the bathroom. I was not given any medication.”⁶⁰

In another incident in Al-Shumaisi detention centre, Bilal told Amnesty International that prison officials had lashed him and at least 10 other detainees with a cable after the detainees refused to eat breakfast one day in order to pressure the guards to transfer their ill cellmates to the medical centre. He described to Amnesty International:

“As a punishment [for the boycott of food], prison guards took anyone close to the cell door to be punished. They did this [lashes] to 10 people at a time. They told us to stand on the floor and raise our hands for two hours during which we were lashed with a steel cable.”⁶¹

Mahmoud described two other instances where their boycott of food to call for medical assistance for sick cellmates led to torture. He told Amnesty International that in one instance:

“We refused to eat food for 24 hours. We never boycotted for more than 24 hours to be considerate of people’s health. We told them [guards] that if our brothers here are dying, we will die together. We did this every time one of the men were sick. We did this for my friend, and we did this for people from all regions in Ethiopia. In one instance, 16 people were sick, so we always did another boycott for all of them. Prison guards said that ‘we don’t care whether you die or not’, and punched 10 people who they said were leading the boycotts”⁶²

Said told Amnesty International that prison officials tortured him twice: once for posting a video on Tiktok, a social media application, which showed the conditions inside the detention facility and the second time for quarrelling with other detainees. He told Amnesty International:

“Prison guards made me stand on the asphalt road, which was torching hot and kicked me with a stick. They also kicked me with their feet. The torture lasted for around an hour. [The second time] they took us to the asphalt road

⁵⁸ Nelson Mandela Rules.

⁵⁹ Cleveland Clinic, “Ooh! Ouch! That Scorching Hot Pavement Can Actually Burn Your Skin”, 9 August 2019, <https://health.clevelandclinic.org/ooh-ouch-that-scorching-hot-pavement-can-actually-burn-your-skin/>

⁶⁰ Interview by voice call with Hussein (name changed for security reasons), former detainee, 27 May 2022.

⁶¹ Interview by voice call with Bilal (name changed for security reasons), former detainee, 26 May 2022.

⁶² Interview by voice call with Mahmoud (name changed for security reasons), former detainee, 31 May 2022.

again, made us take off our shoes, walk and then lay down for around three hours...I couldn't walk the next day and was not given anything other than paracetamol.”⁶³

Torture and other ill-treatment in detention violate Saudi Arabia’s obligations as a state party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) and the prohibition of torture under customary international law. The Convention states that each state party “shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction.”⁶⁴

Saudi Arabia is also obliged to initiate “a prompt and impartial investigation, wherever there is reasonable ground to believe that an act of torture has been committed.”⁶⁵ Moreover, Saudi Arabia’s Law of Criminal Procedure states that “a person under arrest may not be subjected to any bodily or moral harm, nor torture or degrading treatment.”⁶⁶

8. DEATHS IN DETENTION

Former detainees told Amnesty International that at least 10 of their cellmates had died during their detention in Al-Kharj and Al-Shumaisi detention centres between April 2021 and May 2022. They said that their cellmates had become critically ill, but detention officials had repeatedly ignored calls for help and requests for transfer to a hospital.

In addition to eyewitness testimonies, Amnesty International verified a video showing a group of men in Al-Kharj detention centre gathered around what appears to be a dead body wrapped in a black plastic bag performing a funeral prayer ritual (*salat al-janaza*).⁶⁷

While Amnesty International is not able to verify the cause of the deaths in custody, former detainees said that those who had died had been ill for a while beforehand, and that their health condition had further deteriorated due to the authorities’ denial of adequate health care. An interviewee described to Amnesty one case where a former detainee’s respiratory condition deteriorated to the extent that he was vomiting blood. Despite that, the interviewee said that guards did not give him access to medical care, and he died shortly thereafter.⁶⁸

Hussein told Amnesty International that one of his cellmates had died one month after guards in Al-Kharj detention centre had tortured him by beating with a metal stick, which led to serious injuries. Despite multiple requests to have his injuries treated, Hussein said that the detainee was not given access to a doctor:

“One of my friends died one month after this torture. He had pain in the ribs and was not taken to a hospital. We begged prison guards to take his body after he died but we were not allowed to continue knocking on the gates. They took out his body two days later.”⁶⁹

Mohammed, who was also detained in Al-Kharj, told Amnesty International:

“In our cell, someone died due to lack of access to medication. When we told the prison security that he needs medical treatment, they refused to take him to a hospital and, instead, they took him out of the room only after he died. I do not know what his medical case was. What I know is that he stopped eating for 10 days because he was very ill.”⁷⁰

Aziz and Hussein told Amnesty International that in the case of two former detainees who died in their cells, their dead bodies were left in the room for up to two days before the authorities took them

⁶³ Interview by voice call with Said, 26 May 2022.

⁶⁴ Convention against Torture, Article 2.

⁶⁵ Convention against Torture, Article 12.

⁶⁶ Law of Criminal Procedure, Article 2.

⁶⁷ Nabil Sufiyan Ahmed, Twitter Post, 8 February 2022, “Did you know? After his hope faded away, one of the victims being held in Saudi Arabian torture center has taken his life away in a bathroom” <https://twitter.com/NebilSufiyan/status/1491098865105129474>

⁶⁸ Interview by voice call with Aziz (name changed for security reasons), former detainee, 27 May 2022.

⁶⁹ Interview by voice call with Hussein (name changed for security reasons), former detainee, 26 May 2022.

⁷⁰ Interview by voice call with Mohammad (name changed for security reasons), former detainee, 26 May 2022.

outside of the cell. Aziz also said that during his 18 months in detention, he personally saw the bodies of seven people who died in his cell, one of whom was from his village. He described how the authorities left the body of a detainee in the cell for 24 hours before taking him out:

“After Idris (pseudonym) died, we all knocked the cell door to call for prison guards. His body stayed with us for a long time. He died around 11 AM. We kept knocking until they took him outside of the cell and put him in front of our cell’s door until 10 PM at night. We never knew what they did to his body. We gave up on our lives the moment Idris died. We could only think that tomorrow will be our time. We felt deeply scared and sad ... I thank God that I returned. I could have died if I stayed there.”⁷¹

Amnesty International is not aware of any effective, thorough, impartial and independent investigations conducted into the causes and circumstances of any of these deaths in custody, contributing to a climate of impunity and showing a total disregard to human life.

States have the responsibility to investigate cases of death in custody in unnatural circumstances, as noted by the Human Rights Committee in its General Comment No. 36 on the right to life: “The duty to protect the life of all detained individuals includes providing them with the necessary medical care and appropriately regular monitoring of their health.”⁷² General comment No. 36 also sets out “loss of life occurring in custody, in unnatural circumstances, creates a presumption of arbitrary deprivation of life by State authorities, which can only be rebutted on the basis of a proper investigation which establishes the State’s compliance with its obligations under Article 6.”⁷³

9. CONCLUSION AND RECOMMENDATIONS

Since 2017, the Saudi authorities have subjected tens of thousands of Ethiopian men and women to arbitrary arrest and detention solely on the basis of their irregular immigration status and then forcibly returned them, sometimes to situations where they risk persecution or other rights abuses. Ethiopian migrants were indefinitely detained in cruel and inhuman detention conditions, subjected to torture and other ill-treatment, and denied medical care, leading to at least ten allegations of deaths in custody between April 2021 and May 2022, Ethiopian migrants were then forcibly returned to Ethiopia without any prior notice or opportunity to legally challenge their detention or return or to argue their case for protection.

An estimated 30,000 individuals continue to be detained in similar conditions and will most likely be forcibly returned to Ethiopia in the coming months. But hundreds of thousands of undocumented Ethiopian migrants remain in Saudi Arabia and are at risk of arbitrary detention and forcible returns.

The international community should pressure the Saudi authorities to abide by their international obligations and respect the rights of migrants by immediately and unconditionally releasing all those detained solely for their immigration status. They should also pressure Saudi Arabia to hold accountable perpetrators of abuse against migrants and immediately improve the conditions in detention.

Amnesty International has since 2019 called on the UN Human Rights Council to establish a monitoring and reporting mechanism on the human rights situation in Saudi Arabia, which would include violations in deportation and detention centres.

TO THE GOVERNMENT OF SAUDI ARABIA

- End the arbitrary arrests and detention of migrants based on their immigration status and nationality, and release all migrants arbitrarily detained, prioritizing detained pregnant women and children;

⁷¹ Interview by voice call with Aziz (name changed for security reasons), former detainee, 27 May 2022.

⁷² UN Human Rights Committee (HRC), *General comment No. 36, Article 6 (Right to Life)*, 3 September 2019, UN Doc. CCPR/C/GC/35, para. 25

⁷³ UN HRC, *General comment No. 36, Article 6 (Right to Life)*, para. 29 (previously cited).

- End forced returns of Ethiopian migrants without giving them an opportunity to legally challenge their deportation. Ensure that an individualized assessment is conducted, particularly for Tigrayans, of any protection needs to ensure that no one who risks facing persecution is returned;
- Immediately end torture and other ill-treatment in detention and ensure that judicial authorities conduct unannounced prison visits to hear any complaints;
- Conduct an independent and impartial investigation into deaths in custody, 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;
- Take measures to improve dire prison conditions in line with the Nelson Mandela Rules by providing prisoners with sufficient and nutritious food; ensuring proper hygiene and sanitation including regular access to safe water, washing facilities and toilets; providing prisoners with climate-appropriate clothing and bedding; and ensuring that prisoner accommodation has adequate space, ventilation and lighting;
- Ensure that guards allow all prisoners access to daily exercise and fresh air in line with the Nelson Mandela Rules;
- Ensure that all detainees receive adequate physical and mental health care in prisons, including access to needed medication, free of charge, without discrimination on any grounds, on a par with health care available in the wider community. Ensure that any detainee suffering from injuries or serious illnesses are promptly transferred to hospital or facilities with appropriate medical care;
- When adequate or specialist capacity to provide needed screening and treatment is lacking, transfer prisoners to specialized institutions or outside hospitals without delay. Ensure that medical decisions pertaining to prisoners' health care or transfer to outside hospitals are made independently by health care professionals and respected by prison officials;
- Address specific needs of pregnant women and lactating mothers including provision of medical services, clothes for infants and appropriate post-natal accommodation;
- Ensure migrants have access to essential services, care and safety, including adequate and safe accommodation and healthcare, free from discrimination and ill-treatment;
- End the kafala (sponsorship) system in Saudi Arabia which ties migrant workers to employers through: Abolishing the requirement for workers to obtain their current employer's permission to change jobs or leave the country; decriminalizing "absconding" and refraining from detaining migrant workers for having "run away".

TO THE GOVERNMENT OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA

- 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 release all those arbitrarily detained solely for their immigration status;
- Establish proper reception arrangements for returning pregnant women, women with young children and unaccompanied children;
- Ensure provision of protection and re-integration programmes for returning migrants, including economic, social and mental support for migrants returning to their hometowns.

TO OTHER GOVERNMENTS AND DONORS

- Pressure Saudi Arabia to end violations of international law, including ending arbitrary arrests, indefinite detention, cruel and inhuman detention conditions, and torture and other ill-treatment;
- Increase funding to support the Ethiopian government and humanitarian organizations to facilitate a robust humanitarian response, including provision of safe shelter, medical treatment, basic services and re-integration for returnees.

TO THE UN HUMAN RIGHTS COUNCIL

- Establish a monitoring and reporting mechanism on the human rights situation in Saudi Arabia, which would include conditions in deportation and detention centres.

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Index: **MDE 23/5826/2022**

Publication: December 2022

Original language: **English**

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