

Immigration Detention in Saudi Arabia

About the Global Detention Project

The Global Detention Project (GDP) is a non-profit research centre based in Geneva, Switzerland, that investigates the use of detention in response to global migration. The GDP's aims include: (1) providing researchers, advocates, and journalists with a measurable and regularly updated baseline for analysing the growth and evolution of detention practices and policies; (2) facilitating accountability and transparency in the treatment of detainees; and (3) encouraging scholarship in this field of immigration and refugee studies.

This publication is made possible in part
by the generous support of the Open
Society Foundations.



OPEN SOCIETY
FOUNDATIONS

Immigration Detention in Saudi Arabia

January 2016

Abstract

What we know about immigration detention in Saudi Arabia comes from scattered press accounts and reports by human rights organizations that rely on information provided by former detainees after they have been deported. While our knowledge of the Saudi detention regime remains very incomplete, these reports make clear that detention has become an important tool in the government's efforts to restrict unauthorized foreign workers, particularly as the number of people targeted for removal from the country has skyrocketed in recent years.

Introduction

In March 2014, Agence France-Presse reported that a migrant confined in an immigration detention centre near Mecca was killed and nine others injured when police intervened to stop an uprising at the facility. A police spokesperson explained that the intervention had been necessary because detainees "tried to cause chaos ... resulting in damages to the centre."¹ A few months earlier, in November 2013, a spokesperson for the Riyadh police was quoted in a news report saying the government was spending some 1 million Saudi Riyals (approximately 266,000USD) daily to detain "illegal Ethiopians" and had "rented 90 rest houses at double the normal price and milk valued at SR200,000 for their children."²

As there is little government transparency in Saudi Arabia and no independent oversight of detention practices, what we know about immigration detention in the country comes from scattered press accounts like the ones cited above and reports by human rights organizations that rely on information provided by former detainees after they have been deported. While our knowledge of the Saudi detention regime remains very incomplete, these reports make clear that detention has become an important tool in the government's efforts to restrict the number of unauthorized foreign workers.³ Additionally, there are reports dating back more than a decade indicating that Saudi authorities were using prisons and other facilities to hold non-citizens in a form of immigration detention.⁴

To help fill in gaps in our knowledge of detention practices in the country, the Global Detention Project (GDP) reviewed the country's legislation, contacted sending country embassies and local offices of international organizations, corresponded with NGOs, consulted human rights reports and websites that address immigration issues in the country (including www.migranteme.org, migrantemena.blogspot.ch, and www.migrant-rights.org), and examined the meagre resources on the country produced by relevant human rights bodies. The GDP also reached out to rights activists

¹ Agence France-Presse (AFP), "Illegal migrant dies in Saudi detention centre unrest," AFP, 3 March 2014, <http://www.globalpost.com/dispatch/news/afp/140303/illegal-migrant-dies-saudi-detention-centre-unrest>.

² Arab News, "SR1 million spent daily to shelter illegal Ethiopians," 16 November 2013, <http://www.arabnews.com/news/478286>.

³ Two recent reports discussing immigration detention in Saudi Arabia are: Human Rights Watch, "Detained, Beaten, Deported: Saudi Abuses against Migrants during Mass Expulsions," May 2015; and Regional Mixed Migration Network, "Behind Bars: The Detention of Migrants in and from the East & Horn of Africa," February 2015.

⁴ Arab News, "Deportees Face Harsh Conditions," April 6, 2005, <http://www.arabnews.com/node/264924>; Human Rights Watch, "Bad Dreams: Exploitation and Abuse of Migrant Workers in Saudi Arabia," Vol. 16, No. 5(E), July 2004.

working with migrants both in Saudi Arabia and after deportation, interviewing in particular one individual who advocates on behalf of migrants.⁵

Saudi Arabia has long been an important destination for workers from across Asia and the Middle East, who account for nearly a third of the country's population.⁶ Labour migration to the Kingdom began as early as the 1930s, spurred by oil exploration, but picked up significantly after the oil boom of the 1970s (Saudi Arabia has the second largest oil reserve in the world and maintains the world's largest crude oil production).⁷ As of 2013, the country was home to approximately 9 million immigrants.⁸

Foreign workers, in fact, represent the largest segment of the country's working population.⁹ By 2008, non-nationals accounted for 50.6 percent of the country's workers.¹⁰ A more recent study reports that by 2013 foreigners "accounted for 56.5 percent of the employed population, and 89 percent of the private sector workforce."¹¹ According to the Middle East online advocacy forum Migrant-Rights.org, a stunning 99.6 percent of all domestic workers and personal assistants in the Kingdom are foreigners.¹² Complicating their situation is the fact that many of these workers are undocumented. According to the activist working with Filipinos who was interviewed by the GDP, of the 1.2 million Filipino workers in Saudi Arabia, the vast majority are "undocumented" because they have either left their official employer or overstayed their permits.¹³ In August 2015, Saudi Arabia also experienced a significant influx of refugees fleeing conflicts in nearby countries, particularly Syria. Media reports citing government sources state that by September 2015 some 500,000 Syrians had arrived in the country.¹⁴ Saudi Arabia, however, has not ratified the UN Refugee Convention, and the Syrians are not considered to be refugees. One Saudi journalist writes that while many Syrians have been able to remain in the country after their visas expired and find jobs, the country is trying to prevent more refugees from coming because the labour market is "saturated." He writes: "Our brotherly relations with the Syrian people ... prevailed, and we opened our doors to them as much we could. But our economy cannot tolerate hosting refugees who turn into residents."¹⁵

It is against this demographic backdrop that any assessment of immigration detention in Saudi Arabia must be understood. On the one hand, the country—like all of its Gulf neighbours—is

⁵ Because of the sensitivity of this issue in Saudi Arabia and the vulnerability faced by migrants in the country, the source asked to remain anonymous. Undisclosed source, multiple telephone interviews and email exchanges with Parastou Hassouri and Michael Flynn (Global Detention Project), between February 2014 and October 2015.

⁶ Migration Policy Institute, Top 25 Destination Countries for Global Migrants over Time, 2013, <http://www.migrationpolicy.org/programs/data-hub/charts/top-25-destination-countries-global-migrants-over-time>.

⁷ Rakee Timothy & S.K. Sasikumar, "Migration of Women Workers from South Asia to the Gulf," V.V. Giri National Labour Institute and UN Women, 2012, http://www.ucis.pitt.edu/global/sites/www.ucis.pitt.edu.global/files/migration_women_southasia_gulf.pdf.

⁸ UN Department of Economic and Social Affairs, <http://esa.un.org/migration/>. See also, Rakee Timothy & S.K. Sasikumar, "Migration of Women Workers from South Asia to the Gulf," V.V. Giri National Labour Institute and UN Women, 2012,

http://www.ucis.pitt.edu/global/sites/www.ucis.pitt.edu.global/files/migration_women_southasia_gulf.pdf.

⁹ Rakee Timothy & S.K. Sasikumar, "Migration of Women Workers from South Asia to the Gulf," V.V. Giri National Labour Institute and UN Women, 2012,

http://www.ucis.pitt.edu/global/sites/www.ucis.pitt.edu.global/files/migration_women_southasia_gulf.pdf.

¹⁰ Ibid.

¹¹ Françoise De Bel-Air, "Demography, Migration, and Labour Market in Saudi Arabia," Gulf Labor Markets and Migration, GLMM - EN - No. 1/2014, 2014, http://gulfmigration.eu/media/pubs/exno/GLMM_EN_2014_01.pdf.

¹² Migrant-Rights.org, <http://www.migrant-rights.org/statistic/domesticworkers/>.

¹³ Undisclosed Source, Telephone Interview with Parastou Hassouri (Global Detention Project), 18 February 2014.

¹⁴ NEOnline, "Why Saudi Arabia won't take any more Syrian refugees," 16 September 2015, <http://neurope.eu/article/ioc-four-european-bids-against-one-from-the-us/>.

¹⁵ Cited in NEOnline, "Why Saudi Arabia won't take any more Syrian refugees," 16 September 2015, <http://neurope.eu/article/ioc-four-european-bids-against-one-from-the-us/>.

notorious for its sponsorship (kafala) labour system, which ties workers to their employers and places enormous pressures on foreign workers, making them vulnerable to abuses at their places of work as well as to arrest, detention, and deportation. There have been numerous reports on the challenges and human rights violations that expatriate workers experience in this system, particularly low-wage workers and women domestic workers.¹⁶

At the same time, “Saudi Arabia is one of the countries that have implemented vigorous policies to reduce dependence on foreign workers and increase the employment of nationals in the economy.”¹⁷ As recently as 1985, non-nationals accounted for a 65 percent of the country’s labour force. To drive down these numbers, a policy of “Saudisation” has been pursued, which has included a series of deportation campaigns aimed at removing “illegal workers.” These mass removal efforts have led to huge numbers of people being placed in detention as they await removal from the country. According to Amnesty International’s 2014/2015 report on Saudi Arabia, “Many migrants reported that prior to their deportation they had been packed into severely overcrowded makeshift detention facilities where they received little food and water and were abused by guards.”¹⁸

The deportations, part of a larger domestic labour market restructuring called Nitaqat, have been massive in scale. In April 2013, Saudi authorities announced that nearly 800,000 illegal workers had been deported during the previous 15 months.¹⁹ Further, between November 2013 and March 2014 over 1.5 million “illegal noncitizen workers” reportedly “either self-deported or were forcibly deported” and the Ministry of Interior reported that “it detained an average of 22,000 “illegal migrants” per month between February and August [2013].”²⁰ According to the International Organisation for Migration (IOM), during the period June 2013 to November 2014, 613,743 Yemenis were returned.²¹

In November 2013, by which time some five million undocumented expatriates had been regularized,²² a “grace period” expired and a Ministry of Interior spokesman declared that “all expatriates who work for their personal gain or overstayed their Haj, Umrah, and visit visas and infiltrators will be caught and will be detained until completing legal procedures for penal measures and deportation.” The government also stated that the campaign would target those who “cover up illegals or those who give them shelter or transportation or any kind of help” and that all “branches of the Public Security will shoulder the responsibility of catching the violators and handing them over to detention centres, which will be under the supervision of the General Prisons Directors.”²³

This crackdown was accompanied by numerous reports of ill-treatment, which generally came to light after people had been deported. For instance, when 30 Filipino workers were expelled in

¹⁶ See, for instance, Heather E. Murray, “Hope for Reform Springs Eternal: How the Sponsorship System, Domestic Laws and Traditional Customs Fail to Protect Migrant Domestic Workers in GCC Countries,” *Cornell International Law Journal*, Vol. 45, 2012, Pages 461-485; U.S. State Department, 2013 Trafficking in Persons Report - Saudi Arabia, 19 June 2013, available at: <http://www.refworld.org/docid/51c2f39318.html>.

¹⁷ Rakee Timothy & S.K. Sasikumar, “Migration of Women Workers from South Asia to the Gulf,” V.V. Giri National Labour Institute and UN Women, 2012, http://www.ucis.pitt.edu/global/sites/www.ucis.pitt.edu.global/files/migration_women_southasia_gulf.pdf.

¹⁸ Amnesty International, Amnesty International Report 2014/2015: Kingdom of Saudi Arabia, <https://www.amnesty.org/en/countries/middle-east-and-north-africa/saudi-arabia/report-saudi-arabia/>.

¹⁹ Glen Carey, “Saudi Arabia tackles illegal labor in job creation push,” *Bloomberg News*, 4 April 2013, <http://www.bloomberg.com/news/2013-04-04/saudi-arabia-tackles-illegal-labor-in-job-creation-push.html>.

²⁰ U.S. State Department, 2014 Country Reports on Human Rights Practices – Saudi Arabia.

²¹ International Organisation for Migration, “Yemeni migrants returned from Saudi Arabia through the Border Crossing Point of Al Tuwal, Hajjah – November 2014 Update,”

<http://www.iom.int/files/live/sites/iom/files/Country/docs/2014-12-01-Yemeni-Migrant-Snapshot.pdf>. Based on the numbers of deportations reported in this study, a conservative estimate of the number of people placed in immigration-related detention during 2013 in Saudi Arabia would be approximately 250,000.

²² Françoise De Bel-Air, “Demography, Migration, and Labour Market in Saudi Arabia,” *Gulf Labor Markets and Migration*, GLMM - EN - No. 1/2014, 2014, http://gulfmigration.eu/media/pubs/exno/GLMM_EN_2014_01.pdf.

²³ Mansour Al-Shahri, “Amnesty ends; all-out raid begins,” *Saudi Gazette*, 4 November 2013, <http://www.saudigazette.com.sa/index.cfm?method=home.regcon&contentid=20131104185678>.

November 2013, they made allegations of abuse, stating that the Saudi police rounded them up and placed them in a crowded cell for four days with their feet chained before taking them to the airport to be deported.²⁴

Also in early November 2013, round-ups in the Manfouha district in Riyadh, where many East Africans (particularly Ethiopians) live, led to clashes with security forces and resulted in scores of injuries and at least two deaths.²⁵ Human Rights Watch (HRW) spoke to five Ethiopian migrant workers in Saudi Arabia who described the attacks that took place in the Manfouha neighbourhood.²⁶ It is estimated that more than 150,000 Ethiopians were expelled from the Kingdom during the crackdown.²⁷ However, in a 2014 interview, Aida Awel, Chief Technical Advisor on Migrant Domestic Workers at the International Labour Organization's Addis Ababa Office stated that the number of Ethiopian returnees had reached 163,018, of which 100,688 were men, 53,732 women, and 8,598 children.²⁸ The large scale of round-ups in a relatively short period of time also meant that migrants were detained in makeshift facilities and even camps.²⁹

There has also been concern that the recent deportations in Saudi Arabia have included refugees and asylum seekers. According to reports, between December 2013 and August 2014, Saudi authorities summarily deported 40,000 Somalis, many of them from parts of Somalia where their lives and freedom would likely be threatened.³⁰ During debriefings after their deportations, the Somalis claimed that beatings and other abusive treatment occurred during the deportation process.³¹

As noted previously in this report, the recent crackdown on foreigners is not unprecedented. There are reports dating back nearly 15 years of people being placed in immigration detention. Also, in 2003, Saudi Arabia attempted to construct a fence along its 1,800-kilometer border with Yemen. Construction was halted after the Yemeni government complained that it violated a border treaty the two countries signed in 2000.³² However, construction of the fence resumed in 2013,³³ accompanied with the deportation of hundreds of thousands of Yemenis, causing an outcry from the impoverished nation, which depends heavily on remittances.³⁴

Laws, Policies, and Practices

²⁴ Agence France Presse, "OFWs allege abuse in Saudi immigration crackdown," 4 November 2013, <http://globalnation.inquirer.net/89537/ofws-allege-abuse-in-saudi-immigration-crackdown>.

²⁵ Ellen Knickmeyer, "Saudi crackdown on workers turns violent," Wall Street Journal, 10 November 2013 <http://online.wsj.com/news/articles/SB10001424052702303309504579188832147386314>.

²⁶ Human Rights Watch, "Saudi Arabia: labor crackdown violence," 1 December 2013, <http://www.hrw.org/news/2013/11/30/saudi-arabia-labor-crackdown-violence>.

²⁷ U.S. State Department, "U.S. Department of State: additional contribution to International Organization for Migration emergency assistance to vulnerable Ethiopian migrants," 16 January 2014, <http://www.state.gov/r/pa/prs/ps/2014/01/219927.htm>.

²⁸ Migrant-Rights.org, "Interview: the ILO's Aida Awel on the future of Ethiopia's 160,000 returning migrants," 10 April 2014, <http://www.migrant-rights.org/2014/04/interview-the-ilos-aida-awel-on-the-future-of-ethiopias-160000-returning-migrants/>.

²⁹ Human Rights Watch, "Saudi Arabia: labor crackdown violence," 1 December 2013, <http://www.hrw.org/news/2013/11/30/saudi-arabia-labor-crackdown-violence>.

³⁰ International Organization for Migration, Situation Report 10: IOM Somalia Returns, 11 July – 14 August 2014; Human Rights Watch, "Saudi Arabia: 12,000 Somalis expelled," 18 February 2014, <http://www.hrw.org/news/2014/02/18/saudi-arabia-12000-somalis-expelled>.

³¹ Human Rights Watch, "Saudi Arabia: 12,000 Somalis expelled," 18 February 2014, <http://www.hrw.org/news/2014/02/18/saudi-arabia-12000-somalis-expelled>.

³² BBC, "Yemen says Saudis will stop fence," 18 February 2004, http://news.bbc.co.uk/2/hi/middle_east/3495533.stm.

³³ BBC, "Saudi Arabia builds giant Yemen border fence," 9 April 2013, <http://www.bbc.com/news/world-middle-east-22086231>.

³⁴ Ian Black, "Saudi Arabia expels thousands of Yemeni workers," The Guardian, 2 April 2013, <http://www.theguardian.com/world/2013/apr/02/saudi-arabia-expels-yemeni-workers>.

The Kingdom of Saudi Arabia, an absolute monarchy whose king is both head of state and head of government, is arguably the most conservative country in the Middle East. It is heavily influenced by an extreme form of Islam known as Wahhabism and it is notorious for its pervasive gender-based discrimination.

The government bases its legitimacy on its interpretation of Sharia (Islamic law) and on the 1992 Basic Law of Governance, which specifies that “the Kingdom of Saudi Arabia is a sovereign Arab Islamic State” and that the rulers of the country shall be male descendants of the country’s founder, King Abdulaziz bin Abdulrahman Al-Faisal Al-Saud.³⁵ Article 36 of the Basic Law stipulates that “[t]he State shall provide security for all citizens and residents on its territories. No one may be confined, arrested or imprisoned without reference to the Law”.

Article 35 of the Law of Criminal Procedure (Royal Decree No. M/39) also states that “no person shall be arrested or detained except on the basis of a judicial order from the competent authority.” This article also specifies that “[a]ny such person ... shall also be advised of the reasons of his detention ...”³⁶ Additionally, article 114 of the Law of Criminal Procedure provides that if an accused is to be detained in pretrial detention, it is to last a maximum of five days, renewable up to a total of six months. Article 116 provides that “Whoever is arrested or detained shall be promptly notified of the reasons for his arrest or detention, and shall be entitled to communicate with any person of his choice, to inform him (of his arrest or detention), provided that such communication is under the supervision of the criminal investigation officer.” However, the GDP has not come across practical instances where these safeguards are applied to immigration detainees.

There have been numerous reports of overcrowding in prisons and mistreatment of detainees (including torture), denial of due process, arbitrary interference with privacy, and discrimination based on gender, religion, sect, race, and ethnicity.³⁷ It is virtually impossible for independent non-governmental organizations to operate in Saudi Arabia, there is no independent oversight of prisons or detention centres, and human rights defenders are frequently the target of harassment and prosecution.

Grounds for detention and criminalisation. Saudi Arabia does not have a comprehensive migration policy. However, the Residence Regulations (No. 17/2/25/1337 of 1952), which contains a set of laws pertaining to immigration status and the rights of non-citizens, provides norms concerning the detention and incarceration of non-citizens for immigration-related reasons.³⁸ Additionally, the Labour Law provides penalties for violations of immigration-related statutes.³⁹

These laws, however, generally relate to criminal punishments and do not make reference to administrative immigration-related detention. It is often unclear to what extent one can separate immigration detention from criminal incarceration, and many cases of foreigners being held in prison awaiting deportation tend to describe the detentions as being related to criminal procedures.

Thus, for instance, in a 2012 letter to the Saudi government expressing concern about the imprisonment of a group of Ethiopian Christians, the UN High Commissioner for Human Rights stated that although the individuals were being held at Jeddah’s Briman Prison to await deportation, they had all been “informally charged” with “illicit mingling” of unmarried persons of the opposite

³⁵ Saudi Arabia, The Basic Law of Governance, Article 5, https://www.saudiembassy.net/about/country-information/laws/The_Basic_Law_Of_Governance.aspx.

³⁶ Law of Criminal Procedure, Royal Decree No.(M/39), 28 Rajab 1422 [16 October 2001] Umm al-Qura No.(3867), 17 Sha'ban 1422 [3 November 2001], <https://www.saudiembassy.net/about/country-information/laws/CriminalProcedures2001-1of3.aspx>.

³⁷ U.S. State Department, 2012 Country Reports on Human Rights Practices – Saudi Arabia, 19 April 2013, available at: <http://www.refworld.org/docid/517e6de0c.html>.

³⁸ The Residence Regulations, Order No. 17/2/1337 on 11/09/1371H, 4 June 1952, http://gulfmigration.eu/database/legal_module/Saudi%20Arabi/National%20Legal%20Framework/Visas/1.2%20Residence%20Law_EN.pdf.

³⁹ LABOR LAW, Royal Decree No. M/51 23 Sha'ban 1426 / 27 September 2005, First Edition 2006.

sex.⁴⁰ Even when the detentions appear to be strictly related to immigration reasons, deprivation of liberty is generally described as resulting from a criminal procedure.⁴¹

Part IV of the Residence Regulations covers penalties for violations of immigration-related provisions. Article 50 states that any foreigner who enters the country illegally—in violation of Articles 2 (requiring a valid passport or travel document and visa) and 3 (requiring entry/exit into the Kingdom through designated ports of entry) of the law—shall be imprisoned until deported.

Article 53 states that any person in breach of Article 5 (stating conditions of entry into the Kingdom) shall be fined 100-200 Saudi Riyals or imprisoned for a period ranging from two weeks to a month, deprived of residency, and deported.

Additionally, an unusual catch-all provision, Article 60, states that any breach of the Residency Regulations for which no penalty has been stipulated shall incur a financial fine of 100-300 Saudi Riyals and/or imprisonment for two to six weeks.

The country's Labour Law also provides penalties for working for a non-sponsor. According to the recently amended Article 39 in 2013, "The Ministry of Interior shall arrest, deport and enforce the penalties on the violators from those who are working for their own account, from the streets. The Ministry shall arrest those who are absent from work (fleeing), their employers and those who are covering them, transferring them and each one has a rule in the violation and apply the penalties thereon."⁴²

Adherence to international norms. Saudi Arabia holds one of the lowest levels of ratification of core international human rights treaties and has not ratified the main instruments relevant to immigration detention, including the Refugee Convention, the Convention on Statelessness, the International Covenant on Civil and Political Rights, or the Migrant Workers Convention. It has made implementation of the few human rights norms it has subscribed to conditional upon respect for the norms of Islam and Sharia law. Further, Saudi Arabia's reporting to relevant human rights mechanisms tasked with monitoring implementation of these treaties is lagging severely. The country has not responded to requests for visits by the Working Group on Arbitrary Detention (in 2008 and 2011), the Special Rapporteur on Torture (in 2006, 2007 and 2010), or the Special Rapporteur on Trafficking (in 2005).

This poor record concerning adherence to key global norms is an important indicator of the vulnerability of migrants, asylum seekers, and refugees in immigration-related detention. However, in 2009 Saudi Arabia ratified the Arab Charter on Human Rights, which contains provisions against arbitrary detention and some procedural safeguards during detention. The GDP has been unable to

⁴⁰ UN High Commissioner for Human Rights, Letter to the Government of the Kingdom of Saudi Arabia concerning the detention of Ethiopian Migrants, 14 February 2012, [https://spdb.ohchr.org/hrdb/20th/UA_Saudi_Arabia_14.02.2012_\(2.2012\)p.pdf](https://spdb.ohchr.org/hrdb/20th/UA_Saudi_Arabia_14.02.2012_(2.2012)p.pdf).

⁴¹ For example, a 2014 medical research article discussing the frequency of chlamydia infections among female inmates at Briman Prison describes the participants in the study thusly: "Among the participants, 58.5% were convicted for prostitution, 10.2% for illegal immigration, 6.8% were convicted for wine trading, and the rest were convicted for forgery, theft, begging, etc." Wafa Fageeh et al, "Chlamydia trachomatis infection among female inmates at Briman prison in Saudi Arabia," BMC Public Health, 20 March 2014, <http://www.biomedcentral.com/1471-2458/14/267>. Interestingly, the study highlighted the overwhelmingly high proportion of foreign inmates in the prison: "Two out of five (2/5, 40%) Yamani, (4/33 12.1%) Indonesian, (3/33, 9.1%) Somalian and (2/26, 7.7%) Ethiopian inmates were positive for infection. None of the Saudi inmates (0/14) were positive for infection."

⁴² The Saudi Arabian Labour Statute (Law), promulgated by the Royal Decree No. M/51 dated 23.08.1426 A.H. corresponding to 27.09.2005 G, published in the official gazette "Um el Qurah" No. 4068 DATED 25.09.1426 A.H. corresponding to 28.10.2005, in force as of 29.03.1427 A.H. corresponding to 27.04.2006 G as amended, In lex arabiae an in-house magazine of Meyer-Reumann & Partners, http://lexarabiae.meyer-reumann.com/issues/2013-2/vol-xvii-issue-2-apr-2013-articles/new-amendments-to-the-saudi-labour-law-with-a-view-of-reducing-the-expatriates-working-unofficially/#_ftn1.

find information about Saudi Arabia’s reporting to the Arab Committee on Human Rights mandated to monitor implementation of the Charter.

Length of detention. As the law does not specifically provide for administrative immigration-related detention, there is no specified time limit for this practice. According to one source, the longest time spent in immigration detention that he was aware of was about three years.⁴³ He said that advocates in the country have “raised serious concerns” regarding lengthening periods in detention, which often last from between three months to a year due to complications in completing deportation formalities.⁴⁴

Describing the problems that impact lengths of immigration detention, the GDP source said that they mainly stem from the kafala system, which requires that a migrant obtain an exit clearance from his or her sponsor and/or employer. “Tracing and negotiating with an employer to obtain exit visa/clearance is really a big obstacle for deportation.” He added that there is also “the question on who will pay the penalty” for an expired residence permit.⁴⁵

Deportation. The Residence Regulations provide a number of grounds for deportation from the country. All the articles mentioned above include deportation as the final penalty. In addition to those articles, Article 54 provides that any foreigner who violates Article 12 (working without a permit) will be deprived of his residency and deported. Further, Article 55 states that any foreigner who fails to renew his residency permit in a timely manner shall be fined for his first offense, pay double for his second offense, and be deported the third time.

Asylum seekers. Saudi Arabia is not a signatory to the 1951 Convention Relating to the Status of Refugees or its 1967 Protocol. It is unclear to what extent asylum seekers face arrest and detention. Article 42 of the 1992 Basic Law provides that the state will grant political asylum “if so required by the public interest.”⁴⁶ However, there is no legislation implementing this provision, and Saudi Arabia only permits those with residence permits to apply for asylum—that is, the policy is not to grant refugee status to persons in the country illegally, including those who have overstayed a pilgrimage visa.⁴⁷

The UN High Commissioner for Refugees (UNHCR) operates in Saudi Arabia and the government permits UNHCR-recognized refugees to stay in the country temporarily until a durable solution is found for them. Refugees and asylum seekers are unable to work legally and access to basic services is reserved for citizens only.⁴⁸ In 2014, there were 561 refugees registered with UNHCR and 100 asylum seekers. Most asylum seekers were Iraqi nationals, although there were also some Syrians and Eritreans.⁴⁹

Trafficked persons. There have been reports concerning the detention of trafficked persons in Saudi Arabia, despite the country’s adoption of the 2009 Suppression of the Trafficking in Persons Act,

⁴³ Undisclosed Source (activist in Saudi Arabia), Telephone Interview with Parastou Hassouri (Global Detention Project), 18 February 2014.

⁴⁴ Undisclosed Source, Email Correspondence with Michael Flynn (Global Detention Project), 15-16 September 2015.

⁴⁵ Ibid.

⁴⁶ The Basic Law of Government, issued by royal decree in March 1992, serves as the constitutional framework (Saudi Arabia has no formal constitution) and is based on the Qur’an and the life and tradition of the Prophet Mohammed. It is a constitution-like charter divided into nine chapters, consisting of 83 articles. It is in accordance with the Salafi understanding of Sharia and does not override Islamic laws. It sets out the general principles on which the Kingdom of Saudi Arabia is founded.

⁴⁷ U.S. State Department, 2012 Country Reports on Human Rights Practices – Saudi Arabia, 19 April 2013, <http://www.refworld.org/docid/517e6de0c.html>.

⁴⁸ Ibid.

⁴⁹ United Nations High Commissioner for Refugees, Saudi Arabia – 2’15 UNHCR subregional operations profile – Middle East, <http://www.unhcr.org/cgi-bin/texis/vtx/page?page=49e486976&submit=GO>.

which prohibits all forms of human trafficking, prescribes stringent punishments, and is intended to provide some protections for victims.⁵⁰

The U.S. State Department's Trafficking in Persons Report (TIP Report) criticizes Saudi authorities for failing to implement procedures to systematically identify victims and reports that Saudi officials even admit that trafficking victims are sometimes detained and deported. According to the TIP Report, "officials continued to arrest, detain, and sometimes prosecute victims of trafficking for unlawful acts committed as a result of being trafficked. The Saudi government acknowledged that victims of trafficking may be detained and deported because of their irregular migration status in Saudi Arabia, as some police officers arrested and deported foreign workers for running away from their employers. Some government officials did not view runaway domestic workers as potential victims of trafficking. When domestic workers' employers failed to claim them at the airport, passport officials in Najran province were required to hold them in a detention center with people who were charged with crimes or immigration violations."⁵¹

The TIP Report also highlights vulnerabilities that trafficking victims can face with respect to forced labour, stating that "the 2009 anti-trafficking law does not address the withholding of passports and exit visas as means of obtaining or maintaining a person's forced labour or service. ... The government did not report efforts to enforce the Council of Ministers' decision prohibiting the confiscation of foreign workers' passports, residency permits, and the use of exit permits to control workers' movements; reports indicate that this practice continued to be widespread."⁵²

According to the TIP Report, Saudi authorities made only limited efforts to tackle human trafficking, prosecuting "10 cases of forced labour, one case of forced begging, and two cases of sex trafficking under the anti-trafficking law during the reporting period."⁵³ It also reported that the Saudi authorities failed to investigate allegations of abusive employers and that country diplomatic missions had difficulty accessing nationals held in detention.

Minors. There is little information available concerning migration-related detention of minors in Saudi Arabia. However, as noted previously in this report, minors are often impacted during crackdowns on irregular migration and during large-scale deportation campaigns. In an interview with Migrant-Rights.org, International Labour Organization representative Aida Awel stated that over 8,500 of the Ethiopians deported from Saudi Arabia were children.⁵⁴ A statement by HRW concerning the deportation of Somalis in February 2014 also mentions that children were among those deported.⁵⁵ Additionally, based on testimonies from deported migrants, the Regional Mixed Migration Secretariat (RMMS) has reported that migrant children are detained "without prompt access to legal and other appropriate services, which violates the Convention on the Rights of the Child."⁵⁶

Foreign workers. The laws and regulations concerning foreign workers are notable for their insistence on attempting to control unauthorised labour and subjecting foreign workers to onerous conditions of employment, residence, and departure. Article 26 of the Residence Regulations states: "All patronees of His Majesty's Government, companies, commercial houses, merchants, business

⁵⁰ U.S. State Department, 2013 Trafficking in Persons Report – Saudi Arabia, 19 June 2013, <http://www.refworld.org/docid/51c2f39318.html>.

⁵¹ Ibid.

⁵² Ibid.

⁵³ Ibid.

⁵⁴ Migrant Rights, "Interview: the ILO's Aida Awel on the future of Ethiopia's 160,000 returning migrants," 10 April 2014, <http://www.migrant-rights.org/2014/04/interview-the-ilos-aida-awel-on-the-future-of-ethiopias-160000-returning-migrants/>.

⁵⁵ Human Rights Watch, "Saudi Arabia: 12,000 Somalis expelled," 18 February 2014, <http://www.hrw.org/news/2014/02/18/saudi-arabia-12000-somalis-expelled>.

⁵⁶ Regional Mixed Migration Network, "Behind Bars: The Detention of Migrants in and from the East & Horn of Africa," February 2015.

houses, contractors and the like, shall not employ a foreigner unless he is carrying a residence permit or evidence (stamp) of work permit. All of them are instructed to notify Foreigners Control Office or its substitute of security authorities upon any foreigner's departure of his work or absence for two days without reasons.”

Saudi Arabia has been heavily criticized for its treatment of foreign workers and the abuses that some receive at the hands of employers. Like other countries of the Gulf Cooperation Council (GCC), Saudi Arabia's labour migration policy is based on a sponsorship scheme that ties a worker's status in the country to a specific sponsor, whose written consent is required before the worker can change jobs or leave the country.

A foreign worker cannot change his or her sponsor or job unless a release from the sponsor is issued, along with a new sponsorship form from a new employer, and an approval from the authorities within both the Foreigners Control Office and the Labour Department.⁵⁷ The sponsor can either be an individual or a governmental or private institution. As soon as the labour contract is no longer in place, the visa automatically becomes invalid and the worker has to leave the country. The kafala sponsorship scheme has been criticized for the immense power that it gives to employers and described as a form of modern-day slavery.

Domestic workers are also covered by the sponsorship scheme, and require the sponsor's approval to exit the country legally. Consequently, domestic workers who flee their employers are vulnerable to detention and deportation. Until 2013, domestic workers were excluded from labour laws, which theoretically provide protections to other workers. However, in July 2013, the country adopted specific regulations concerning domestic workers, providing obligations for both employers and employees.⁵⁸ According to the 2015 U.S. State Department TIP Report, “in November 2014, the government announced workers who fled their employers would not be jailed or forced to return to their employers to obtain an exit visa, provided the workers cooperated with their respective embassies within a 72-hour period and had no criminal charges or outstanding fines against them.”⁵⁹

Although many of the problems faced by domestic workers in Saudi Arabia mirror those in other countries of the region, female domestic workers face particularly repressive conditions. A 2008 report by HRW highlighted how women face restrictions on dress, movement, mixing with opposite gender, as well as the free exercise of religion. In addition, all domestic workers—both men and women—are often faced with excessive labour, confinement in the house, confiscation of passports, withholding of wages, and threats and occasional use of verbal, psychological, physical and sexual violence. According to HRW, every domestic worker they interviewed stated that the employer kept her passport.⁶⁰ Approximately a quarter of the workers interviewed claimed that their employers confined them in the home, locking the door from outside if they left the worker home alone.⁶¹

Domestic workers also are exceedingly vulnerable to criminal prosecution. Although allegations of theft, often made by sponsors/employers to counter the worker's complaints or allegations of abuse, are common in Saudi Arabia (as in the other Gulf countries), there have also been high profile cases of workers charged other offenses, including witchcraft, immoral conduct, adultery, and fornication. Some of these offenses are punishable by death, and in the meanwhile, the accused migrants languish within a justice system where they are likely to experience “uneven or severely delayed access to

⁵⁷ A. Khalifa, *Migration Profiles 2012: Kingdom of Saudi Arabia*. Cairo: Center for Migration and Refugee Studies, The American University in Cairo, 2012.

⁵⁸ Saudi Arabia: Decision No. 310 of 1434 on Domestic Workers, Available at: <http://gulfmigration.eu/decision-no-310-of-1434-on-domestic-workers/>.

⁵⁹ U.S. State Department, 2015 Trafficking in Persons Report – Saudi Arabia, <http://www.state.gov/j/tip/rls/tiprpt/2015/index.htm>.

⁶⁰ Human Rights Watch, “As if I am not Human: Abuses against Asian Domestic Workers in Saudi Arabia,” 8 July 2008, http://www.hrw.org/sites/default/files/reports/saudiarabia0708_1.pdf.

⁶¹ *Ibid.*

interpretation, legal aid, and access to their consulates.”⁶² According to one report, officials from many sending countries have claimed that they are not made aware of arrests or criminal proceedings until several months after they have taken place, often when it is too late to intercede with legal assistance.⁶³

Residence and nationality. Saudi Arabia imposes strict regulations where residency and nationality are concerned. Pursuant to Articles 2 and 3 of the Residence Regulations, all foreigners entering Saudi Arabia must have valid passports and visas, and enter/exit the country through valid ports of entry/exit. Failing to comply with this results in penalties (mentioned above). Further, Article 5 of the Residence Regulations requires foreigners entering Saudi Arabia to provide detailed information about themselves, and to submit finger prints (within three days of arrival) and the name of a sponsor/guarantor in case of deportation, who shall “pay an amount of money equivalent to the costs of his return to the place where his last visa was issued.” Article 14 requires foreigners wishing to leave Saudi Arabia to submit their documents, including their residency permit to the “Foreigners Control Office” where their passport will be stamped, indicating that they must leave within a certain period.

Article 18 stipulates that foreigners permitted to “enter, pass by, move within or reside in the country” may not be “undesirable on religious, moral, or political grounds.” And, under Article 24, foreigners are required to submit, upon request, passport and identity documents to authorities or appear at the Foreigners Control Office whenever required.

Article 32 of the Residence Regulations provides: “Residence permit shall not be granted to a foreigner except after six months of his entry to the Kingdom, during which he will be under surveillance of foreigners’ control authority to ensure that he has legitimate reasons for residence.” Article 33 gives the Ministry of Interior the right to withdraw a foreigner’s residence permit and instruct him to leave the country “at any time and without mentioning any reasons.” Finally, the duration of the residence permit is limited to one year, though it is renewable.

Access to detainees and monitoring. Access to detention facilities by lawyers and international organizations is severely restricted. This is particularly the case for outside organizations, which often have difficulty obtaining visas to enter the country. For instance, an International Committee of the Red Cross (ICRC) delegate informed the GDP that Saudi Arabia is not one of the countries where they have access to detention facilities.⁶⁴

In 1989, a Ministry of Interior mechanism was created and tasked with “Monitoring and inspection of prisons, detention centers and any places where criminal sentences are executed, as well as hearing complaints of prisoners and detainees, insuring the legality of their imprisonment or detention.”⁶⁵ The Bureau of Investigation and Public Prosecution is attached to the Ministry of Interior and is also tasked with investigating crimes and prosecuting cases. HRW reported that the Bureau was only established in 1995 and that “practice bears out the Bureau’s lack of independence”.⁶⁶ The GDP has not come across information indicating whether the Bureau has carried out visits to places of detention, including immigration detention.

⁶² Ibid.

⁶³ Ibid.

⁶⁴ Yazan Khalalileh, ICRC Detention Delegate, Email exchange with Parastou Hassouri (Global Detention Project), 23 March 2014.

⁶⁵ Law and Regulations of the Bureau of Investigation and Public Prosecution, Royal Decree No. M/56, 24 Shawwal 1409 (29 May 1989), Umm al-Qura No. 3264, 20 Dhu al-Qadah 1409H, Article 3. https://www.saudiembassy.net/about/country-information/laws/Bureau_of_investigation_and_prosecution.aspx.

⁶⁶ Human Rights Watch, “Precarious Justice - Arbitrary Detention and Unfair Trials in the Deficient Criminal Justice System of Saudi Arabia,” 24 March 2008, <https://www.hrw.org/report/2008/03/24/precious-justice/arbitrary-detention-and-unfair-trials-deficient-criminal>.

The U.S. State Department has reported that consular missions sometimes face challenges in accessing nationals in detention facilities.⁶⁷ Its Country Reports on Human Rights Practices mentions that no independent human rights observers or NGOs were able to visit prisons or detention centres; only the governmental Human Rights Commission and the National Society for Human Rights were allowed access to monitor detention conditions.⁶⁸ Following a 2002 Mission to Saudi Arabia, the UN Special Rapporteur on the Independence of Judges and Lawyers already recommended that “When an accused person is arrested, he should be informed of his rights and provided with an opportunity to contact a lawyer. In the case of a foreign national, he should be informed of his right to seek consular assistance and provided with an opportunity to do so.”⁶⁹

NGOs and many humanitarian agencies researching migrants issues in Saudi Arabia have had to rely on interviews with individuals following their deportation from the country. For example, RMMS states in a 2014 report on migration policy in Saudi Arabia that they were prevented from traveling to Saudi Arabia to conduct interviews.⁷⁰ The HRW’s researcher for Saudi Arabia also confirmed that the organisation has been unable to secure a visa for research purposes.⁷¹ The GDP was unable to establish to what extent UNHCR representatives are able access detention facilities.

The lack of access to detainees makes independent monitoring of immigration detention in Saudi Arabia a practical impossibility. According to RMMS, “The last prison visit conducted by an independent human rights organization was a 2006 visit by Human Rights Watch. The government does however permit the governmental Human Rights Commission (HRC) and the quasi-nongovernmental National Society for Human Rights (NSHR) to monitor prison conditions. In 2013, the NSHR brought deficiencies regarding health care to the attention of the Ministry of Interior.”⁷² As described above, Saudi Arabia has consistently left requests for visits by international human rights mechanisms unanswered for a decade.

Detention Infrastructure

The GDP has been unable to get adequate information to develop a comprehensive map of facilities in Saudi Arabia. Based on available information, it appears that the country detains migrants in a range of facilities, including dedicated immigration detention facilities, which are referred to as “deportation centres” (and also sometimes “shelters”); prisons and police stations; as well as dozens of ad hoc or makeshift facilities.

Generally, it appears that foreigners who are only in deportation proceedings are held in the deportation centres while those who have committed petty crimes or violated their work permits are

⁶⁷ U.S. State Department, 2013 Trafficking in Persons Report – Saudi Arabia, 19 June 2013, <http://www.refworld.org/docid/51c2f39318.html>.

⁶⁸ U.S. State Department, 2012 Country Reports on Human Rights Practices – Saudi Arabia, 19 April 2013, <http://www.refworld.org/docid/517e6de0c.html>.

⁶⁹ Commission on Human Rights, Report of the Special Rapporteur on the Independence of Judges and Lawyers, Dato’ Param Cumaraswamy, Report on the Mission to the Kingdom of Saudi Arabia (20-27 October 2002), United Nations, E/CN.4/2003/65/Add.3, 14 January 2003, 111 (c), <http://www.ohchr.org/EN/Issues/Judiciary/Pages/Visits.aspx>.

⁷⁰ Regional Mixed Migration Secretariat, “The Letter of the Law: regular and irregular migration in Saudi Arabia in a context of rapid change,” April 2014, http://www.regionalmms.org/fileadmin/content/rmms_publications/RMMS_Letter_of_the_Law_-_Saudi_Arabia_report.pdf.

⁷¹ Adam Coogler, Human Rights Watch, Skype Conversation with Parastou Hassouri (Global Detention Project), 13 October 2013.

⁷² Regional Mixed Migration Network, “Behind Bars: The Detention of Migrants in and from the East & Horn of Africa,” February 2015.

held in general detention centres or jails, although it is not always clear if these practices are strictly applied.⁷³

Recent press reports and interviews with activists who assist detainees indicate that there are at least three dedicated facilities (“deportation centres”), one in Jeddah and two in Riyadh (one of which is used exclusively for women). There were already media reports in the mid-2000s stating that migrants were being held at “deportation centres” in Jeddah and Riyadh.⁷⁴ One source told the GDP that he is “quite certain” that there are additional deportation facilities “in other cities like Al Khobar and Dhamman in the Eastern region.”⁷⁵ A 2011 “socio-legal” study about domestic workers in Saudi Arabia and the Emirates reported that “governmental shelters” in Riyadh, Jeddah, and Dhamman were commonly referred to as “deportation centres” by domestic workers interviewed for the study.⁷⁶

Press reports have variously identified the Jeddah deportation centre as the Al-Shumaisi Detention Centre,⁷⁷ the Tarhil Immigration Detention Center,⁷⁸ and Tarhil-Shumaysi⁷⁹ (“tarhil” is a transliteration of the Arabic word for “deportation”). Based on these reports, it appears that this facility is located between Jeddah and Mecca. This was corroborated by an activist in Saudi Arabia who told the GDP that the facility is located between the city of Jeddah and the municipality of Mecca.⁸⁰

This same source told the GDP that there are two dedicated facilities in Riyadh, the women-only facility located at “Exit 6, Riyadh City” as well as another facility, which is generally referred to using a similar name as that used for the facility in Jeddah, the Shimeisi Deportation Centre.⁸¹

In addition, there have been multiple reports discussing the detention of migrants in Jeddah’s Briman (or Buraiman) Prison,⁸² with one report—dating back to 2005—indicating that this prison at one time included a “deportation centre.”⁸³

Because of the at times unclear legal status of people awaiting deportation in detention centres (are they in criminal incarceration or a form of administrative detention awaiting deportation?) as well as

⁷³ Undisclosed Source, Email Correspondence with Michael Flynn (Global Detention Project), 15-16 September 2015.

⁷⁴ AsiaNews.It, “Religious Freedom in Saudi Arabia Causes Concern,” AsiaNews.it, <http://www.asianews.it/index.php?l=en&art=4582>; Abraham, Priya. “Saudi Arabia: The Bush Administration Grants Diplomatic Waivers to its Kingpin Arab Ally While Evidence of Religious Oppression Grows,” World Magazine, November 19, 2005.

⁷⁵ Undisclosed Source (activist in Saudi Arabia), Email Correspondence with Michael Flynn (Global Detention Project), 16-17 September 2015.

⁷⁶ Antoinette Vlieger, *Domestic Workers in Saudi Arabia and the Emirates: A Socio-Legal Study on Conflicts*, Quid Pro Books (Human Rights and Culture Series): New Orleans, 2011.

⁷⁷ Al Jazeera, “Migrant dies in Saudi detention centre riot,” 3 March 2014, <http://www.aljazeera.com/news/middleeast/2014/03/migrant-dies-saudi-detention-centre-riot-201433135930166393.html>; Agence France-Presse (AFP), “Illegal migrant dies in Saudi detention centre unrest,” AFP, 3 March 2014, <http://www.globalpost.com/dispatch/news/afp/140303/illegal-migrant-dies-saudi-detention-centre-unrest>.

⁷⁸ Republika Online (Indonesia), “Saudi promises to repatriate Indonesian overstayers,” 16 January 2014, <http://www.republika.co.id/berita/en/national-politics/14/01/16/mzqdbq-saudi-promises-to-repatriate-indonesian-overstayers>.

⁷⁹ Ibid.

⁸⁰ Undisclosed Source (activist in Saudi Arabia), Email Correspondence with Michael Flynn (Global Detention Project), 16-17 September 2015.

⁸¹ Ibid.

⁸² Human Rights Watch, “Detained, Beaten, Deported: Saudi Absues against Migrants during Mass Expulsions,” 10 May 2015; UN High Commissioner for Human Rights, Letter to the Government of the Kingdom of Saudi Arabia concerning the detention of Ethiopian Migrants, 14 February 2012. [https://spdb.ohchr.org/hrdb/20th/UA_Saudi_Arabia_14.02.2012_\(2.2012\)p.pdf](https://spdb.ohchr.org/hrdb/20th/UA_Saudi_Arabia_14.02.2012_(2.2012)p.pdf); Wafa Fageeh et al, “Chlamydia trachomatis infection among female inmates at Briman prison in Saudi Arabia,” BMC Public Health, 20 March 2014, <http://www.biomedcentral.com/1471-2458/14/267>.

⁸³ Arab News, “Deportees Face Harsh Conditions,” April 6, 2005, <http://www.arabnews.com/node/264924>

the lack of clarity in media reports concerning how these centres operate, it is difficult to characterize many of these facilities with any degree of confidence. However, due to the sheer number and variety of recent press reports attesting to the deportation operations of the Tarhil/Shumaysi facility in the Mecca-Jeddah area, the GDP has opted to code this facility as a dedicated immigration detention site. On the other hand, even though there are various recent sources discussing the detention of migrants in Jeddah's Briman Prison, we have found only one report, which dates back many years, that states that this facility includes a deportation centre, while the more recent reports all appear to indicate that non-citizens awaiting deportation have been criminally prosecuted. Thus, we have opted to code Briman as a prison.

In addition to these facilities, press reports and NGO publications indicate that Saudi Arabia uses a large network of ad hoc or makeshift facilities for immigration detention purposes, particularly as part of the country's massive deportation campaigns. For instance, one news article reports that 1,000 Filipinos are being confined in "makeshift tents outside the Filipino embassy in Jeddah."⁸⁴ According to a 2015 HRW report, Saudi authorities "did not anticipate the number of undocumented migrants who decided to turn themselves in voluntarily when the official campaign of detaining and deporting undocumented migrants resumed in November 2013, and this caused them to confine many undocumented migrants in ad hoc detention facilities. An Ethiopian official in Sanaa told HRW on November 26 [2014]: 'I'm not sure Saudi Arabia was fully prepared for this.'"⁸⁵ The Ethiopian government also reportedly told the IOM that as of late 2013 there were 64 facilities in Saudi Arabia confining undocumented Ethiopian migrants.⁸⁶

A researcher who spoke to a number of Ethiopian migrants following their deportation received reports of people being held in various ad hoc sites in Manfouha during late 2013, including a wedding hall and university campus.⁸⁷

An RMMS report on Saudi migration policy cites an interview with a migrant in Yemen in November 2013 who had been held, along with 500 other migrants, in a "secret" detention centre near the city of Jizan (near the border with Yemen).⁸⁸

While these reports appear to point to on-going and large-scale detention in various parts of the country, the lack of additional corroborating information about the locations and durations of use of these sites makes it impossible to accurately code them or to know if they continue to be used.

Conditions of detention. The U.S. State Department's 2014 Country Reports on Human Rights Practices on Saudi Arabia makes reference to detention conditions, generally, citing a report by the National Society for Human Rights, who, after visiting 16 jails across the kingdom reported that there is overcrowding, with most jails operating at double their capacities. Their report specifically mentions the women's section of the Deportation and Detention Center in Jeddah as being the worst. Concerns regarding detention conditions raised in the report included improperly trained wardens, lack of access to prompt medical treatment, holding prisoners beyond the end of sentences and failure to inform prisoners of their rights.⁸⁹

⁸⁴ Estrella Torres, "Filipino workers in 'Saudisation' Fallout," Equal Times, 20 January 2014,

http://www.equaltimes.org/filipino-workers-deported-in?lang=en#U4c1F_rmSzKB.

⁸⁵ Human Rights Watch, "Detained, Beaten, Deported: Saudi Absues against Migrants during Mass Expulsions," 10 May 2015.

⁸⁶ Cited in Regional Mixed Migration Secretariat, "Behinds Bars: The Detention of Migrants in and from the East and Horn of Africa," February 2015.

⁸⁷ Human Rights Watch, "Saudi Arabia: Labor Crackdown Violence," 30 November 2013,

<https://www.hrw.org/news/2013/11/30/saudi-arabia-labor-crackdown-violence>.

⁸⁸ Regional Mixed Migration Secretariat, "The Letter of the Law: regular and irregular migration in Saudi Arabia in a context of rapid change," April 2014.

⁸⁹ U.S. State Department, 2014 Country Reports on Human Rights Practices – Saudi Arabia.

Following the expulsion of thousands of Somalis in February 2014, HRW researchers in Mogadishu interviewed nine deportees who “spoke of severe overcrowding, little air or daylight, poor sanitary facilities, sweltering heat in some cases and cold in others, and limited access to medical assistance. Some said they had developed chronic health problems, including persistent coughing, as a result of their time in custody. Children are sometimes detained with their relatives but some have also been separated from their parents or caregivers.”⁹⁰

One of the individuals interviewed, Mohammed, who surrendered to the police on his own after losing his job told HRW researchers that he spent 57 days detained: “In the first detention center in Riyadh, there was so little food, we fought over it,” he said. “So the strongest ate the most. Guards told us to face the wall and then beat our backs with metal rods. In the second place, there were two toilets for 1,200 people, including dozens of children.”⁹¹

Another woman interviewed, Saladu, 35, who was detained in Jeddah with her two children, 7 and 9, and her sister’s three children before deportation described the conditions as follows: “The room we stayed in with 150 other women and children was extremely hot and there was no air conditioning,” she said. “The children were sick. My son was vomiting and his stomach was very bloated. There were no mattresses. People just slept on the floor.”⁹²

Another interviewee, Razia, a 45 year-old woman who was detained for three months with her daughter also told the researchers: “There were a lot of people in the room, some little children... You would have to fight to get your space.”⁹³

The GDP’s source in Saudi Arabia confirmed reports of overcrowding, poor and inadequate bedding and food at detention facilities during the crackdown, due to the high volume of migrants being detained prior to be deported. He estimates that some 30,000 Filipinos may have been deported during the crackdown (he has sought the exact number from the Philippines Embassy, but did not receive a response).⁹⁴

⁹⁰ Human Rights Watch, “Saudi’s Mass Expulsions Putting Somalis in Danger,” 18 March 2014, <http://www.hrw.org/news/2014/03/18/saudis-mass-expulsions-putting-somalis-danger>.

⁹¹ Ibid.

⁹² Ibid.

⁹³ Ibid.

⁹⁴ Undisclosed Source (activist in Saudi Arabia), Telephone Interview with Parastou Hassouri (Global Detention Project), 18 February 2014.

Global Detention Project
3 rue de Varembe
1202 Geneva, Switzerland
globaldetentionproject.org
+41 (0) 22 733 08 97
admin@globaldetentionproject.org