



HUMAN
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YEMEN'S TORTURE CAMPS

Abuse of Migrants by Human Traffickers in a Climate of Impunity

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Torture Camps in Yemen

Abuse of Migrants by Human Traffickers in a Climate of Impunity

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SUMMARY AND RECOMMENDATIONS

Ethiopian migrants outside the Migrant Response Centre
in Haradh, May 2013.

Photographs by Michael Kirby Smith

For decades, migrants from Africa have passed through Yemen to seek work in Saudi Arabia. Since 2010, more than 337,000 migrants and refugees have landed on Yemen's coastline from the Red Sea and the Gulf of Aden. Their numbers rose significantly, and then dipped in July 2013, most likely due to a Saudi crackdown on undocumented migrant workers, only to rise again in March 2014. A multi-million-dollar trafficking and extortion racket has developed in Yemen based on the migrants' passage. Its locus is the hot and dry northern Yemeni border town of Haradh, where one government official estimated that trafficking and smuggling make up about 80 percent of the economy.



above: Ethiopian migrants praying outside the Migrant Response Centre in Haradh, May 2013.

left: Ethiopian migrants outside the Migrant Response Centre in Haradh, May 2013.

Since 2006, Yemeni traffickers in and around Haradh have found a particularly horrific way to make money: by taking migrants captive and transporting them to isolated camps, where they inflict severe pain and suffering to extort money from the migrants' relatives and friends in Ethiopia and Saudi Arabia.

In interviews with Human Rights Watch, migrants who survived or escaped these places referred to them as "torture camps." Their accounts, along with those of traffickers, smugglers, government officials, and health and aid workers, paint a picture of an enduring network of illegal operations that, according to them, is bound together by Yemeni officials of various ranks and positions who at a minimum take bribes to turn a blind eye, or may play a more active and insidious role in the operations.

Except for a spate of Yemeni government raids that ended in 2013, the authorities have done little to stop the trafficking. Officials have more frequently warned traffickers of raids, freed them from jail when they are arrested, and in some cases, have actively helped the traffickers capture and detain migrants.

Between June 2012 and March 2014, Human Rights Watch interviewed 67 people for this report, including 18 male mi-

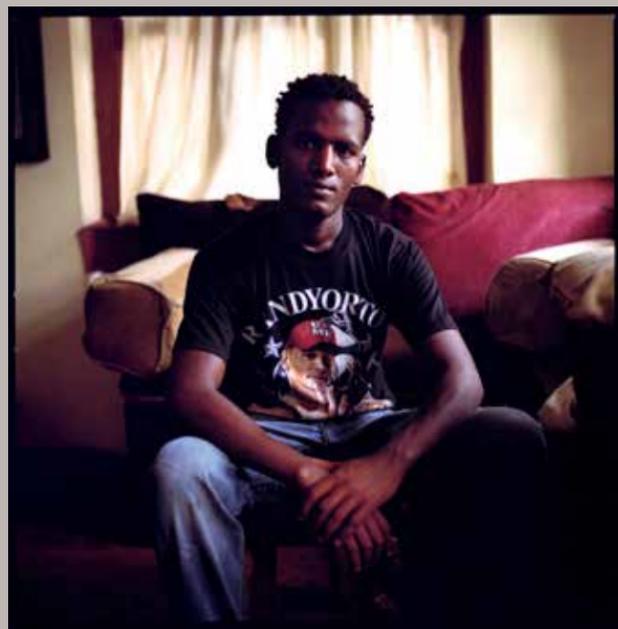
grants from Ethiopia, of whom 4 migrated when boys, 10 traffickers and smugglers, as well as health professionals, government officials, activists, diplomats, and journalists.

Migrants told Human Rights Watch that armed men greeted them as they waded onto shore from rickety boats on the Yemeni coast. “They kept pointing their guns at us and yelling to get onto the backs of the trucks,” said Ali Kebede, a 21-year-old farmer from Ethiopia who landed on the Yemen coast in August 2013.

“Welcome to hell,” one trafficker told a migrant upon his arrival at a camp. An official shared with Human Rights Watch information on 12 such camps, and thought the total number in the area was 30; a long-time aid worker put the number of camps in and around Haradh at 200. Some camps consist simply of a walled yard where traffickers hold dozens or even hundreds of migrants, sometimes with only a tarp hanging over posts to shelter them from the blazing sun. Sometimes there is no shelter at all. The more elaborate camps have guard towers and concrete buildings.



An Ethiopian migrant at a local medical facility in Haradh, who said she survived rape, May 2013.



A 25-year-old Ethiopian migrant at in Sanaa, May 2013. Officers at a checkpoint in Haradh detained him and sold him to smugglers, he said.

These armed men are from gangs of smugglers and traffickers whose networks extend to Djibouti, Somalia, Ethiopia, and Saudi Arabia. They sell African migrants from one gang to the next, through a syndicate, as the migrants pass from country to country. But in Yemen, the migrants cease to have any choice in the matter. The smugglers and traffickers on the Yemeni shore pay the boat crews for each migrant and then demand money from the Africans. They forcibly take those who cannot pay or who refuse to pay to their isolated camps to be tortured.

Brutality is the trafficker’s tool. The migrants who Human Rights Watch interviewed described how their captors had tortured them to force them to phone relatives to ask for money. Beatings were commonplace. One man described having his eye gouged out with a water bottle. Another said that traffickers looped metal wires around his thumbs and hung him for up to 15 minutes, and tied a string around his penis from which they suspended a full water bottle. Others described watching or hearing traffickers rape women from their group.

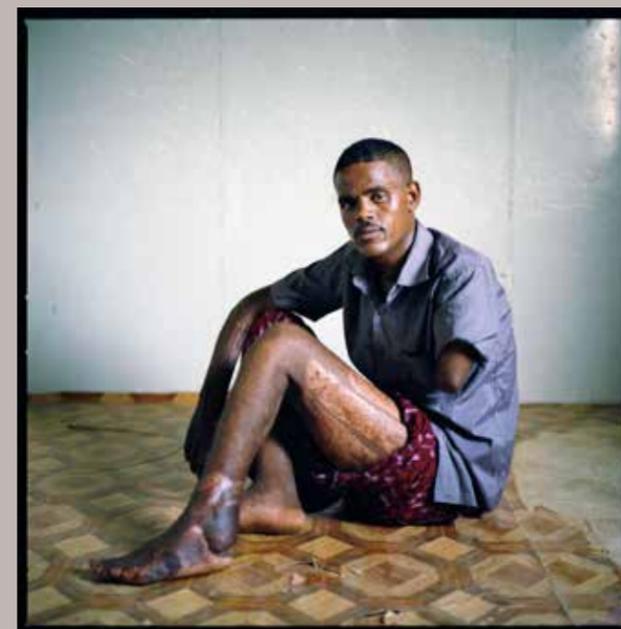
Aid workers told Human Rights Watch they observed signs of abuse in migrants consistent with their accounts of traffickers ripping off their fingernails, burning the cartilage of their ears, branding their skin with irons, gouging out their eyes, and breaking their bones. Health professionals at a Haradh medical facility said they commonly saw migrants with injuries including lacerations from rape, damage from being hung by their thumbs, and burns from cigarettes, and hot, melted plastic. One medical worker told Human Rights Watch about treating more

wall of the Migrant Response Centre in Haradh, which is run by the International Organization for Migration, and dump the person there.

The use of torture against migrants is highly profitable. Migrants who spoke to Human Rights Watch said their family members and friends paid ransoms for their freedom ranging from US\$200 to over US\$1,000. A trafficker who negotiates ransoms said that he is often able to extract US\$1,300 per migrant from their families.



Ethiopian migrant with her three-week-old baby in Haradh, May 2013.



An Ethiopian migrant, 26, at the Migrant Response Centre in Haradh, May 2013. He said that for two days soldiers in Saudi Arabia tied his wrists, beat him, and burned his leg and arm with acid. Eventually he was taken to a Saudi hospital where his burned arm was amputated. Authorities later transported him to the Yemeni desert and left him there, he said.

than 1,100 migrants in Haradh over the last four years and said that well over half of them reported torture.

The torture sometimes ends in death. An Ethiopian man told Human Rights Watch that he saw traffickers tie a man’s penis with a string and beat him with wooden sticks until the man died before his eyes. Another said that traffickers killed two men in his group by hacking at them with the blade of an axe. The chief doctor at the Haradh hospital said that the hospital receives the bodies of at least two migrants per week. Traffickers occasionally torture an African to near death and then drive to the

Many of the migrants trapped in the camps come from poor families who lose their property or go deeply into debt to pay a ransom. Eighteen-year-old Sisay Mengesha, who had sold his ox to pay smugglers for his passage to Saudi Arabia, was held as a hostage in a camp until his mother sold the family’s small farm to secure his release. Others simply have no resources to pay off the traffickers. Araya Gebremedihin, 16, said that when he phoned his mother from the camp, she said, “I have only one cow



Dr. Syed Mohammed Ali examines a 19-year-old Ethiopian migrant at the Migrant Response Centre in Haradh after he collapsed from heat exhaustion, May 2013.



An Ethiopian migrant tends migrants who are sick outside of Aden, June 2012.

and nobody will buy it. If they hurt you, they hurt you. I can't do anything for you." He was particularly fortunate to escape and survive.

When migrants go free, they face new perils, including navigating the extreme heat of northern Yemen on foot with insufficient water and food, and inadequate clothing and shoes. Hagos Gebremedihin, 28, from the Ethiopian village of Qoro in West Tigray, told Human Rights Watch that his captors realized that they would not get money for him and simply released him one night around 2:30 a.m. He ran all night, he said. "It was sandy and extremely hot," he said. "My leg was wounded and my

knees were shaking; my body was very tired. I felt like I was unconscious, like an animal moving by instinct." He and other migrants are also often aware of the danger that another group of traffickers may pick them up and force them to another torture camp to repeat the ordeal.

The abuses associated with the camps are well-known to the Yemeni government. A government official in Haradh provided Human Rights Watch with a list of 14 individuals who run 12 torture camps in the vicinity. Some have been arrested, but only one was in custody at this writing. The camps are usually run by the Yemeni owners of the land, who typically come from local families known to officials.

Traffickers pay checkpoint officials similar rates for permission to drive through carrying Yemeni and African mi-

grants to the Saudi border. But the level of government complicity in the trafficking operations goes beyond petty bribery: smugglers and migrants alike described some government officials themselves holding migrants in custody before turning them over to traffickers for money.

One migrant, Ali Kebede, told Human Rights Watch that he had escaped a torture camp with a friend in August 2013 and they walked for 10 days before Yemeni soldiers at a checkpoint near Haradh apprehended them. While the two were fed bread and tea, the soldiers made some calls and a car appeared with two men. The men discussed the hawala money transfer system with the soldiers, then handed the soldiers Saudi cash. The soldiers forced Kebede and his friend into the car, and the men drove them to their torture camp.

Involvement in trafficking appears to extend to elements within all the state security forces in Haradh: police, military and the intelligence services. Traffickers, smugglers, and Yemeni government officials named senior officials as being complicit and two officials admitted to Human Rights Watch that traffickers had bribed them in order to ensure they were not raided or arrested.

There appears to be total impunity for security forces involved in trafficking. Interior Ministry and other officials could not point to a single case of disciplinary or legal action against officials for collaborating with traffickers.



Ethiopian migrants sleeping on a street in Hodaida, Yemen, May 2013.

From March to May 2013, Yemeni security forces engaged in a series of raids of traffickers' camps, but little information has been provided about the outcomes. The security forces discontinued the raids, according to the Defense Ministry, because they were unable to provide the migrants with food or shelter upon their release. Officials acknowledged that the camps that security forces had raided were now functioning again.

Border Guard commander Ali Yaslam, who coordinated the 2013 raids, said about 50 to 55 camps were raided and 7,000 migrants released, figures other officials consider inflated. While Yaslam said that all property owners and some of the traffickers present at the raided camps were sent to the Criminal Investigation Department, a local Haradh official said only 14 to 20 traffickers were charged. Human Rights Watch has yet to verify a single successful prosecution of a trafficker.

In 2013, a Border Guard commander in Haradh sent information to the local prosecutor on 36 traffickers and landowners arrested in torture camp raids. This information was shared confidentially with Human Rights Watch. "The prosecution did not do its job in holding the criminals accountable and they did not cooperate with the security and military bodies even though they knew of serious crimes committed against migrants by traffickers and camp-owners," the frustrated commander said in a letter to his superiors. Even though traffickers killed a number of soldiers during the raids, he said, "all of that was ignored by the prosecution and instead they acquitted the criminals and became de facto protectors of the smuggling gangs."

A judge at the trial court in Haradh, which handles minor felonies, said that he has seen only a single case related to abuse against migrants, and that the prosecutor in that one case botched the prosecution. Human Rights Watch found no indication that more serious charges have been brought in the nearby higher criminal court.

The Yemeni government's failure to investigate and prosecute serious abuses committed against migrants

by private individuals and entities or to investigate and prosecute involvement of government officials in this abuse violates Yemen's obligations under international human rights law. International rights bodies have made clear that governments have positive obligations to protect individuals from acts, such as infringements on the rights to life and to bodily integrity, committed by private persons. A government's failure to prevent, investigate, or punish such abuses may itself give rise to a violation of those rights.

Although Yemen is not a party to the United Nations Trafficking Protocol, the crimes described in this report nonetheless constitute trafficking. They include the transport, transfer, and harboring of migrants by using force or the threat of force for the purpose of slavery. The practice by traffickers in Yemen of effectively "selling" migrants to each other amounts to slavery under international law.

The Yemeni Constitution and international law prohibit torture and other cruel, inhuman or degrading treatment. While the intentional infliction of severe pain or suffering by someone not a public official is not technically "torture" under the Convention against Torture, the convention nonetheless places obligations on governments to adopt measures against such acts by non-state actors. The Committee against Torture has been clear that government officials can be complicit in torture and other ill-treatment carried out by non-state actors.

Saudi border officials have also been complicit in the abuse of migrants, by apprehending border crossers and turning them over to Haradh-based traffickers. They also frequently shoot at migrants. Migrants described seeing dead bodies strewn across the desert border region, and aid workers and officials said the local morgue housed dozens of bodies of migrants shot on the border.

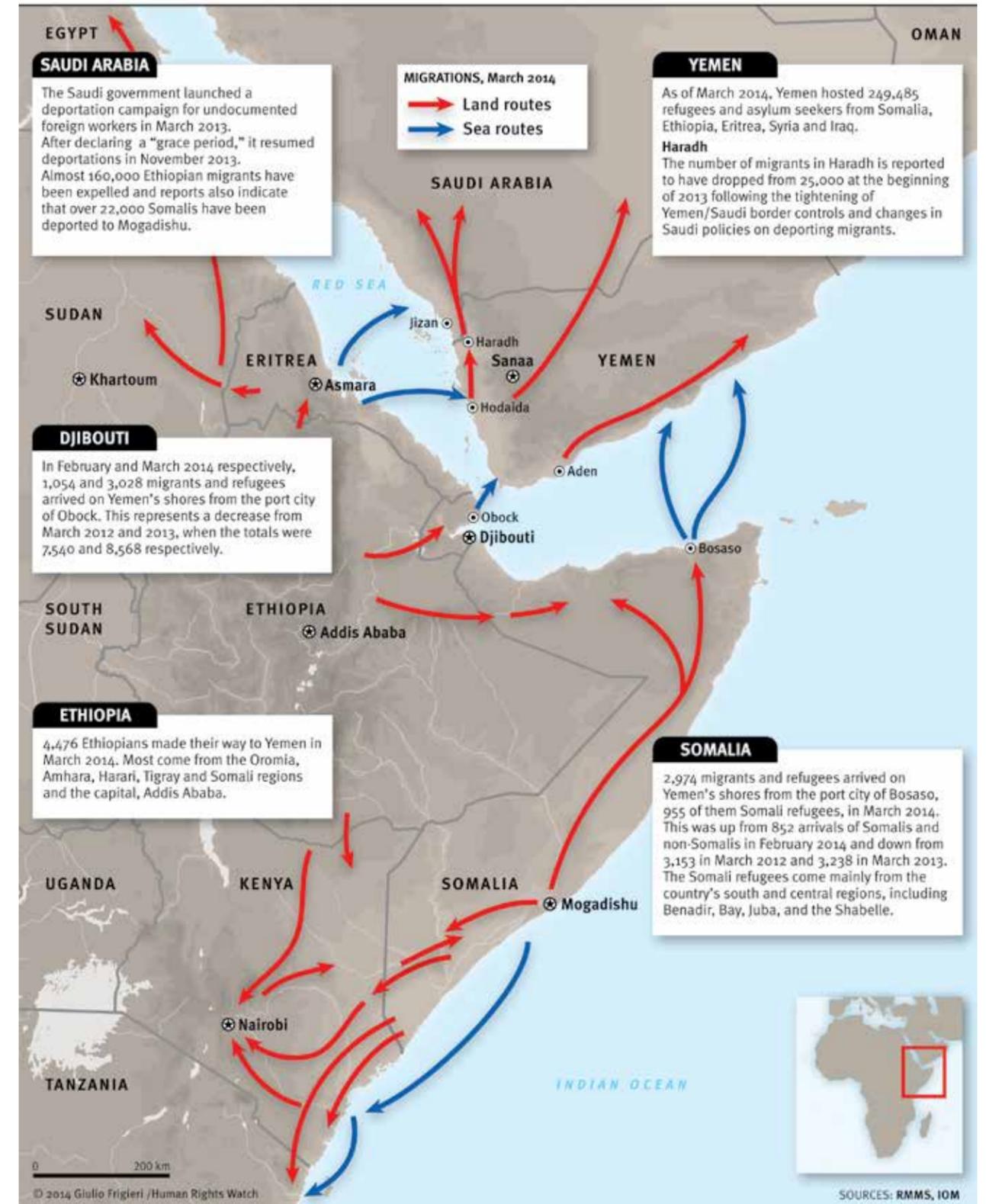
To end the horrific abuses committed against migrants in Yemen, the Yemeni government should develop a comprehensive strategy, including raids, to stop the functioning of torture camps. Officials should work with humanitarian organizations to provide all migrants freed from captivity with adequate food, shelter, and health care.

The government should launch a concerted law enforcement effort to investigate and prosecute traffickers, as well as members of the security forces, regardless of rank, suspected of collusion with traffickers. Yemen's attorney general should initially focus on trafficking in and around the town of Haradh. The police, military, and intelligence agencies should take appropriate disciplinary action against personnel implicated in trafficking and assist in the investigations.

Parliament should pass the draft anti-trafficking law, pending before parliament, and finalize a draft law on refugees and asylum seekers. Yemen should ratify the UN Trafficking Protocol.

International donors to Yemen, including the United States, the European Union and its member states, and the Gulf Cooperation Council states, including Saudi Arabia, should call on the Yemeni government to take steps to end the collusion of security forces with traffickers, and ensure that the military and police shut down the torture camps once and for all.

Map of Horn of Africa Migration Patterns



RECOMMENDATIONS

To the Ministry of Interior

- Ensure that law enforcement agencies actively investigate and prosecute perpetrators of crimes against migrants and refugees. Discipline or prosecute as appropriate officials who fail to investigate such crimes or are themselves implicated in such abuses.
- Ensure the protection of survivors of sexual violence and provide them with medical and psychological support.
- Strengthen the search-and-rescue capacity of the Coast Guard, as well as awareness of migrants' human rights.
- Uphold the rights of all migrants, particularly those held in Yemeni detention facilities.
- During the release or return of migrants to their home countries, set up functional mechanisms to identify asylum seekers and refugees and grant all individuals claiming asylum access to fair and efficient asylum procedures.

To the Ministry of Defense and Office of the Attorney General

- Investigate military and police collusion with traffickers and discipline or prosecute as appropriate those responsible, regardless of rank.
- Create safe and secure mechanisms, such as telephone and Internet hotlines, for the general public and government officials to report corruption and other illegal practices.

To the Ministries of Justice, Defense and Human Rights

- Coordinate to develop a comprehensive strategy, including raids, to stop the functioning of torture camps. Allot enough resources to provide migrants freed from captivity with adequate food, shelter, and health care access until they can be repatriated.

To the Criminal Investigation Department

- Monitor with judicial warrant, cash transfers from African countries to the town of Haradh through cash transfer companies with offices in Haradh in order to locate and identify traffickers extorting money from migrants.

To the Parliament

- Ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.
- Enact a national anti-trafficking law that is in line with international standards, including significant penalties for violators.

To the Governments of Saudi Arabia and Yemen

- Prosecute appropriately perpetrators of human trafficking, including members of the security forces complicit in abuses.
- Publicly raise awareness of the gravity of rights violations against migrants.
- Improve the capacity of the security forces and other law enforcement officials to differentiate between smuggling, which is voluntary, and trafficking, which is not, so they may better protect victims of trafficking.

To the Government of Saudi Arabia

- Order military and other law enforcement operations in border regions to rescue migrants who are the victims of trafficking when they encounter them and to arrest their captors when feasible.
- Order border guards to end any "shoot on sight" policy against migrants at the border that may be in place; appropriately discipline or prosecute those responsible for issuing such orders.
- Stop detaining migrants in inhumane and degrading conditions in deportation centers.
- Immediately introduce procedures allowing refugees to seek asylum or other forms of protection.

To the Governments of Ethiopia and other Sending Countries to Yemen and Saudi Arabia

- Urge transit and receiving countries to enact and implement laws to protect migrants, regardless of whether their entry was legal.

- Launch targeted information campaigns, combining the efforts of governments, donor countries, intergovernmental organizations, and nongovernmental organizations to ensure that prospective migrants are informed both of the risks of migration and their rights to freedom of movement, and protection and assistance from officials in each country through which they pass.
- Closely monitor private employment agencies (PEAs) and hold them responsible for ensuring safe transit to their destination. Monitor and prosecute brokers who knowingly send migrants into the hands of traffickers.

To Donor Countries

- Support improvements in the way that nongovernmental organizations can better assist the humanitarian needs of migrants in Haradh.
- Call on Yemeni and Saudi Arabian authorities to investigate and prosecute traffickers responsible for the abuses against migrants and hold accountable members of state security forces who carry out or facilitate these abuses.

Methodology

This report is based on field research in Yemen conducted by Human Rights Watch researchers in and around the town of Haradh, between June 2012 and November 2013, and in the capital, Sanaa, between August 2013 and March 2014. We interviewed 67 people in total, including 18 male migrants, of whom 4 were children at the time of their interview or during their migration to Yemen. We also interviewed 10 smugglers and traffickers, a person working with both traffickers and state security services, 16 local officials, and 3 local doctors, as well as human rights activists, local and international journalists, and diplomats. A videographer and a film producer, whom Human Rights Watch hired to work on this project, conducted seven of the interviews with migrants and one with a trafficker, all in January 2014.

Interviews were conducted in Arabic, Afan Oromo, Amharic, French, and English, using interpreters where necessary. Human Rights Watch carried out follow-up interviews by telephone and email. Human Rights Watch informed interviewees of the purposes of our research. No payment or other inducement was offered.

Local contacts in Haradh helped identify smugglers and traffickers based in Haradh and facilitate interviews with them in secure locations in order to protect their identities. In one case, Human Rights Watch conducted a group interview with seven of them, and one-on-one interviews with three others.

Human Rights Watch interviewed the migrants at the International Organization for Migration camp in Haradh, and in a Haradh location where migrants live while awaiting an opportunity to return home or travel to Saudi Arabia. While we conducted most interviewees with migrants individually, we interviewed some in the presence of others, asking each about different incidents. On one occasion, we canvassed a group of about 75 Ethiopian migrants living in an open square in Haradh, and they responded to questions by raising their hands.

All of the migrants Human Rights Watch interviewed for this report were Ethiopians, and none had sought asylum in Yemen. All 18 of the migrants Human Rights Watch interviewed one-on-one said they had been tortured in a trafficker's camp. The migrants interviewed

had been in Yemen for different periods of time when interviewed, spanning from less than one month to 22 months.

Human Rights Watch has given pseudonyms to all smugglers, traffickers, others close to the smuggling and trafficking industry, and some workers at international nongovernmental organizations, to protect those who helped facilitate this research. All names of migrants interviewed have been replaced by pseudonyms to protect their identity.

In October 2013, Human Rights Watch met with representatives of the Yemeni Ministry of Interior to inform officials of our initial findings and request responses to specific questions. This report reflects comments they made during the meeting. Human Rights Watch sought but was unable to obtain meetings with officials from the Office of the Attorney General, including the Haradh prosecutor, and the Ministry of Defense.

In April 2014, Human Rights Watch wrote to the Ministry of Foreign Affairs and provided a list of questions for the Ministries of Defense, Interior, and Justice. Despite several follow-up requests, however, Human Rights Watch had not received a reply from the Yemeni government by the time this report went to print. Any future responses to this report from the Yemeni government may be posted on the Yemen page of the Human Rights Watch website: www.hrw.org.

Human Rights Watch also reviewed a range of public materials, including reports from nongovernmental organizations and the United Nations, media reports, official statements, private ministerial correspondence shared by government sources, and court documents provided to Human Rights Watch by a judge. The annex, which lists 37 people alleged to have committed crimes related to trafficking, is derived from seven letters sent by a police official in Haradh to the local prosecution team, as well as an internal Ministry of Defense letter, all of which were unofficially provided to Human Rights Watch.

This report uses the term “torture” in its everyday sense of the infliction of severe physical or mental pain as a means of punishment or coercion, not as it is defined in international human rights law, except in chapter VI on Yemen’s legal obligations. Torture as defined in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment refers to:

“...any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.”¹

In this report, those allegedly committing “torture” are private individuals, not public officials or those acting on behalf of public officials and the aim is typically for coercion or to obtain information, but not confessions.

This report frequently refers to the “trafficking,” as opposed to the “smuggling” of migrants. When smugglers in Yemen abuse, capture, and extort money from migrants, even those who have paid them to transport them to Saudi Arabia, the smugglers are considered traffickers as defined under international law.

¹ Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture), adopted December 10, 1984, G.A. res. 39/46, annex, 39 U.N. GAOR Supp. (No. 51) at 197, U.N. Doc. A/39/51 (1984), entered into force June 26, 1987, art 1.

I. Background

Migration to Yemen

In recent years, hundreds of thousands of migrants from the Horn of Africa have flooded into Yemen, some searching for local jobs as domestic servants or in construction or agriculture, but most hoping to travel on to neighboring Saudi Arabia for employment.² Yemen itself is the poorest country in the Middle East. In 2011, the United Nations reported that 55 percent of Yemen's population of 24 million was living in poverty.³ The country's water supplies are rapidly diminishing and some 13 million people live without access to safe water or sanitation.⁴ Almost 43 percent of children in Yemen are malnourished, and more than 6 million people have no access to health care. Conflict has displaced more than 300,000 people.⁵

Officials said they first saw waves of migrants from the Horn of Africa passing through to Saudi Arabia in the 1970s, as they fled war and insecurity at home.⁶ New waves of migrants began passing through in the 1990s, after Ethiopia's present government came to power in 1991 and removed restrictions on emigration.⁷ Armed conflict in Somalia has pushed over 966,000 refugees into nearby countries over several decades, including 244,000 who reside in Yemen and who are automatically granted refugee status, based simply on their

² Danish Refugee Council, "Desperate Choices: conditions, risks & protection failures affecting Ethiopian migrants in Yemen," October 2012, <http://www.refworld.org/docid/52401aba4.html> (accessed 28 November 2013) pp.6, 15; Marina de Regt, "Ethiopian Women's Migration to Yemen: Past and Present," *Chroniques Yémenites*, 17 (2012), <http://cy.revues.org/1853> (accessed March 25, 2014).

³ World Bank, "Yemen Country Page," <http://data.worldbank.org/country/yemen-republic> (accessed October 29, 2013); United Nations Development Program, "Yemen Country Profile," <http://www.undp.org/ye/y-profile.php> (accessed November 29, 2013).

⁴ World Bank, "Yemen Country Brief," <http://www.worldbank.org/en/country/yemen/overview> (accessed November 29, 2013).

⁵ Office for the Coordination of Humanitarian Affairs, "Humanitarian Bulletin: Issue 22, 05 December 2013 to 07 January 2014," June 2013, <http://reliefweb.int/sites/reliefweb.int/files/resources/OCHA%20Yemen%20Humanitarian%20Bulletin%20Issue%2022.pdf> (accessed January 19, 2014).

UNHCR, "Refugee Operation in Yemen," October 2013, on file with Human Rights Watch.

⁶ Human Rights Watch interview with Abdullah Salah Hadi, immigration office director of al-Tuwal border region, Haradh, September 23, 2013.

⁷ Marina de Regt, "Migration To and Through Yemen: The Case of Migrant Domestic Workers" (paper presented at Migration and Refugee Movements in the Middle East and North Africa conference, Cairo, Egypt, October 23-25, 2007) <http://www.aucegypt.edu/GAPP/cmrs/Documents/MarinadeRegt.pdf> (accessed December 8, 2013).

nationality.⁸ Africans from as far away as Nigeria and Niger also pass through Yemen via the Horn en route to the wealthier countries of the Arabian peninsula.

Especially since the 2011 uprising in Yemen, the government has had difficulty asserting control over much of the country, including land and sea borders, which may have encouraged traffickers and spurred migration.

In 2010, 53,000 migrants and refugees arrived on Yemen's shores; this number doubled to 104,000 in 2011, and rose again to 108,000 in 2012, only to drop to 65,000 in 2013, according to the Office of the United Nations High Commissioner for Refugees (UNHCR).⁹

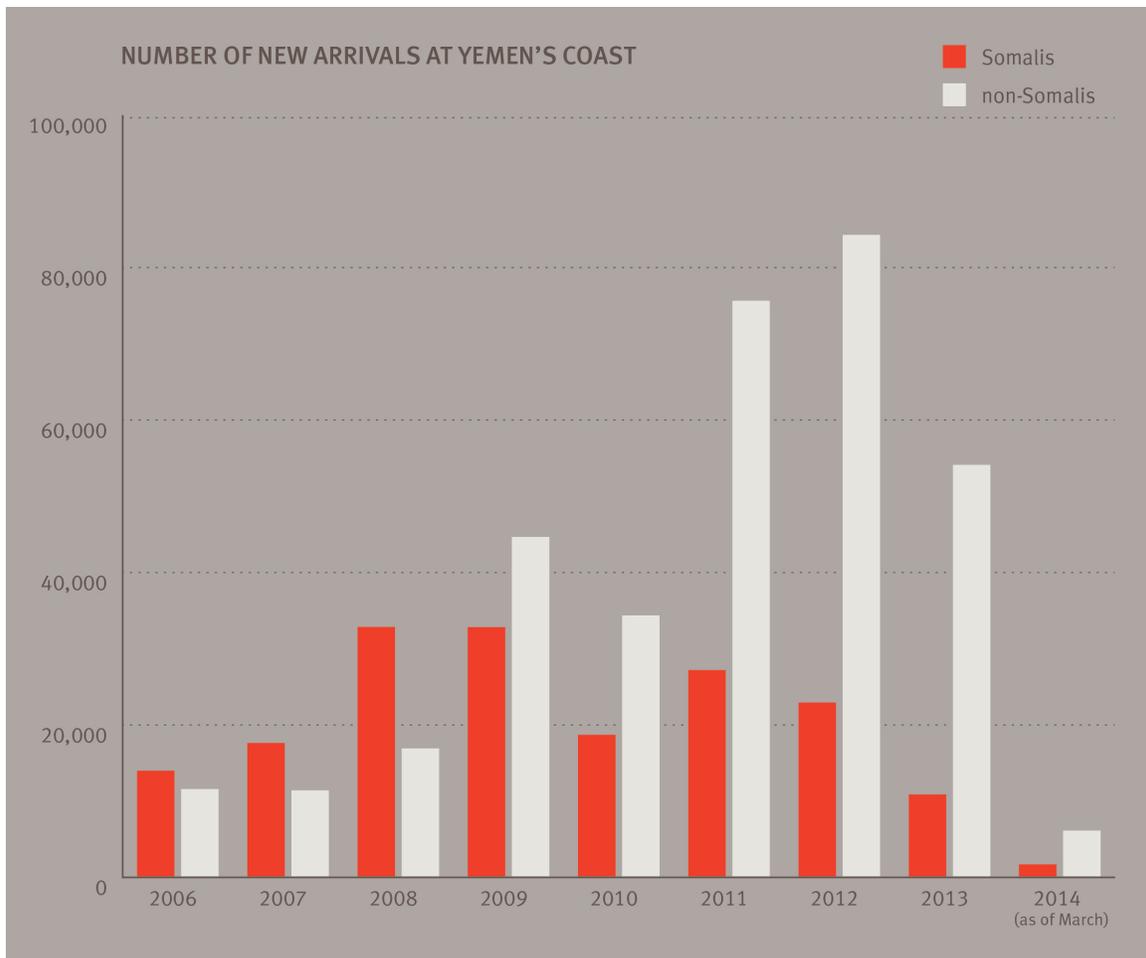
Though organizations tracking the numbers cannot definitively explain the 2013 drop, which started in July, many aid workers said that the likely reason was Saudi Arabia's 2013 campaign to deport undocumented migrants and tighten border security.¹⁰ In 2014, numbers rose again, according to UNHCR. Between January and March 2014 8,148, migrants arrived on Yemen's shores.¹¹

⁸ Human Rights Watch, *Hostile Shores. Abuse and Refoulement of Asylum Seekers and Refugees in Yemen*, December 2009, <http://www.hrw.org/sites/default/files/reports/yemen1209webwcover.pdf>, p. 10-11. UNHCR, "Somali Refugees in the Region," September 10, 2013, <http://data.unhcr.org/horn-of-africa/download.php?id=1250> (accessed March 5, 2014). UNHCR, "2014 UNHCR country operations profile – Yemen", <http://www.unhcr.org/pages/49e486ba6.html> (accessed March 5, 2014). "UNHCR, Somali: Population Movement Trends", <http://data.unhcr.org/horn-of-africa/country.php?id=197> (accessed April 4, 2014)

⁹ These estimates, based on international groups' monitoring of sea borders and interviews with migrants themselves, only include migrants who arrive through irregular channels, some of whom may seek and gain asylum. Regional Mixed Migration Secretariat, "Regional mixed migration monthly updates," December 2012, <http://reliefweb.int/sites/reliefweb.int/files/resources/RMMS%20Monthly%20Summary%20December%202012%20.pdf> (accessed November 28, 2013). The Office of the United Nations High Commissioner for Refugees (UNHCR) began keeping statistics on migration from the Horn of Africa to Yemen in 2006. Between 2006 and April 2013, UNHCR estimates that 477,000 people travelled from the Horn of Africa to Yemen, with a recent increase in numbers. (UNHCR, "Briefing Notes: Over 30,000 refugees and migrants arrive in Yemen so far this year," April 2013, <http://www.unhcr.org/517a58b5fac.html> (accessed December 8, 2013).

¹⁰ "Saudi Arabia's foreign labour crackdown drives out 2m migrants," *The Guardian*, November 29, 2013, <http://www.theguardian.com/world/2013/nov/29/saudi-arabia-foreign-labour-crackdown-migrants> (accessed March 24, 2014).

¹¹ UNHCR, "New Arrivals in Yemen Comparison 2011-2014," March 31, 2014, <http://reliefweb.int/map/yemen/new-arrivals-yemen-comparison-2011-2014-31-march-2014> (accessed April 13, 2014)



During the first half of 2013, a full 83 percent of the 65,319 migrants and refugees UNHCR tallied in Yemen were Ethiopian; 17 percent were Somali, and there were small numbers of Eritreans, Djiboutians, and Sudanese—whereas only three years prior, the majority of new arrivals were Somali.¹² The routes into the country have changed too. Until 2009, most migrants were coming to Yemen from northeastern Somalia across the Gulf of Aden. Since 2009, the majority have been crossing from Djibouti across the Red Sea.¹³

¹² UNHCR, “Yemen-New Arrivals at Coast: 2006-2013,” December 2013, on file with Human Rights Watch. UNHCR bases its statistics from numbers gathered by the Danish Refugee Council and the Society for Humanitarian Solidarity based on their daily patrols of the Yemeni coastline.

¹³ UNHCR, “New Arrivals Incident Report,” December 2013, on file with Human Rights Watch.

New Arrivals at the Arabian Sea



New Arrivals at the Red Sea



An entire underground economy has grown up around trafficking Africans through the country and over borders and extorting money from them. Yemeni smugglers and traffickers make large amounts of money moving migrants through their country. One 2013 study which tracked the cost of the industry in each of the countries involved estimated that the migrant trafficking industry across the Red Sea from Djibouti to Yemen alone is worth between US\$11 and \$12.5 million.¹⁴

There are major gaps in knowledge about the migrants. For example there are no estimates of the number of migrants currently living in Yemen who are not refugees—a category that includes the people Human Rights Watch interviewed for this report.¹⁵

The UNHCR numbers are generated from the numbers of people the organization serves in its programs for refugees and asylum seekers, and on figures from its partners, the Danish Refugee Council and the Society for Humanitarian Solidarity, which conduct daily patrols of the Yemeni coastline.¹⁶

Humanitarian organizations reported registering and assisting 11,308 migrants during 2012 in Haradh, of whom around 9 percent, or 1,000, were children.¹⁷ The Regional Mixed Migration Secretariat (RMMS), an independent agency that supports other agencies, institutions and forums in the Horn of Africa and Yemen to improve the management of protection and assistance response to people in mixed migration flows in the region, has documented the presence in Yemen of unaccompanied Somali and Ethiopian children as young as 9, primarily boys, who say that they traveled to Yemen because their parents or

¹⁴ Regional Mixed Migration Secretariat, “Migrant Smuggling in the Horn of Africa & Yemen: The Political Economy and Protection Risks,” June 2013, http://www.regionalmms.org/fileadmin/content/gallery/Migrant_Smuggling_in_the_Horn_of_Africa_and_Yemen_report.pdf (accessed November 28, 2013) p. 75. This number only takes into account the actual payments made to brokers for the journey. It does not include funds obtained by extortion or other means.

¹⁵ Regional Mixed Migration Secretariat, “Alarming Abuse of Migrants in Yemen,” April 18 2013, http://www.regionalmms.org/index.php?id=45&tx_ttnews%5Btt_news%5D=171&cHash=c99cb2384f3f93959692c600db541840 (accessed December 8, 2013). None of the migrants Human Rights Watch interviewed for this report considered themselves to be refugees.

¹⁶ The patrols, which stop between 5 and 6 p.m. and resume between 7 and 8 a.m., do not cover the full length of the Yemeni coast, and traffickers have contacts on the shoreline who coordinate with them in order to avoid the patrols.¹⁶ Most of the migrants interviewed for this report landed in Yemen during the early morning hours, before the patrols become active. However since 2014 the Danish Refugee Council has extended the scope of their coastal patrols further north. Human Rights Watch interview with Mazen Shaweesh, Protection Coordinator, Danish Refugee Council, Sanaa, March 10, 2014.

¹⁷ Regional Mixed Migration Secretariat, “Alarming Abuse of Migrants in Yemen,” April 18 2013, http://www.regionalmms.org/index.php?id=45&tx_ttnews%5Btt_news%5D=171&cHash=c99cb2384f3f93959692c600db541840 (accessed December 8, 2013).

guardians at home relied on them to find work and send money back for the family to survive.¹⁸ African children in Yemen are subjected to similar abuses as adults.

Little is also known about the small numbers of women from the Horn of Africa who attempt the journey to Saudi Arabia. Of 271 migrants the Danish Refugee Council interviewed before they were repatriated, only five, or 1.8 percent, were female. Yet many of the migrants told the researchers that when they crossed the Red Sea to Yemen they remembered traveling with girls—and no one could say what happened to them.¹⁹ The Danish Refugee Council reported that accounts by some Yemeni and Ethiopian migrants suggested that the girls may have been trafficked as virtual domestic slaves to households in Saudi Arabia while others were trafficked for sexual exploitation.²⁰ Ethiopian women interviewed for the same report said that during their journey through Djibouti, Somalia, and Yemen, they had been raped.²¹ Some Ethiopian women told an international aid worker who assists migrants on the Yemeni coast that they took contraceptive pills before boarding boats to Yemen, because they were aware of the likelihood of rape on the journey.²²

Emigration from Ethiopia

A combination of poverty, repression, and proximity to relatively prosperous labor markets in Saudi Arabia and other Gulf states has fueled, and continues to fuel, migration from Ethiopia to Yemen.

Ethiopia is one of the poorest nations in sub-Saharan Africa. Average GDP is just US\$470 annually, the sixth-lowest globally.²³ Despite recent macroeconomic gains, extreme poverty pervades the countryside. Jobs are hard to find and pay is low.²⁴

¹⁸ Regional Mixed Migration Secretariat, "Regional mixed migration monthly updates," August-September 2013, http://www.regionalmms.org/fileadmin/content/about%20ous/RMMS_Monthly_Summary__August-September_2013.pdf (accessed November 28, 2013).

¹⁹ Regional Mixed Migration Secretariat, "Disappearing girls: new findings from Yemen," July 26, 2013, http://www.regionalmms.org/index.php?id=45&tx_ttnews%5Btt_news%5D=190&cHash=458094d14c1f5b6dfce8b2f441bf15e5 (accessed November 28, 2013).

²⁰ Danish Refugee Council, "Desperate Choices," p. 39.

²¹ Danish Refugee Council, "Desperate Choices," p. 45.

²² Human Rights Watch interview, Sanaa, October 25, 2013.

²³ World Bank GDP per capita (current US\$) Data Bank, <http://data.worldbank.org/indicator/NY.GDP.PCAP.CD> (accessed November 3, 2013). Only Niger, Malawi, Burundi, Madagascar, and Congo fare worse.

²⁴ Danish Refugee Council, "Desperate Choices," pp. 19-20.

Jemal Muhammad, 17, who is from the Amhara region of Ethiopia, told Human Rights Watch he came to Yemen alone “because I'm poor.” His father died and his mother is too old to work, he said. “I don't have income, so that's why I left.”²⁵

Ethiopia is also one of Africa's most repressive nations. The ruling Ethiopian People's Revolutionary Democratic Front came to power in 1991 and severely curtailed access to information and freedoms of expression and association. Officials have shut down most legitimate political avenues for peaceful protest and imprisoned opposition leaders, civil society activists, and independent journalists. Those who fail to support the government do not receive state benefits, including access to agricultural inputs, food aid, employment, and education opportunities.²⁶ The government particularly targets those with suspected connections to the outlawed Oromo Liberation Front and Ogaden National Liberation Front, which the government considers terrorist organizations.²⁷ This repressive environment has resulted in the emigration of thousands, and most of Ethiopia's neighbors host significant numbers of Ethiopian refugees.

Most Ethiopians in Yemen do not register with their embassy. Even those who cite economic rather than political reasons for migrating tell aid organizations that they suspect the Ethiopian authorities are trying to monitor them. Ethiopia demands the forcible return of Ethiopians who claim refugee status from some, particularly neighboring, countries. In 2012, Djibouti, Somalia, and Sudan are all known to have returned Ethiopian citizens at the request of the Ethiopian government, but not Yemen.²⁸

Recognizing the importance of remittances, Ethiopia has in the past facilitated and encouraged labor migration even as it regulates the industry to combat abuse and human trafficking.²⁹ The government invokes anti-trafficking legislation to prosecute recruitment

²⁵ Human Rights Watch interview with “Jemal Muhammad” (a pseudonym), Haradh, June 12, 2013.

²⁶ Human Rights Watch. *Ethiopia- One Hundred Ways of Putting Pressure*, March 2010, <http://www.hrw.org/sites/default/files/reports/ethiopia0310webwcover.pdf>. Human Rights Watch, *Development without Freedom*, October 2010, <http://www.hrw.org/sites/default/files/reports/ethiopia1010webwcover.pdf>

²⁷ The Anti-Terrorism Proclamation, article 25, enables Ethiopia to designate terrorist organizations. Presently, Ginbot 7, OLF, ONLF, Al-Shabaab and Al-Qaeda have been designated.

²⁸ Danish Refugee Council, “Desperate Choices,” p.19.²⁹ Regional Mixed Migration Secretariat, “Migrant Smuggling in the Horn of Africa & Yemen: The Political Economy and Protection Risks,” June 2013, p. 35.

²⁹ Regional Mixed Migration Secretariat, “Migrant Smuggling in the Horn of Africa & Yemen: The Political Economy and Protection Risks,” June 2013, p. 35.

agencies that work without official approval.³⁰ Officials at the Ethiopian Embassy in Sanaa estimated that in 2013, the Ethiopian government arrested 180 Ethiopian labor recruiters based in Ethiopia.³¹

On October 25, 2013, Ethiopia's Ministry of Foreign Affairs announced a temporary government ban on citizens traveling abroad for employment, "in an effort to curb the rising tide of abuse and exploitation." The ministry, which also indefinitely suspended the licenses of foreign employment agencies, said it issued the ban because it had failed in other efforts "to prevent abuse and even killings of many Ethiopians" traveling abroad for work.³²

The Smugglers' Town of Haradh

According to organizations tracking the movements of migrants, the majority of Africans passing through Yemen to Saudi Arabia travel through Haradh, a town of 94,000 in Hajja governate, 7 kilometers (4 miles) south of the border with Saudi Arabia and 30 kilometers (19 miles) inland from the Red Sea coast. In Haradh, a place prone to extreme heat and flash flooding, a government official estimated that at least 80 percent of the local economy is based on smuggling.³³ Humanitarian organizations have estimated that at its peak in late 2012 early 2013, Haradh hosted an average of 25,000 migrants hoping to travel to Saudi Arabia or return home. The International Organization for Migration (IOM), an intergovernmental organization that works closely with governmental, intergovernmental and nongovernmental partners to manage migration and aid migrants, in 2012 registered 11,298 vulnerable Ethiopian migrants for repatriation at its camp in Haradh, and from January to September 2013, the organization registered 6,228 Ethiopian migrants for repatriation.³⁴

³⁰ Regional Mixed Migration Secretariat, "Migrant Smuggling in the Horn of Africa & Yemen: The Political Economy and Protection Risks," June 2013, p. 45.

³¹ Human Rights Watch interview with Techane Bekele Yadete, Consular at Ethiopian Embassy Sanaa, and Brehane Meskel Kihisen, Diaspora Engagement Affairs Counselor at Ethiopian Embassy Sanaa, Sanaa, November 3, 2013.

³² Ethiopian Ministry of Foreign Affairs, "Government announces temporary ban on traveling abroad for work," October 25, 2013, <http://www.mfa.gov.et/news/more.php?newsid=2632> (accessed December 9, 2013).

³³ IOM, "Lack of Funds Limiting IOM Assistance to Stranded Migrants in Yemen," April 2, 2013, <http://www.iom.int/cms/en/sites/iom/home/news-and-views/press-briefing-notes/pbn-2013/pbn-listing/lack-of-funds-limiting-iom-assis.html> (accessed December 9, 2013). Yemen National Information Center, "Population Statistics: Directorate Hajja," 2004, <http://www.yemen-nic.info/contents/Brief/detail.php?ID=7632&print=Y> (accessed December 9, 2013). This is an informal estimate, and there is no census data to substantiate it. However based on Human Rights Watch's research in Haradh this estimate seems accurate. Human Rights Watch interview with Ibrahim Zaidan, Ministry of Human Rights representative in Haradh, Haradh, September 21, 2013.

³⁴ Human Rights Watch email correspondence with Lilian Ambuso, Operations Manager, IOM, Sanaa, October 18, 2013.

In mid-2013, the number of migrants in Haradh dropped precipitously for the first time in five years, possibly because of Saudi mass deportations of undocumented migrants and tightened border security. An official from the Yemeni Human Rights Ministry in Haradh estimated that as of mid-2013, about 25,000 migrants were present.³⁵ Local officials described throngs of migrants at the doors of restaurants during mealtimes in June, waiting for restaurant staff to give them leftovers.³⁶ By September 2013, only about 500 to 600 migrants remained in town.³⁷

During January and February 2014, with reduced numbers of migrants in Haradh, the IOM had closed its Migrant Response Centre (MRC) to new arrivals except for medical emergencies and vulnerable cases. Though it had considered closing down its provision assistance structures for third country nationals and shifting all resources to Yemeni returnees, the numbers of stranded African migrants in Haradh increased tenfold, from 800 in January 2014 to a total of 8,000 by March 2014.³⁸

Regional Context

In February 2014, Human Rights Watch documented serious allegations of torture and abuse of Eritreans in eastern Sudan and Egypt's Sinai peninsula between mid-2010 and early 2014.³⁹ Initially Eritreans travelled voluntarily, with smugglers, from eastern Sudan through Egypt towards Israel, Human Rights Watch found. But as of 2011 the smugglers increasingly turned on their clients and abused them to extort tens of thousands of dollars in exchange for the onward journey, thereby becoming traffickers. By 2012 large numbers of Eritreans were being kidnapped in eastern Sudan and taken against their will to Egypt, where they were tortured. In 2013 and early 2014 media and other sources reported that, smugglers transporting Eritrean, Somali and Sudanese nationals to and through Libya had abused their clients to extort additional money from them.⁴⁰

³⁵ Human Rights Watch interview with Ibrahim Zaidan, Ministry of Human Rights representative in Haradh, Haradh, September 21, 2013.

³⁶ Human Rights Watch interview with Ahmed Shedaiwah, head of Haradh Local Council, Haradh, September 20, 2013.

³⁷ Human Rights Watch interview with Abd al-Salam al-Mahbashi, deputy head of the Human Rights Department in the Ministry of Interior and Abd al-Salam Jawhar, Head of the Refugees Affairs Department in the Ministry of Interior, Sanaa, October 28, 2013. Ministry of the Interior officials told Human Rights Watch this was based on numbers the ministry gathered from local authorities and from the IOM.

³⁸ Human Rights Watch email correspondence with Miranda Hurst, Program Support Officer, IOM, Sanaa, April 10, 2014.

³⁹ Human Rights Watch, *"I Wanted to Lie Down and Die": Trafficking and Torture of Eritreans in Sudan and Egypt"*, February 2014.

⁴⁰ Ibid.



Migrants en route to Saudi Arabia along Yemen's Hodaida-Haradh road, May 2013.
(C) 2013 Michael Kirby Smith



Ethiopian migrants piling into a pickup truck to work in *qaf* fields near Rada`a, Yemen, June 2013.
(C) 2013 Michael Kirby Smith

II. The Journey

Most of the migrants interviewed by Human Rights Watch were men in their early 20s, though we also interviewed boys as young as 12 and men as old as 43. All of them came from impoverished rural Ethiopia, the majority from Wollo, an agrarian northeastern province with a sizable population of the ethnic Oromo group. Four of those interviewed had been farmers, six were high school students from farming families, and one was a shepherd.

All those interviewed told Human Rights Watch that friends from their villages connected them with brokers who promised, for a fee, to arrange their passage to Saudi Arabia, either by procuring a visa or arranging a smuggling route, usually through a network of smugglers in each country along the way.⁴¹ In some cases the fee paid was supposed to include all costs to get to Saudi Arabia, and in others just one leg of the trip. Muhammad Awol, 20, a student from Wollo, said a friend introduced him to a local broker whom he paid 1,700 Ethiopian Birr (\$89) to take him to the town of Gore, in southwest Ethiopia, where he paid another broker 2,100 Birr (\$111) to take him to Yemen.⁴² The migrants told Human Rights Watch that different smugglers escorted them for successive stretches of the trip. Some paid brokers the exact same amount for the same leg of the journey, suggesting coordination between traffickers charging similar rates. Among those who provided Human Rights Watch a figure, the prices paid for the journey ranged from \$315 to \$433. Some said they exhausted family savings or sold their families' work animals or farms to pay for the passage.

Traffickers and smugglers told Human Rights Watch that smuggling networks extend through Djibouti, Somalia, Ethiopia, and Saudi Arabia. They said that members of their smuggling and trafficking gangs maintain phone and text message contact throughout the migrants' journey. Smugglers and traffickers sell people from one gang to the next, through a syndicate, as the migrants pass from country to country.

⁴¹ There is a high correlation between the desire to migrate and the presence of local brokers/smugglers in Ethiopia. Danish Refugee Council, "Desperate Choices," p. 21.

⁴² For example, Human Rights Watch interview with "Muhammad Awol" (a pseudonym), MRC, Haradh, September 21, 2013.

Journey over Land

Migrants described setting out for their journey in a group with a guide from landlocked Ethiopia to the port city of Obock, Djibouti. Some made the entire journey on foot, while others hid in container trucks.

Regardless of how they travel, migrants risk death. The terrain is arid and hot, and many traveling by foot have insufficient food and water, flimsy shoes, and little protection from the sun. People suffer severe dehydration, leading to kidney failure, said Ibrahim Zaidan, a representative of the Human Rights Ministry in Haradh, who regularly interviews migrants in the hospital soon after they arrive in Yemen.⁴³ Traveling by vehicle from their homes to the border with Djibouti is also perilous. In February 2012 Ethiopian authorities seized a container truck filled with 75 Ethiopians near the Djiboutian border; 11 had suffocated to death.⁴⁴

The migrants Human Rights Watch interviewed entered Djibouti openly, at border crossings and over open land, without interference from officials.⁴⁵ “At the border we passed lots of guards, but no one stopped us,” said Akmel Ibrahim, 30, a farmer from Silte, Ethiopia, who said a smuggler led him and a large group of others across the border on foot in September 2012.⁴⁶

Voyage over Sea

Migrants said that upon reaching Obock, they had to wait until night to board a boat to ferry them to the Yemeni coast. Those who could identify the nationality of the boat crew said they were Yemeni. They reported as many as seven crewmembers on one boat. The boats each transported from 27 to 151 migrants, sometimes including as many as 10 children. One migrant described the vessel that in August 2013 took him as a small wooden fishing boat with a motor, crowded with 63 passengers.⁴⁷ Some boats transported only men, but on others more than half the passengers were women. One said

⁴³ Human Rights Watch interview with Ibrahim Zaidan, Ministry of Human Rights representative in Haradh, Haradh, September 21, 2013, Human Rights Watch interview with Muhammad Abu Ghanim, Director of Traffic Police, Haradh, September 22, 2013.

⁴⁴ Danish Refugee Council, “Desperate Choices,” p.35.

⁴⁵ Human Rights Watch interview with Mohamed Douhour Hersi, Djiboutian Ambassador to Yemen, Sanaa, October 9, 2013.

⁴⁶ Human Rights Watch interview with “Akmel Ibrahim” (a pseudonym), Haradh, September 22, 2013.

⁴⁷ Human Rights Watch interview with “Ali Kebede” (a pseudonym), MRC, Haradh, November 29, 2013.

he traveled in a convoy of three boats. After a six or seven-hour journey, the boats reached the Yemeni coastline at dawn.

The dangers of the sea crossing to Yemen have decreased since Human Rights Watch published its 2009 report on refoulement and abuse of refugees in Yemen.⁴⁸ The Yemeni coast guard has pledged not to intercept boats as they land, and most boats now approach the shore so that passengers can disembark in shallow water, decreasing the likelihood of drowning.⁴⁹ Conditions on the boats themselves seem also to have improved dramatically in recent years, perhaps because the migrants' lives now have monetary value to smugglers who buy and sell them along the route and traffickers who extort ransom from them in Yemen. According to Christopher Horwood, coordinator of the RMMS, "There is a direct correlation in the rise of kidnapping and torture camps and the murder of migrants at sea (and disembarking them in the water). This is what we emphatically call 'commoditization of migrants'."⁵⁰

From January to October 2013, UNHCHR documented the deaths or disappearances of only five migrants attempting to cross either the Gulf of Aden or the Red Sea, a drop from 2012, when 43 migrants were reported dead or missing, and 2011, when 131 migrants were reported dead or missing.⁵¹

Only one migrant told Human Rights Watch that he witnessed abuse on the boat to Yemen. In May 2013, Sindew Yimam Idris, a 43-year-old farmer from Wollo, said he boarded a boat to cross the Red Sea with 130 migrants, including 10 unaccompanied children under age 14.⁵² The children were traveling without their families to seek work in Saudi Arabia, and for no apparent reason the boat crew beat them with wires. "I cried on the boat," Idris said. "I was crying because I watched."

The boats' crews illegally transport migrants without fear of arrest. One Haradh-based trafficker told Human Rights Watch that as far as he and his colleagues are concerned,

⁴⁸ *Hostile Shores: Abuse and Refoulement of Asylum Seekers and Refugees in Yemen*

⁴⁹ Danish Refugee Council, "Desperate Choices," p.36-37.

⁵⁰ Human Rights Watch email correspondence with Christopher Horwood, Coordinator, RMMS, Sanaa, May 8, 2014.

⁵¹ UNHCR, "New Arrivals in Yemen Comparison 2010-2013," October 2013, <http://www.mmyemen.org/wp-content/uploads/2013/06/New-Arrivals-in-Yemen-Comparison-2010-October-2013.pdf> (accessed November 28, 2013).

UNHCR, "New Arrivals Incident Report," December 2013, on file with Human Rights Watch.

⁵² Human Rights Watch interview with "Sindew Yimam Idris" (a pseudonym), MRC, Haradh, September 21, 2013.

there is no functioning coast guard. He said that he currently works with Yemeni boat crews that ferry hundreds of people over the Red Sea every 10 to 15 days. He said he has never seen a Yemeni coast guard ship.⁵³ The Djiboutian ambassador to Yemen told Human Rights Watch that his country's coast guard agents usually just report unlicensed boats to their Yemeni counterparts, and that recently, in June 2013, when the Djiboutian coast guard tried to intercept a Yemeni ship, the crew opened fire.⁵⁴

Only one migrant interviewed by Human Rights Watch encountered the coast guard of any country. Hagos Gebremedihin, 28, from West Tigray, Ethiopia, said that the Djibouti navy stopped his boat full of migrants in the Red Sea:

They took the captain off the boat, leaving us for approximately an hour and a half alone in rough seas. During that time we were very stressed. When the navy brought back the captain after an hour and a half, they beat him and demanded *hawala* [money transferred through an informal system]. The captain started calling everywhere [to get money]. The navy eventually took a large container from the boat.... [and] the boat started moving again.⁵⁵

⁵³ Human Rights Watch interview with "Nadim" (a pseudonym), Haradh, September 21, 2013. Osman Ahmed Mohamed, a diplomat at the Somali Embassy in Sanaa, told Human Rights Watch that he was not aware of any boat coming from Somalia that had been intercepted by the Yemeni Coast Guard. (Human Rights Watch interview with Osman Ahmed Mohamed, First Secretary at the Somali Embassy, Sanaa, October 28, 2013.)

⁵⁴ Human Rights Watch interview with Mohamed Douhour Hersi, Djiboutian Ambassador to Yemen, Sanaa, October 9, 2013. to Yemen, Sanaa, October 9, 2013.

⁵⁵ *Hawala* is a payment system where brokers in various countries transfer money to one another through a phone call or fax in a trust-based network, which makes funds especially difficult to track.

III. Torture Camps

By 2006, migrants were reporting to humanitarian workers that traffickers had detained, beaten, and robbed them.⁵⁶ Local gangs set up camps in the desert around Haradh as traffickers started holding migrants and demanding that their victims phone their families back home or friends already employed in Saudi Arabia to get additional funds to cover the rest of their trip to Saudi Arabia. Effectively, the traffickers were holding them hostage and demanding ransom. When migrants refused to comply, or failed to come up with the money, the traffickers tortured them.

In recent years, the scope and violence of the trafficking abuses against migrants have increased, along with traffickers' revenue. The traffickers have evolved from local thugs to organizers of international networks, employing Ethiopian interpreters and intermediaries to phone migrants' relatives to extract ransom while they torture migrants. Some international and local observers say that during the instability following the 2011 Yemeni uprising, traffickers were able to ratchet up their operations, their networks, and their violence.⁵⁷

A June 2013 report by the Regional Mixed Migration Secretariat (RMMS) based on interviews conducted by the Danish Refugee Council found that "the majority" of around 130 respondents from the Horn of Africa who had arrived in Yemen between June 2011 and January 2013 reported being taken hostage.⁵⁸ In September 2013, the RMMS recorded 2,529 abductions, 30 incidents of sexual and gender-based violence, 198 shootings, and 273 other physical assaults (including 30 involving women) among migrants upon their arrival on Yemen's shores.⁵⁹ Among 271 migrant African children the RMMS interviewed at the Sanaa deportation center for a 2013 report, 234 said armed

⁵⁶ Danish Refugee Council, "Desperate Choices," p.38.

⁵⁷ Desperate Choices p. 36.

⁵⁸ Regional Mixed Migration Secretariat, "Migrant Smuggling in the Horn of Africa & Yemen: The Political Economy and Protection Risks," p. 44.

⁵⁹ The Regional Mixed Migration Secretariat bases its statistics on numbers gathered by the Danish Refugee Council and the Society for Humanitarian Solidarity based on their daily patrols of the Yemeni coastline. Regional Mixed Migration Secretariat, "Regional mixed migration monthly updates," August-September 2013, http://www.regionalmms.org/fileadmin/content/about%20us/RMMS_Monthly_Summary__August-September_2013.pdf (accessed November 28, 2013).

men met them when they landed in Yemen, and traffickers took 222 of them to isolated camps in northern Yemen.⁶⁰

One middle-aged Yemeni who acts as a paid informant both for local traffickers in Haradh and for the Political Security Organization, the Yemeni intelligence agency that reports directly to the president, sought to explain the use of torture as economically necessary to cover the costs of taking someone north to Haradh. Yemeni traffickers pick up the migrants from the shore and pay the boat crews about 500 SAR (US\$133) per migrant, he said.⁶¹ Including transportation costs, he estimated it costs about 700 SAR (\$187) to get each migrant to his camp in Haradh.⁶² He said that once there, “sometimes the trafficker finds out that the migrant has no money.... So there is no solution other than to torture the Ethiopian until he gets money.”

All the migrants Human Rights Watch interviewed for this report believed that by the time they boarded the boat to Yemen, they had already paid the full cost of their journey to Saudi Arabia.

The existence of the traffickers’ camps is common knowledge among aid and medical workers and government officials in Haradh, the nucleus of the trafficking industry in Yemen. Smugglers and traffickers spoke openly with Human Rights Watch about the camps and their locations.

Journey in Yemen to the Camps

As the boats full of migrants approach the Yemeni shore from the Red Sea in the pre-dawn hours, crew members hold migrants on board and only allow them to disembark when armed men drive up on trucks, migrants told Human Rights Watch. Sometimes they wait for several hours.⁶³ All of the migrants who spoke to Human Rights Watch said that they were met by traffickers – from four to a dozen armed men – as they waded ashore.

⁶⁰ Disappearing girls: new findings from Yemen,” July 26, 2013, [http://www.regionalmms.org/index.php?id=45&tx_ttnews\[tt_news\]=190&cHash=458094d14c1f5b6dfce8b2f441bf15e5](http://www.regionalmms.org/index.php?id=45&tx_ttnews[tt_news]=190&cHash=458094d14c1f5b6dfce8b2f441bf15e5) (accessed November 28, 2013).

⁶¹ Human Rights Watch interview, Haradh, September 21, 2013. See also BBC, “Inside Yemen’s ‘torture camps,’” *BBC News Online*, July 18, 2013, <http://www.bbc.co.uk/news/world-23369009> (accessed November 28, 2013).

⁶² Human Rights Watch could not verify these figures.

⁶³ Human Rights Watch interview with “Shikuri Muhammad” (a pseudonym), Haradh, September 22, 2013.

Two Haradh-based traffickers who make regular once-a-week cash payments to boat crews, and the government informant, said that traffickers paid amounts ranging from \$133 and \$533 per person.⁶⁴ Factors such as gender, nationality, and age did not affect the price, though they did not charge for children under five years old.⁶⁵

Land-based traffickers, who sometimes wear police uniforms to help force compliance, tell the migrants that they will have to pay another fee if they want to get to Saudi Arabia. The traffickers put those who hand over the additional money onto trucks that go straight to the border, and those who do not onto different trucks. All those interviewed by Human Rights Watch had refused to pay the money, and believed that is why they ended up in the traffickers' camps.

Ali Kebede, 21, the farmer from Wollo, said that he left home in September 2013 to seek work because he had to support his younger brother and sister. He told Human Rights Watch that on the open sea, he saw a Yemeni crew member making calls on his cell phone.⁶⁶ As the boat neared the shore, eight armed men stood waiting with two pickup trucks. "They kept pointing their guns at us and yelling to get onto the back of the trucks," he said. "One man refused to get on the truck and they beat him with the butts of their guns. This made all of us afraid."

Sindew Yimam Idris crossed the Red Sea in May 2013 on a boat with 130 other migrants, including 10 children.⁶⁷ When they waded onto shore in the middle of the night, 12 Yemeni men were waiting, Idris told Human Rights Watch. The man who appeared to be in charge was armed with a pistol, and eight others brandished rifles. The Yemenis forced the migrants to board nine open-air trucks, separating the children from the adults and forcing them onto a different truck. "I did not get to see them again," he added, saying that he worries and wonders about them still.

⁶⁴ Human Rights Watch interview, Haradh, September 21, 2013. Human Rights Watch interview, Haradh, September 22, 2013. Human Rights Watch interview, Haradh, January 10, 2014.

⁶⁵ Human Rights Watch interview, Haradh, September 21, 2013. Human Rights Watch interview, Haradh, September 22, 2013.

⁶⁶ Human Rights Watch interview with "Ali Kebede" (a pseudonym), MRC, Haradh, November 29, 2013.

⁶⁷ Human Rights Watch interview with "Sindew Yimam Idris" (a pseudonym), MRC, Haradh, September 21, 2013.

The Camps

When migrants cannot pay or refuse to pay the traffickers' price, the traffickers drive them to isolated camps, where they demand ransom and threaten and torture them until they call friends or family to procure the money. According to Haradh-based traffickers and smugglers who spoke with Human Rights Watch, the gangs that pick the migrants up at the shore sell them to other traffickers who run their own independent camps.⁶⁸ However the man Human Rights Watch interviewed who works as an informer for both the government and the traffickers said some traffickers who run camps pick up migrants directly from the shore.⁶⁹

None of the migrants interviewed by Human Rights knew where exactly on the Yemeni shore their boats had landed, or the precise locations of the camps where traffickers had held them.

All of the migrants interviewed described having been detained in camps in deserted areas. They said that Yemenis ran the camps, sometimes with guards who were Ethiopian or Eritrean. The camps varied in structure; most of the migrants described being kept in a walled yard with a single guarded exit, under a tarp hung on posts to provide shelter from the sun. One migrant said traffickers held him in a small house, another said they detained him in a multi-story building. Kebede described conditions in the walled compound where traffickers held him in August 2013:

The camp was a square area that was totally open, with no shelter. There were concrete walls with four guard towers, one in each corner. There were no buildings in the camp. There were eight guards, who were on duty at different times, including some Ethiopians. The guards slept in the camp with over 50 of us, but they had created a small shaded area that only they were allowed to sleep under. The weather was very hot, and there were no bathrooms. We had water tanks in the camp for drinking water, but the guards only refilled the tanks every five days. The water would always be finished in a single day and we would have to go four days without water....

⁶⁸ Human Rights Watch interview, Haradh, September 21, 2013. Human Rights Watch interview, Haradh, September 22, 2013. Human Rights Watch interview with seven smugglers, Haradh, September 24, 2013.

⁶⁹ Human Rights Watch interview, Haradh, January 10, 2014.

The seven women who arrived with us were taken to a separate area of the camp, behind a wall. I did not see them again, but I heard women screaming at night and noises that sounded like beatings. When we first arrived I saw one man lying on the ground bleeding from his back. I could not tell if he was alive or dead.⁷⁰

Ibrahim Zaidan, the representative of the Human Rights Ministry in Haradh, who advocates on behalf of migrants, estimated that 90 percent of the camps are run by Yemeni landowners.⁷¹

A trafficker who frequently negotiates for ransom with migrants' families, told Human Rights Watch that he does not know of a single camp that is not run by the person who owns the land on which the camp is situated, and all the camp owners with whom he deals come from local families.⁷²

Zaidan and some smugglers and traffickers estimated that about 30 trafficking gangs operate in Haradh, with many more in surrounding areas.⁷³ (Other smugglers and traffickers said they were unable to estimate). Over the last two years there have also been about 30 separate functioning torture camps in and around Haradh, all well-known to the local authorities. Various officials identified Haradh as the epicenter of the migrants' trafficking trade in Yemen, but no one could estimate the number of camps in other parts of the country.⁷⁴ A staff member from Medecins Sans Frontières estimated that there may be as many as 200 torture camps in and around Haradh.⁷⁵

⁷⁰ Human Rights Watch interview with "Ali Kebede" (a pseudonym), MRC, Haradh, November 29, 2013.

⁷¹ Non-nationals cannot own land except in special circumstances, for instance, for investment purposes according to Yemeni lawyer Hayil Salam. Human Rights Watch interview with Hayil Salam, March 9, 2014. Human Rights Watch interview with Ibrahim Zaidan, Ministry of Human Rights representative in Haradh, Haradh, September 21, 2013. Human Rights Watch interview with Ali Yaslam, Head of Operations of Second Brigade Border Guards and deputy commander, and Ali Omar Said, Commander of the Second Brigade Border Guards, Haradh, September 23, 2013.

⁷² Human Rights Watch interview with "Nadim" (a pseudonym), Haradh, September 21, 2013.

⁷³ Human Rights Watch interview with Ibrahim Zaidan, Ministry of Human Rights representative in Haradh, Haradh, September 21, 2013.

⁷⁴ Human Rights Watch interview with Ibrahim Zaidan, Ministry of Human Rights representative in Haradh, Haradh, September 21, 2013.

⁷⁵ "Inside Yemen's 'torture camps,'" *BBC News Online*, July 18, 2013, <http://www.bbc.co.uk/news/world-23369009> (accessed November 28, 2013).

Al-Osaila (west of the town of Haradh)	
#+	Yahya Abdu Kudaish ⁷⁶
#*+	Ali Saghir Abdu Kudaish
#*+	Hadi Abdu Hassan Kudaish
#+	Khabak (nickname) Muhammad Ibrahim
*	Ahmed Ibrahim Ali Juaidid
Al-Sharifiyya (north of the town of Haradh, on the way to the border with Saudi Arabia)	
#+	Ali Haj Haradi
#+	Ali Kuaidan
#*+	Husain Ali Ahmed Azzam
Al-Khodur (northeast of the town of Haradh, on the way to the border with Saudi Arabia)	
#+	Ali Aishan Alsunaidar ⁷⁷
#*+	Muhammad Ibrahim Abdullah Odabi
In Al-Dahel (west of the town of Haradh)	
#+	Khaled Dabos and Ali Hashim ⁷⁸
In Al-Niara (northern west of the town of Haradh)	
#+	Esam al-Jomai and Abdullah al-Jomai ⁷⁹

Above are the names of 14 individuals who allegedly run 12 camps in and around Haradh. A Haradh-based government official provided the names to Human Rights Watch anonymously; two local traffickers and smugglers corroborated the names.

Those with an asterisk (*) next to their names were arrested and sent to the Haradh prosecutor's office but were not subsequently prosecuted with regard to crimes committed against migrants. Only one remained in custody at the time of writing. Those with a plus sign (+) next to their names allegedly own the land on which the camps they run are located, according to the government official who provided the list, as well as a local

⁷⁶ According to traffickers and smugglers, Kudaish is the leading trafficker in Haradh. One trafficker who works with him alleged to Human Rights Watch that Kudaish pays 90,000 Yemeni Riyals (US\$418) per month to an agent in the Criminal Investigation Department to protect his camp. When other traffickers and smugglers cross him, he reports on them to officials who then arrest them or take other steps to block their smuggling and trafficking operations, according to an official and the trafficker who works with him.

⁷⁷ One trafficker said he witnessed him gouging out a migrant's eyeball with a plastic bottle.

⁷⁸ They allegedly jointly own and run the camp.

⁷⁹ They allegedly jointly own and run the camp.

trafficker [See Annex I for more details]. Those with a hash sign (#) next to their names were on a list identifying local smugglers sent by the Criminal Investigation Department in Sanaa to the administration of Hajja governorate, according to a government official who saw the list. The Criminal Investigation Department, within the Ministry of Interior, conducts most criminal investigations and arrests nationwide.

Torture and Abuse

All 18 of the migrants Human Rights Watch interviewed for this report said their captors tortured them to force them to make phone calls to relatives or friends to ask for money. They said that their captors beat them—using fists, feet, sticks, and cables. Four said their captors tied them up by their thumbs with rope. One said he was burned by melted plastic. Another said his captors tied his genitals with a string attached to a full water bottle.

Hagos Gebremedihin, 28, from a village in the Tigray region of Ethiopia, said that traffickers took him from the Yemeni shore to a fenced-off area next to a house:

We had no food, no water; we were still white from the salty sea water. They started beating us and demanding money and insulting us.... The women were raped, and the boys were kicked or raped by Yemenis. They demanded money. If there was someone who said he didn't have any money, they tied him up and hit him.... Sometimes they tied you up by your legs and they hit you. They make you suffer, pouring drops of melted plastic on your skin. We stayed in the smugglers' house one-and-a-half months. It felt like five years.⁸⁰

Araya Gebremedihin, 16, from a town in Ethiopia's Tigray region told Human Rights Watch,

When we arrived [at the camp], the punisher said, "Welcome to hell." We were afraid and asked, "What do you mean by that? We want to go to Saudi Arabia. What do you mean by that?" Then we went inside the house. Four Oromo [Ethiopian] people beat us and told us to line up. They started asking, "Do you have [telephone] numbers?" One guy said yes and one said

⁸⁰ Human Rights Watch interview with "Hagos Gebremedihin" (a pseudonym), Haradh, January 8, 2014.

no. To the one who replied no, they said, “You can't say no. If you say no, you're going to die... Then they came to me and said, “Give me a number.”

I said I don't have any friends in Saudi. He said, “Call Ethiopia.” I explained that my father and my mother, they are poor. He said, “Call!” I called to Ethiopia, to my mother, and I told her I was caught in Yemen. [I said], “If I work, I will return this money, but if I die I can't.” She answered, “I don't have money.” She said, “I have only one cow and nobody will buy it. If they hurt you, they hurt you. I can't do anything for you.” The guy asked what she said. He also spoke Tigrinya, so I told him what she said. [He got on the phone and said], “You don't need your boy, what do you mean? He's going to die.” He said like this. “Kill him,” she said. “When you kill him, inform me and I will sit and cry for him.” Then he started beating me.⁸¹

Bahiredin Ahmad, a 20-year-old high school student from a town in the Gurage Zone of the Southern Nations, Nationalities and Peoples Region (SNNPR) in Ethiopia, who arrived in Yemen in February 2013 told Human Rights Watch:

They hung me up by [my] thumbs for four days, sometimes for as long as two hours, then they would give me breaks in between and let me down. ... While I was hanging, they would beat my chest and back with sticks very hard.⁸²

After four days, Ahmad said, he finally agreed to call his family, and his relatives agreed to transfer the 2,500 Saudi Arabian Riyals (\$667) that his captors demanded. “I just could not take the pain anymore,” he said.

Ahmad said he saw traffickers tie another man's penis with string, and beat him with wooden sticks: “That man died before my eyes.”

Shikuri Muhammad, a 20-year-old from southern Ethiopia, said in December 2012 he spent time in a traffickers' camp where he met another man from his home town who refused to pay ransom. Four guards started by beating the man with sticks, then one took

⁸¹ Human Rights Watch interview with “Araya Gebremedihin” (a pseudonym), Haradh, January 9, 2014.

⁸² Human Rights Watch interview with “Bahiredin Ahmad” (a pseudonym), Haradh, September 22, 2013.

an axe, and hacked at the man's head with the blade. The man died. "The guards wanted to make an example out of him, and it worked," Muhammad said. "After that, almost all of prisoners paid their ransoms."⁸³

Muhammad said that another man from the Tigray region had called his family, asking them to send the traffickers money. One day, the guards beat this man, too, with an axe, until he died in front of the other migrants. "I did not know why," Muhammad said. Ethiopian guards later told him the traffickers had arranged for a local broker in Ethiopia to go to the man's family home in Tigray to collect the money, Muhammad said. When the broker arrived, the police were waiting. They arrested and detained him for a few days, but he paid his way out, Muhammad said. When the broker called his colleagues in Yemen, they beat the man to death, Muhammad said.⁸⁴

Ali Kebede told Human Rights Watch that in August 2013 traffickers tortured him about four hours a day for 13 days.⁸⁵ Guards hung him from his thumbs, beat his legs with sticks, punched him, and burned him by melting plastic on his left shin, he said. Human Rights Watch observed noticeable scars that looked like burn marks on his left shin during an interview a month later. Kebede said he saw guards use other methods on other migrants, including beating with cables and burning skin with lighters. Some migrants in the camp had lost eyes and had broken teeth. "From what I was hearing and feeling, I thought I would die in that place," he said. Since his ordeal, he said, he has had recurring nightmares. "I happened to survive, but others didn't," he said. "I saw shameful things. No one deserves to see what I saw."⁸⁶

Jemal Said, 29, a shepherd from Wollo, left his wife and infant son in August 2013 in order to provide for them with a job in Saudi Arabia, but ended up trapped for seven days in a traffickers' camp. "They would tie my hands behind my back and lay me down on the ground. Then they would beat me with sticks," Said said, showing scars across his back. "I saw the guards kick the face of one man who was on the floor, breaking his teeth." Still Said refused to call his family. "I told them I do not have a family."⁸⁷

⁸³ Human Rights Watch interview with "Shikuri Muhammad" (a pseudonym), Haradh, September 22, 2013.

⁸⁴ Human Rights Watch interview with "Shikuri Muhammad" (a pseudonym), Haradh, September 22, 2013.

⁸⁵ Human Rights Watch interview with "Ali Kebede" (a pseudonym), MRC, Haradh, November 29, 2013.

⁸⁶ Human Rights Watch interview with "Ali Kebede" (a pseudonym), MRC, Haradh, November 29, 2013.

⁸⁷ Human Rights Watch interview with "Jemal Said" (a pseudonym), MRC, Haradh, September 21, 2013.

Some of the men told Human Rights Watch that they had either witnessed the rape of women, or overheard it, or overheard talk of it. Akmel Ibrahim, 30, a farmer from Silte arrived in Yemen in late 2012 with about 60 others, including seven women. Traffickers transported them all to a huge open camp with high walls, already housing around 100 migrants. “I watched [the guards] punish the women,” he said, his voice cracking. “They raped the women in front of us, it was awful.”⁸⁸

Sindew Yimam Idris, a 43-year-old farmer from Wollo, who arrived in Yemen in May 2013, said that traffickers beat him with sticks and wire cables every few days. A medical examination upon his arrival at the Migrant Response Centre (MRC) revealed three broken ribs. “I have had trouble sleeping since then,” he said, almost half a year later, showing scars on his chest and back and saying he still had severe pain. Idris said the smugglers at the camp kept the women in separate rooms in the house. “I overheard them speaking together quietly, talking about being raped,” he said.⁸⁹

Aid workers, religious leaders, medical staff, and others in Haradh who have close contact with migrants said that they observed signs of similar abuse consistent with stories migrants told them. A humanitarian aid worker with years of experience helping migrants in Haradh told Human Rights Watch that migrants had said that traffickers had ripped off their fingernails, tied them to trees, burned the cartilage of their ears, branded their skin with hot irons, gouged their eyes, melted plastic bottles onto their skin, broken their bones, hung them by their thumbs, and tied a full, heavy water bottle to migrants’ penises. He said he interviewed a number of women who said the traffickers raped them and then burned their inner thighs with hot irons, leaving visible scars.⁹⁰

A local Yemeni religious leader who works with migrants told Human Rights Watch he met one man who said his captors hung him suspended by his arms until his arms were virtually paralyzed, and he was unable even to lift food to his mouth.⁹¹ An aid worker who was present during Yemeni military raids of trafficker camps in May and June 2013 said that he met a migrant who also said his captors hung him by his arms for long periods, leaving him unable

⁸⁸ Human Rights Watch interview with “Akmel Ibrahim” (a pseudonym), Haradh, September 22, 2013.

⁸⁹ Human Rights Watch interview with “Sindew Yimam Idris” (a pseudonym), MRC, Haradh, September 21, 2013.

⁹⁰ Human Rights Watch interview with an international aid worker, Haradh, September 21, 2013.

⁹¹ Human Rights Watch interview with Imam Ali Khamisi, September 22, 2013.

to move his arms. He said that he also met between five and eight people whose captors had beaten their ears with shoes, causing them to lose their hearing.⁹²

Two Yemeni doctors and a nurse at a Haradh medical facility said the most common injuries they saw among migrants were lacerations from rape, damage to the hands from hanging a person by the thumbs, and burns all over the body from cigarettes and molten plastic. They showed Human Rights Watch the medical files of a case from April 2013 that particularly horrified them. Passersby had found a 25-year-old Ethiopian man unconscious and close to death on the street next to the MRC. Staff from the IOM brought him to their medical facility, where he eventually told doctors that his captors had forced him to lie on the ground on his back with heavy weights on his chest and abdomen, for three or four days, until he lost consciousness. The skin on his back was black and rotten—the doctors said he had developed necrotizing fasciitis, a rare infection of the deeper layers of skin and subcutaneous tissues. They treated him for a month, and transferred him to Sanaa for a skin graft. “I can still smell the rotting skin on his back,” one doctor said.⁹³

Aid and medical workers and migrants themselves characterized torture and other abuse as ubiquitous.

A local medical worker told Human Rights Watch about treating more than 1,100 migrants in Haradh over the last four years, including those released following the army raids. The aid worker estimated that well over half of these migrants claimed they had been tortured.⁹⁴ In September 2013 Human Rights Watch canvassed a group of about 75 migrants who were living in a public square in Haradh. Seventy-one of them said they had been tortured in Yemen.⁹⁵ One aid worker present in Haradh during the raids estimated that the vast majority of the migrants he encountered in the camps showed signs of torture.⁹⁶ Two doctors and a nurse at the Haradh medical facility estimated that 9 out of 10 female migrants they see have been raped, along with 1 in 10 of male patients.⁹⁷

⁹² Human Rights Watch interview with “Ammar” (a pseudonym), Haradh, September 23, 2013.

⁹³ Human Rights Watch interview, Haradh, September 23, 2013.

⁹⁴ Human Rights Watch interview, Haradh, September 21, 2013.

⁹⁵ Human Rights Watch interview with group of 75 migrants, Haradh, September 22, 2013.

⁹⁶ Human Rights Watch interview, Haradh, September 23, 2013.

⁹⁷ Ibid.

Traffickers and smugglers acknowledge the abuse. Nadim, a trafficker who says he also serves as a ransom negotiator between other Yemeni traffickers and migrants' families in Ethiopia, said that about two years ago he saw a trafficker tie a migrant's penis with a rubber band so that he could not urinate and then force him to eat large quantities of watermelon. Within the last year he saw another trafficker cut off a migrant's finger in order to take a ring. He said over the last three years he has also witnessed traffickers cut off a migrant's ears, burn a migrant's skin with hot water, and place a migrant's hands under the leg of a chair and then sit on the chair.⁹⁸

When traffickers in Haradh torture a migrant to a point near death, they often drive the person to the wall near the MRC, or to a main road, and dump the body. Sometimes passersby or soldiers find the migrant on the road and bring them to the MRC.⁹⁹ Since 2010, traffickers have dumped at least 10 bodies of migrants who died in their custody outside the MRC, said the IOM operations manager.¹⁰⁰ Dr. Yahya Ibrahim Jarad, the head doctor at the Haradh hospital, told Human Rights Watch in September 2013 that the hospital received an average of at least two dead migrants per week. In some periods the average climbs to as many as three or four dead per week.¹⁰¹

Ransom

Among those who spoke to Human Rights Watch who paid their way out of the camps, the lowest ransom was about US\$200 and the highest more than US\$1,000. Several had to pay ransom twice, after being resold or caught by a second trafficking gang. Nadim, the ransom negotiator, told Human Rights Watch that he usually negotiates a ransom of about US\$1,300 each time.¹⁰² The families of migrants who spoke to Human Rights Watch transferred the money to their captors in Yemen using international cash transfer companies with branches in Haradh. Other migrants have reported paying ransom through the *hawala* system, in which brokers in various countries transfer money to one another

⁹⁸ Human Rights Watch interview with "Nadim" (a pseudonym), Haradh, September 22, 2013.

⁹⁹ Human Rights Watch interviews with Ahmed Shedaiwah, head of Haradh Local Council, Haradh, September 20, 2013; Human Rights Watch interview with "Shikuri Muhammad" (a pseudonym), Haradh, September 22, 2013.

¹⁰⁰ Human Rights Watch interview with Lilian Ambuso, Operations Manager at IOM, Haradh, September 22, 2013.

¹⁰¹ Human Rights Watch interview with Dr. Yahya Ibrahim Jarad, Manager of the Health Office in Haradh and of Haradh Public Hospital, Haradh, September 21, 2013. He did not identify the reasons for death.

¹⁰² Human Rights Watch interview with "Nadim" (a pseudonym), Haradh, September 21, 2013.

through a phone call in a trust-based network. It is especially difficult to track funds transferred under the *hawala* system.¹⁰³

Ali Kebede told Human Rights Watch that traffickers he encountered in August 2013 offered migrants who had access to *hawala* networks better treatment because they could more easily receive their money:

When we entered the camp, the Yemeni guards asked each of us, “Do you have *hawala*?” Those who said yes were put on one side, those who said no, including me, were tied up and beaten. The people who said they had *hawala* already had relatives inside Saudi Arabia. Sometimes the smugglers called their family members to let them hear the people’s voices. From what the guards were saying, it seemed like they had a contact in every town in Saudi Arabia to collect money.¹⁰⁴

After 13 days in captivity, Kebede said, he escaped without making any payment. But soon Yemeni soldiers detained him at a checkpoint on the way to Haradh and sold him to another group of traffickers. These traffickers took him to a second camp, and immediately asked him for his family’s phone number:

I gave them my mother’s phone number because I couldn’t go through the torture again. The money took some time to arrive and they kept beating me even though the money was on the way. Later my mother told me that a man from Saudi Arabia had called her. He had instructed her how to give the money to someone who would come to her village to pick it up. She had no idea that he was a trafficker at that time. He told her, “I know your son and want to help him, he has been taken by smugglers and needs money to get out.” He pretended to be a friend.¹⁰⁵

Nadim described his role as a ransom negotiator to Human Rights Watch:

¹⁰³ Danish Refugee Council, “Desperate Choices,” p.42.

¹⁰⁴ Human Rights Watch interview with “Ali Kebede” (a pseudonym), MRC, Haradh, November 29, 2013.

¹⁰⁵ Ibid.

My friends who are traffickers in Haradh sometimes are holding migrants who are refusing to get their family to pay the ransom to free them, or their family is refusing to pay. In those cases my friends sometimes call me and I call family members who are easy to reach, either because they are based in Saudi Arabia or even in Yemen, or maybe I know someone from their village back home. I convince the family that I am trying to help their relative and have their best interests at heart. After I convince them then I negotiate the price between them and the traffickers. This is how I get paid.¹⁰⁶

Traffickers used mobile phones to call Africa and Saudi Arabia to arrange money transfers, purchasing the SIM cards from local stores.¹⁰⁷ The practice has become so widely known that an employee at a Haradh outlet of MTN, one of Yemen's biggest mobile phone companies, said that when a customer returns to his store soon after a purchase to buy a second SIM card, he refuses, to avoid complicity in the abuse of migrants.¹⁰⁸

The period hostages spent in captivity varied; those who spoke to Human Rights Watch were held from two days to one month before being released, with or without paying ransom.

¹⁰⁶ Human Rights Watch interview with "Nadim" (a pseudonym), Haradh, September 21, 2013.

¹⁰⁷ Human Rights Watch interview, Haradh, September 22, 2013.

¹⁰⁸ MTN is one of the biggest mobile phone companies in Yemen. Human Rights Watch interview with Muhammad al-Bukari, Haradh, September 22, 2013.

IV. After the Camps

Once traffickers receive the ransom money, they may free their hostages, smuggle them into Saudi Arabia as originally promised, or resell them to other traffickers who restart the process of extortion and torture. One migrant told Human Rights Watch that traffickers resold him directly to another group of traffickers, while others said they were later recaptured, often with the involvement of officials at government checkpoints. Several migrants said that traffickers released them once it became clear that they would not receive a ransom.

An Ethiopian migrant named Hagos Gebremedihin said he ran all night after his captors released him around 2:30 a.m. one morning. “It was sandy and extremely hot. My leg was wounded and my knees were shaking; my body was very tired. I felt like I was unconscious, like an animal moving by instinct.”¹⁰⁹

Many migrants have sought refuge in the Migrant Response Centre (MRC) run by the IOM in Haradh. The camp is comprised of two open areas enclosed by brick walls. In the middle of one is a makeshift tent of a tarp on posts to provide shelter from the sun. This is where the migrants sleep, eat, and spend their days as they wait to be deported back to their home countries. In the corners of both compounds there are white metal shipping containers serving as offices, medical clinics, and bedrooms for the more vulnerable migrants. On the days that Human Rights Watch visited the camp, at least 30 men were lying under the tarp, or huddled in small groups out in the sun. The two women migrants in the camp were inside one of the sweltering containers, one nursing a three-month-old baby.

Others found themselves in limbo in a dusty open square in the town of Haradh, opposite a row of small hotels that traffickers and smugglers are known to use for business meetings.¹¹⁰ In the square there are piles of old mattresses, remnants of cooking fires and, in one corner, a shipping container raised one meter off the ground, on stilts. During the day, when they could not find work, men napped under this container. They installed makeshift curtains around the rim to limit dust.

¹⁰⁹ Human Rights Watch interview with “Hagos Gebremedihin” (a pseudonym), Haradh, January 8, 2014.

¹¹⁰ Human Rights Watch interview with “Fuad Hassan Shikuri” (a pseudonym), Haradh, September 22, 2013.

Fuad Hassan Shikuri, 25, told a researcher from Human Rights Watch in September 2013 that he had been living for eight months in the square in Haradh after escaping torture in a traffickers' camp. During the day, he said, he tried to find food and work in town, in construction or other odd jobs. At night, Shikuri and others slept huddled together in this square, near the container. He said they protected themselves from recapture with their numbers and their ferocity:

Around six months ago a group of four armed traffickers came two times in a car. They rolled down the window the first time and screamed bad words at one of my friends, so we threw everything we could find at them. They drove away. Then they came a second time and we threw things again. We damaged the car the second time and it could barely drive away. After this the traffickers have not come back.¹¹¹

He said that because traffickers had held and tortured him and his companions and extorted fees multiple times, the traffickers knew they were unlikely to get any more money out of them. He and his friends were registered at the MRC and waiting to go home, he said, but chose not to live at the center, which he described as crowded and smelly.

Recapture

Several migrants who spoke to Human Rights Watch were recaptured by a new group of traffickers shortly after they escaped a first group. After a week in captivity in May 2013, Sindew Yimam Idris, the farmer from Wollo, escaped from a traffickers' camp with three other Africans during a police raid, he told Human Rights Watch. They walked for nine days, picking up two other men as they traveled. Outside a restaurant in the city of Hodaida, a waiter came and offered them breakfast. "While we were eating, some men came from behind, grabbed us, and forced us into trucks," Idris said. "Some people on the streets saw all of this happen, but they didn't help us." This new group of traffickers took the men to another camp. "These guards did not beat us, but they tied our arms and legs together for the entire time, even when we were eating." After a month and a half, the traffickers released Idris and his group, who walked for seven days, avoiding main roads and checkpoints, to reach the MRC.¹¹²

¹¹¹ Human Rights Watch interview with "Fuad Hassan Shikuri" (a pseudonym), Haradh, September 22, 2013.

¹¹² Hodaida is a large coastal city 190 kilometers (118 miles) south of Haradh.

Jemal Said, 29, told Human Rights Watch that in August 2013 the traffickers holding him captive in a camp gave up after a week and traded him and two others to other traffickers who picked them up and took them to a second camp, four hours away. There armed guards beat him with sticks, again demanding that he call his family to ask for money.¹¹³

Those migrants stopped at Yemeni checkpoints operated by corrupt soldiers or policemen may be detained until they are sold to traffickers. (See “Migrants’ Stories of Corrupt Checkpoint Officials.”)

Return to Ethiopia

During registration at the MRC in Haradh, intake staff ask migrants if they want to return home or not. If they want to return home, the IOM contacts their embassy in order to procure paperwork proving their identity and nationality that then allows them to board a plane home. From January 2010 to November 2013, the IOM repatriated around 17,000 Ethiopian migrants from Yemen, 10,547 of whom had registered at the MRC in Haradh. An IOM official estimated that the organization only registers 10 percent of the migrants who pass through Yemen.¹¹⁴

The Ethiopian embassy in Sanaa provides assistance to Ethiopian migrants who agree to voluntary repatriation through the IOM. Many who left Ethiopia illegally do not have passports or other necessary documents to return, and would otherwise have to pay more money to smugglers to escort them home illegally.¹¹⁵

Funding for helping economic migrants to return home is not a donor priority, and it can fluctuate yearly, according to the Regional Mixed Migration Secretariat (RMMS).¹¹⁶ The IOM assisted in repatriating more than 7,000 Ethiopian migrants in 2011; 2,800 Ethiopian migrants in 2012; and 8,000 Ethiopians between January and September 2013.¹¹⁷

¹¹³ Many of the migrants Human Rights Watch met with refer to IOM as the Red Cross when they first arrive and local residents know that migrants asking for the Red Cross are seeking the MRC.

¹¹⁴ Human Rights Watch interview with Lilian Ambuso, Operations Manager at IOM, Haradh, September 22, 2013.

¹¹⁵ Danish Refugee Council, “Desperate Choices”, p. 33.

¹¹⁶ Regional Mixed Migration Secretariat, “Migrant Smuggling in the Horn of Africa & Yemen: The Political Economy and Protection Risks,” p. 74.

¹¹⁷ 2013 statistics from Human Rights Watch interview with Abd al-Salam al-Mahbashi, Deputy Head of the Human Rights Department in the Ministry of Interior and Abd al-Salam Jawhar, Head of the Refugees Affairs Department in the Ministry of Interior, Sanaa, October 28, 2013. Additional statistics from Regional Mixed Migration Secretariat, “Migrant Smuggling in the Horn of Africa & Yemen,” p. 74.

A 2013 RMMS study found that the governments of Yemen and Ethiopia appeared to be cooperating and using military transport aircraft to enable the return of migrants in mass deportations without adequately screening Ethiopian migrants in order to see whether they could seek asylum and remain in Yemen.¹¹⁸

¹¹⁸ Regional Mixed Migration Secretariat, “Migrant Smuggling in the Horn of Africa & Yemen,” p. 76.

V. Role of the Yemeni Government

Payoffs and Complicity

Corruption is rampant in Yemen. Transparency International ranked the country 167 out of 175 countries in 2013, with the 175th being the most corrupt.¹¹⁹ Human Rights Watch has documented attacks on Yemeni journalists who publish allegations of government corruption.¹²⁰

Human Rights Watch's interviews indicate that government officials in Haradh often accept payments to turn a blind eye to traffickers' activities, or otherwise assist their operations. A long-time aid worker told Human Rights Watch that many traffickers are well-known locally and that when aid groups report crimes against abused migrants to the police, officers rarely investigate in any way. "Everyone here has participated in this industry," the aid worker said. "They are all complicit."¹²¹

Smugglers and traffickers told Human Rights Watch that when transporting migrants to the Saudi border they generally avoid Yemeni government checkpoints, unless they have a working relationship with the officials there. Where there is no other route, and they have no relationship with the officials on duty, they let the migrants out of their vehicle so they can walk through the checkpoint, and they pick them up on the other side.¹²² Officials manning checkpoints who are not corrupt do not stop migrants on foot.¹²³

Each smuggler or trafficker has his own preferred routes to traverse the checkpoints between Haradh and the border. Smugglers told Human Rights Watch the going rates at checkpoints around Haradh on their usual route. They pay a flat fee of 500 YER (US\$2) per car at two of the three checkpoints when smuggling Yemenis. When trafficking Ethiopians or other Africans, they pay a flat fee of 100 Saudi Arabian Riyals (US\$27) per car at all three checkpoints if they

¹¹⁹ Transparency International, "Corruption Perceptions Index 2013," December 3, 2013, <http://www.transparency.org/cpi2013/results> (accessed April 22, 2014).

¹²⁰ Human Rights Watch, *A Life-Threatening Career: Attacks on Journalists under Yemen's New Government*, September 2013, http://www.hrw.org/sites/default/files/reports/yemen0913_ForUpload_3_o_o.pdf.

¹²¹ Human Rights Watch interview with an international aid worker, Haradh, September 21, 2013.

¹²² Human Rights Watch interview with seven smugglers, Haradh, September 24, 2013.

¹²³ Human Rights Watch interview with "Nadim" (a pseudonym), Haradh, September 20, 2013.

notify the checkpoint in advance, and 500 SAR (US\$133) if they do not.¹²⁴ The flat fee gives them an incentive to pack as many people as possible into the car each time.

The trafficker Nadim said he uses two main routes to the border in the desert just north of Haradh, one with nine checkpoints, the other with six. The checkpoints are staffed by a combination of officials from the Yemeni Military Police, the Border Guard, and General Security. Nadim said that when he is smuggling Yemenis he may not need to pay at any of the checkpoints, because in a region where families and tribes are split by the border, officials allow Yemenis into Saudi Arabia to work. When smuggling African migrants, he pays 200 SAR (US\$53) per car at each checkpoint on the nine-checkpoint road, and more per checkpoint on the six-checkpoint road.¹²⁵

In a joint meeting with Haradh officials, the representative of the Criminal Investigation Department, Musleh al-Ghazi, told Human Rights Watch that his department had opened no cases against military or security officials for complicity in smuggling and trafficking. He said that despite rumors of complicity, particularly at checkpoints, the department would only investigate allegations if officials received a specific complaint. When asked how often the department received complaints from migrants, he said “never.”¹²⁶ However, two international aid workers said they frequently registered complaints with his department.¹²⁷

Corruption by Checkpoint Officials around Haradh

Migrants told Human Rights Watch they witnessed collusion between checkpoint officials and traffickers who run camps. One said that in August 2013 he passed through multiple checkpoints while being escorted by traffickers and expected to get some help from officers at checkpoints. But, he said, he got nothing. “The soldiers saw us,” said 20-year-old Muhammad Awol, “but they didn’t ask any questions, they just let us pass.” Others said that they walked through checkpoints where guards stopped them, searched their pockets, and took whatever money—US\$20 or US\$30—they had left. Some migrants told Human Rights Watch that checkpoint guards detained them, robbed them, and turned

¹²⁴ Human Rights Watch interview with seven smugglers, Haradh, September 24, 2013.

¹²⁵ Human Rights Watch interview with “Nadim” (a pseudonym), Haradh, September 22, 2013.

¹²⁶ Human Rights Watch interview with Musleh al-Ghazi, Criminal investigation Department representative; Faisal Sharhah, Director of Drug Control; Muhammad Ahmed Nijad, Police Director of Haradh; and Fuad Farhan, Administrative Affairs Officer, Haradh, September 23, 2013.

¹²⁷ Human Rights Watch interview, Haradh, September 22, 2013. Human Rights Watch interview, Haradh, September 23, 2013.

them over to traffickers. They said they saw traffickers pay the guards directly.¹²⁸ The collusion of checkpoint officials with traffickers poses a particular hazard for migrants, as checkpoints are difficult to avoid when traveling around Haradh.

Bahiredin Ahmad, the 20-year-old from Silte in Ethiopia, crossed the Red Sea from Djibouti to enter Yemen in February 2013 with 150 others. The migrants found armed men waiting to load them into three trucks, which drove them through several checkpoints. His truck stopped a few hundred meters before the second-to-last checkpoint before the town of Haradh, and the smugglers told the migrants to get out, Ahmad said. “They pushed us in the direction of the checkpoint and told us to walk right through.” Six soldiers searched the migrants one by one. The soldiers took their money, Ahmad said: 4,000 YER (US\$19) that he had been carrying in his pocket since Djibouti, and 9,000 YER (US\$42) from another man in the group. One man put his fists in his pockets so the soldiers could not search him. “But then two soldiers beat him very badly, each with a *dulla* [a wooden stick]. He started crying in pain.”¹²⁹ After the theft, the traffickers picked them up on the other side of the checkpoint, and drove them to their torture camp.

Siraj Bedru, a 23-year-old social sciences student from Silte, was released from a traffickers’ camp in August 2013, and walked north toward Haradh, picking up other migrants as he traveled, until they formed a group of eight.¹³⁰ Two days into their journey, they arrived at a checkpoint where five soldiers and two men in civilian clothes approached Bedru and his two companions. He said:

The soldiers started discussing with the men whether the men could take us away. Three of the soldiers seemed to be taking the side of the men. The other two soldiers were arguing back and shaking their heads. After some arguing, the two soldiers made the other soldiers let go of our arms and pushed us away, signaling that we should go, but the men looked very angry. We started running and did not look back.¹³¹

¹²⁸ Human Rights Watch interview with “Shikuri Muhammad” (a pseudonym), Haradh, September 22, 2013. Human Rights Watch interview with “Ali Kebede” (a pseudonym), MRC, Human Rights Watch interview with “Bahiredin Ahmad” (a pseudonym), Haradh, September 22, 2013. Haradh, November 29, 2013. Human Rights Watch interview with Haftu Haile, Haradh, January 9, 2014. Human Rights Watch interview with “Sisay Mengesha” (a pseudonym), Haradh January 9, 2014.

¹²⁹ Human Rights Watch interview with “Bahiredin Ahmad” (a pseudonym), Haradh, September 22, 2013.

¹³⁰ Human Rights Watch interview with “Siraj Bedru” (a pseudonym), Haradh, September 22, 2013.

¹³¹ Human Rights Watch interview with “Siraj Bedru” (a pseudonym), Haradh, September 22, 2013.

In March 2013, Redwan Kadir, a 20-year-old farmer from Silte, escaped after eight days in a traffickers' camp and walked with a group of migrants toward Haradh. When he and three others arrived at the next-to-last checkpoint on the road to Haradh, two soldiers asked to see their IDs and searched their pockets, taking 6,000 Yemeni Riyals (\$28) from Kadir's pocket, he said. Then they made a phone call, and he overheard them saying into the phone, "Come!" The two officials kept Kadir's group at the checkpoint for five minutes until eight armed traffickers arrived in a Hilux truck. "They pulled out their guns and started pushing us to into the truck with the help of the officers," Kadir said. "I was resisting and pushing back, and was able to break free from the soldier who was holding me, and I ran as fast as I could." The other three did not escape, he said.¹³²

Sisay Mengesha, 18, left the Oromia region of Ethiopia and traveled unaccompanied to Yemen. He said he sold his ox to pay for his passage to Saudi Arabia, and then his mother sold the family's farm to send 20,000 Ethiopian Birr (US\$1,040) to secure his release from traffickers who held him hostage. His family had nothing left, he said. Yet after escaping captivity, he walked to a checkpoint, where soldiers handcuffed him and phoned a new group of traffickers to pick him up. At the new camp, he said, traffickers tortured him so badly that "now when I am sleeping liquids drip out of my ear and I see it on my pillow."¹³³

Ali Kebede and a friend escaped a traffickers' camp in August 2013 and walked for seven days before officials at a checkpoint on the road from Hodaida to Haradh detained them. "Two soldiers signaled us over and asked us to sit down," Kebede told Human Rights Watch. "They brought us bread and tea. One soldier walked away from us and made a phone call. Then he came back and said, 'A car is coming to take you to Haradh, so have a rest and take your time.'" Not long afterward, two men drove up in a car. Kebede said he saw the soldiers shake hands with the driver and heard them talk about *hawala*. The soldiers pushed them into the car, and he saw the soldier reach in through the window to accept Saudi Riyal bills from the driver. After a 20-minute drive down a dirt road, Kebede and his companion had arrived at another traffickers' camp.¹³⁴

¹³² Human Rights Watch interview with "Redwan Kadir" (a pseudonym), Haradh, September 22, 2013.

¹³³ Human Rights Watch interview with "Sisay Mengesha" (a pseudonym), Haradh, January 9, 2014.

¹³⁴ Human Rights Watch interview with "Ali Kebede" (a pseudonym), MRC, Haradh, November 29, 2013.

Shikuri Muhammad said he walked north with a group of nine other Ethiopian migrants heading toward the Saudi border, until they arrived on the coastal road from Hodaida to Haradh, and noticed a Toyota Hilux pickup driving slowly behind them. They stepped onto the shoulder of the road and threw rocks at the truck.¹³⁵ The truck disappeared for about 15 minutes, until Muhammad's group arrived at a checkpoint. A road sign indicated they were 187 kilometers outside of Haradh, he said. Four soldiers searched their pockets, saying they were looking for hashish, but instead they took 7,000 Yemeni Riyals (US\$33) from Muhammad's pocket.

"They told us to get into the same Hilux truck that had been following us before, which had pulled up behind us at the checkpoint," Muhammad said. The men first refused, but the soldiers hit them with the butts of their guns, and they got in. The truck drove through seven checkpoints and Muhammad saw the driver give officials cash at three of the checkpoints. As the car slowed down at the last checkpoint before Haradh, Muhammad and six others escaped. An officer at the checkpoint who witnessed the escape told Muhammad and his group that they were at risk of another kidnapping and that his colleagues would take them to the MRC. The Ethiopians got into a marked police vehicle, but the officer drove them not to safety—but to yet another traffickers' camp in the desert, Muhammad said.

Officials Allegedly Selling Migrants to Traffickers

Military and security agents working at government checkpoints unlawfully make money by facilitating trafficking of migrants. Some migrants told Human Rights Watch that officials at government checkpoints held them and then turned them over to traffickers in exchange for money. These allegations were corroborated by smugglers and traffickers who said that officials at checkpoints in and around Haradh routinely hold and sell migrants to traffickers, and they provided information on locations where officials did this. A government official who wished to remain anonymous said that he has seen officials at all the checkpoints listed below sell migrants to traffickers. The list was corroborated by all the smugglers and traffickers interviewed.¹³⁶

¹³⁵ Every migrant who was able to identify the truck in which they were detained by smugglers said they were the Toyota Hilux pickup. Hilux are large trucks that smugglers in Haradh commonly use. Human Rights Watch witnessed smuggling operations in Haradh and in all of them white Hiluxes were used.

¹³⁶ Human Rights Watch interview with seven smugglers, Haradh, September 24, 2013. Human Rights Watch interview with "Nadim" (a pseudonym), Haradh, September 21, 2013. Human Rights Watch interview, September 22, 2013. Human Rights Watch interview, September 23, 2013.

Government Checkpoints Allegedly “Selling” Migrants to Traffickers



NAME, LOCATION	DISTANCE FROM HARADH	RESPONSIBLE AUTHORITY
Exit of Hodaïda+, Hodaïda	187 km (116 miles)	General Security, Ministry of Interior
Al-Hizr, al-Qanaws, Hodaïda	140 km (87 miles)	General Security, Ministry of Interior
Al-Kubri, Mur Valley, Hodaïda	101 km (63 miles)	Military Police, Ministry of Defense
Shafar, Hajja	48 km (30 miles)	General Security, Ministry of Interior
Bani Hasan al-Raboa'a, Hajja	24 km (15 miles)	Ground Forces, Fifth (Western) Military Region, Ministry of Defense
Hairan, Hajja	15 km (9 miles)	General Security, Ministry of Interior
Al-Kers+, Hajja	14 km (9 miles)	Ground Forces, Fifth (Western) Military Region, Ministry of Defense
Haradh, Hajja	8 km (5 miles)	Political Security Organization, Ministry of Interior
Muthalath al-Majbar, International Road	Marker unclear	Special Security Forces (previously Central Security Organization), Ministry of Interior
Al-Majbar Area, in a side road toward the border	Marker unclear	Border Guard, Ministry of Defense

The “+” sign indicates checkpoints where migrants interviewed for this report reported that officials sold them to traffickers.

Hierarchy of Corruption in Haradh

Haradh’s human trafficking industry is able to function without interruption because of official corruption at various levels of Yemen’s military and civilian governmental bodies. All the traffickers and smugglers interviewed described to Human Rights Watch the ease with which they could pay off poorly paid, low-ranking policemen, security forces and soldiers at checkpoints. But they say that they also bribe higher-ranking officials in Haradh’s General Security, the police force, the Criminal Investigations Department, and the Central Security Organization, a paramilitary force controlled by the Interior Ministry.

Only the Haradh town council is uninvolved in trafficking, according to the smugglers and traffickers interviewed.¹³⁷

One officer in the military's Border Guard acknowledged to Human Rights Watch that smugglers and traffickers pay him and other military officials to look the other way when they transport people across the border or encounter them in their camps. He said that some officials cooperate even more closely with smugglers and traffickers.¹³⁸ The Danish Refugee Council cited an article that quoted a border guard saying that he made US\$20,000 a month facilitating trafficking between Yemen and Saudi Arabia.¹³⁹

Government sources, international aid workers, and diplomats who preferred to remain anonymous gave Human Rights Watch the names of several high-level officials who they believe to be involved in human trafficking, including by ensuring no interference of state forces in cracking down on the industry.

There is no evidence that the Ministry of Interior has taken serious action to investigate or prosecute government officials at any level implicated in the trafficking industry. Interior Ministry officials who spoke to Human Rights Watch were unable to provide any information on whether disciplinary or legal action had been taken against officials for collaborating with traffickers and smugglers. One said that if Human Rights Watch could provide names of officials they could begin investigations.¹⁴⁰

The US State Department, in its Yemen chapter in the 2013 *Trafficking in Persons Report*, concluded that officials had not been held accountable for their role in trafficking:

¹³⁷ Human Rights Watch interview with Ibrahim Zaidan, Ministry of Human Rights representative in Haradh, Haradh, September 21, 2013. Human Rights Watch interview with "Nadim" (a pseudonym), a ransom negotiator, Haradh, September 21, 2013. Human Rights Watch interview, September 22, 2013. Human Rights Watch interview, September 23, 2013. Human Rights Watch interview with "Walid" (a pseudonym), a border guard, Haradh, September 23, 2013. Human Rights Watch interview with Sheikh Hamood Haidar, Deputy Director of Haradh Local Council, Haradh, September 23, 2013. Human Rights Watch interview with seven smugglers, Haradh, September 24, 2013.

¹³⁸ Human Rights Watch interview with officer in Border Guard, September 23, 2013.

¹³⁹ Danish Refugee Council, "Desperate Choices", p.43.

¹⁴⁰ Human Rights Watch interview with Abd al-Salam al-Mahbashi, Deputy Head of the Human Rights Department in the Ministry of Interior and Abd al-Salam Jawhar, Head of the Refugees Affairs Department in the Ministry of Interior, Sanaa, October 28, 2013.

The government did not report efforts to investigate or punish government employees complicit in trafficking-related offenses despite allegations that local government and security officials willfully ignored trafficking crimes taking place in their areas of responsibility.... The government did not fund anti-trafficking public awareness or education campaigns, and it made no progress implementing its 2008 national action plan on trafficking.¹⁴¹

Raids

Various Yemeni government agencies have carried out sporadic and limited raids on Haradh-area traffickers' camps in recent years, but were unwilling to provide information on them to Human Rights Watch. According to the Danish Refugee Council, a series of raids between January 2011 and February 2012 resulted in the freeing of 170 migrants, including 10 women and 50 children.¹⁴² The raids followed media attention about abuses in traffickers' camps. Raids on two camps, by the military and police, took place in March 2012. Officials in Haradh told Human Rights Watch they feared that local police officers might have compromised the second raid by warning smugglers in advance.¹⁴³

Sheikh Hamood Haidar, deputy director of the local council in Haradh, said that in early 2013 he organized one raid in which the smugglers fired shots that wounded one of his officers and damaged a vehicle.¹⁴⁴ In March 2013, the Yemeni Ministries of Defense and Interior jointly launched a series of raids on camps around Haradh. The Ministry of Defense took the lead, and observers suggested this may have been out of concern that local authorities were too closely connected to trafficking to be effective.¹⁴⁵

Ali Yaslam, head of operations of the Second Brigade Border Guard and the coordinator of the 2013 raids, said officers of the Border Guard, General Security, and Central Security carried out raids for three full months, from March to May 2013. They raided three to four different camps per day, he said, but the camps returned to operation so quickly that

¹⁴¹ U.S. Department of State, "Trafficking in Persons Report 2013," June 19, 2013, <http://www.state.gov/documents/organization/210742.pdf> (accessed December 8, 2013) p. 397.

¹⁴² Danish Refugee Council, "Desperate Choices," p.38-39.

¹⁴³ Human Rights Watch interview, Haradh, September 21, 2013. Human Rights Watch interview, Haradh, September 23, 2013. Human Rights Watch interview, September 24, 2013.

¹⁴⁴ Human Rights Watch interview with Sheikh Hamood Haidar, Deputy Director of Haradh Local Council, Haradh, September 23, 2013.

¹⁴⁵ Human Rights Watch interview, Haradh, September 21, 2013.

soldiers often returned to a camp three or four days after a raid to raid it again. He estimates that the Border Guard raided a total of around 50 to 55 different camps.¹⁴⁶

The Border Guard says it released more than 7,000 migrants during the raids, though the Ministry of Interior disputes this number as inflated.¹⁴⁷ Ibrahim Zaidan, the Human Rights Ministry representative in Haradh, provided a more modest figure of about 3,000.¹⁴⁸ No one disputes that most of the migrants in the camps had endured physical abuse, including torture, while in the traffickers' custody. Medecins Sans Frontieres, which provided health care to the migrants upon their release, said that some of them had their nails pulled off or their tongues partially cut off; others had been severely beaten or showed signs of sexual abuse.¹⁴⁹

In some cases, soldiers arrived at a camp only to find it abandoned, because officials had warned traffickers, according to the traffickers and two government sources interviewed.¹⁵⁰ One night in May 2013, Sindew Yimam Idris told Human Rights Watch, guards at a traffickers' camp woke him up. "They said we had to move because police were coming," he said. Idris and two others ran, and the guards shot after them, but they escaped.¹⁵¹

A local official present during the raids said he believed officials arrested only the "bad" smugglers who did not pay off the government, but not the "good" ones who made their

¹⁴⁶ Human Rights Watch interview with Ali Yaslam, Head of Operations of Second Brigade Border Guards, and Ali Omar Said, Commander of the Second Brigade Border guards, Haradh, September 23, 2013.

¹⁴⁷ The number 7,000 came from Ali Yaslam. Human Rights Watch interview with Ali Yaslam, Head of Operations of Second Brigade Border Guards, and Ali Omar Said, Commander of the Second Brigade Border guards, Haradh, September 23, 2013. Human Rights Watch interview with Abd al-Salam al-Mahbashi, Deputy Head of the Human Rights Department in the Ministry of Interior and Abd al-Salam Jawhar, Head of the Refugees Affairs Department in the Ministry of Interior, Sanaa, October 28, 2013.

¹⁴⁸ Human Rights Watch interview with Ali Yaslam, Head of Operations of Second Brigade Border Guards, and Ali Omar Said, Commander of the Second Brigade Border Guards, Haradh, September 23, 2013. Human Rights Watch interview with Ibrahim Zaidan, Ministry of Human Rights representative in Haradh, Haradh, September 21, 2013. Human Rights Watch interview with Abd al-Salam al-Mahbashi, Deputy Head of the Human Rights Department in the Ministry of Interior and Abd al-Salam Jawhar, Head of the Refugees Affairs Department in the Ministry of Interior, Sanaa, October 28, 2013. Human Rights Watch attempted to verify the number of raids with the Ministries of Defense, Human Rights, Interior, the Haradh Local Council and local police, and international organizations present at the time including MSF and IOM. None were able to give exact numbers. According to the Ministry of Defense, 60 percent of those released were Ethiopian and Eritrean, 5 percent Somali and 5 percent other nationalities. Letter from Ali Omar Said, Commander of the Second Brigade Border guards, to Ministry of Defense, November 22, 2013.

¹⁴⁹ "In Brief: Raids free enslaved migrants/refugees in Yemen," *IRINnews*, May 2, 2013, <http://www.irinnews.org/report/97961/in-brief-raids-free-enslaved-migrants-refugees-in-yemen> (accessed November 28, 2013).

¹⁵⁰ Human Rights Watch interview with Ibrahim Zaidan, Ministry of Human Rights representative in Haradh, Haradh, September 21, 2013.

¹⁵¹ Human Rights Watch interview with "Sindew Yimam Idris" (a pseudonym), MRC, Haradh, September 21, 2013.

payments and, in return, received early warnings of raids.¹⁵² He said they choose the officials to pay off based on which forces are closest to their camps. “They have a well-connected network, which they maintain by paying the authorities, including people within the police, military, and security forces,” he said. “If a smuggler gets a call, he leaves.” In some cases the owner of the property disappeared, leaving the African guards to be arrested in his stead.¹⁵³

Secrecy surrounding the raids may have prevented officials from preparing sufficiently to take custody of large numbers of abused migrants. An aid worker told Human Rights Watch that the military notified no one, not even local humanitarian organizations, before carrying out the raids.¹⁵⁴ Ahmed Shedaiwah, the head of Haradh’s local council, and other government officials, said that officers took the migrants to a military camp at al-Tuwal border crossing—where some aid workers said there was no food, water, or shelter—before sending some of them on to Amran and Sanaa.¹⁵⁵

The IOM stated in April 2013, partway through the raids, that officials held a total of 1,163 migrants, including 121 women and girls at a detention facility run by the Immigration Passport and Naturalization Authority in Sanaa, and another 535 migrants, including 90 women and girls, at the Amran Central Prison.¹⁵⁶ Women and girls were segregated from the men. Prior to the raids both holding facilities were already filled beyond their maximum capacity.¹⁵⁷

Officials took Somali migrants from traffickers’ camps to the Kharaz refugee camp. Eventually the IOM coordinated the repatriation of around 500 Ethiopians released during the raids, two-thirds of them unaccompanied children.¹⁵⁸

¹⁵² Human Rights Watch interview, Haradh, September 21, 2013.

¹⁵³ Ibid.

¹⁵⁴ Human Rights Watch interview with an international aid worker, Haradh, September 21, 2013.

¹⁵⁵ Human Rights Watch interview, Haradh, September 21, 2013. The fact that the migrants were sent from Haradh to Amran and Sanaa was confirmed by the Ministries of Interior, Defense and Human Rights.

¹⁵⁶ IOM, “Plight of Ethiopian migrants in Yemen continues unabated,” April 19, 2013, <http://www.iom.int/cms/en/sites/iom/home/news-and-views/press-briefing-notes/pbn-2013/pbn-listing/plight-of-ethiopian-migrants-in.html> (accessed November 28, 2013).

¹⁵⁷ IOM, “Plight of Ethiopian migrants in Yemen continues unabated,” April 19, 2013, <http://www.iom.int/cms/en/sites/iom/home/news-and-views/press-briefing-notes/pbn-2013/pbn-listing/plight-of-ethiopian-migrants-in.html> (accessed November 28, 2013).

¹⁵⁸ Human Rights Watch interview with Lilian Ambuso, Operations Manager at IOM, Haradh, September 22, 2013.

Border Guard head of operations Yaslam said that during raids government officials would bring into custody all traffickers and property owners they found at the site for possible transfer to the custody of the Criminal Investigation Department. If a migrant alleged being mistreated by a trafficker, an officer would bring the migrant together with the suspect to attempt a “reconciliation”; if the former forgave or accepted compensation from the trafficker, officials would not pursue a prosecution for mistreatment. Only if the migrant refused to forgive did officials seek prosecution by the Criminal Investigation Department for abuse.¹⁵⁹

Failure to Prosecute Traffickers

Military officials who spoke to Human Rights Watch would not divulge the number of traffickers apprehended at the camps, or the number of cases they sent to prosecution. Sheikh Hamood Haidar, the deputy director of the Haradh Local Council, said that following the 2013 raids, between 14 and 20 traffickers were sent for prosecution.

Under Yemen’s criminal procedure law, when armed forces personnel apprehend a trafficker, they are to transfer him to the custody of the Criminal Investigation Department.¹⁶⁰ The department has 24 hours to carry out an initial investigation before transferring the file to the public prosecutor. That time period is often exceeded, said Muhammad Abd al-Aleem al-Sururi, a judge at the Hajja Criminal Court, which sees most of the trafficking cases from Haradh.¹⁶¹ The prosecutor then has a week to set a hearing, interrogate the detainee, and follow-up on the initial investigation before the prosecutor must present the case before a judge or release the suspect.¹⁶²

Musleh al-Ghazi, the representative of the Criminal Investigation Department, told Human Rights Watch that his office has opened 12 cases against groups of alleged traffickers including two murder cases, one rape, and eight for deprivation of free movement under article 246 of Yemen's Penal Code.¹⁶³ The defendants were 39 Yemenis, 4 Ethiopians, and 2

¹⁵⁹ Human Rights Watch interview with Ali Yaslam, Head of Operations of Second Brigade Border Guards, and Ali Omar Said, Commander of the Second Brigade Border Guards, Haradh, September 23, 2013.

¹⁶⁰ The Hajja Criminal Court sees all Haradh-area cases where the charge carries a sentence of more than three years’ imprisonment.

¹⁶¹ Human Rights Watch telephone interview with judge Muhammad Abd al-Aleem al-Sururi, Hajja, January 19, 2014.

¹⁶² Yemeni Criminal Procedural Code, No. 13 of 1994, arts. 105, 184, 299, and 503.

¹⁶³ Article 246 of Yemen's Penal Code on deprivation of free movement states: "Whoever illegally arrests a person or detains him or deprives him of his freedom will be punished with imprisonment for a maximum of three years. The punishment shall

Somalis whose names he would not furnish.¹⁶⁴ Nor would he or other officials discuss the outcomes of these cases or their current status.

Walid, a border guard, said some traffickers (with whom he continues to cooperate) had been charged and faced prosecution both before and after the raids. But he said they were able to pay off an official to be released, so their cases never ended up in court.¹⁶⁵

Judge Abu-Oraij, who presides over Haradh Court, which tries local cases where the charge carries a sentence of less than three years' imprisonment, told Human Rights Watch that officials had brought no cases before him relating to the raids.¹⁶⁶ His court had a single case related to abuse against migrants, of an alleged trafficker facing charges for torturing migrants at a camp, from December 2012. The prosecutor charged and detained a Yemeni man for restricting the right of free movement of 7 Sudanese and 13 Ethiopian migrants, and then released him on bail. When the court convened in May 2013 to examine the case, the defendant failed to appear. The prosecution had failed to deliver to the defendant the written notification of the hearing date. This happened again at the second hearing in September. "Perhaps the prosecution is not trying," the judge said. "And the court cannot order the defendant to court by force, it is the job of the prosecution to notify him and bring him here."

Cases in which the charge carries a sentence of three years or more go to the Criminal Court, which is located in Hajja governorate. Judge Abu-Oraij was not sure why his court had only a single case pending: "There are no difficulties in processing these cases...if they reach me." He told Human Rights Watch that he did not believe the government was doing enough to stop the smuggling and trafficking.¹⁶⁷

The criminal court in Hajja provided Human Rights Watch the records of nine cases, brought against a total of 20 defendants, related to offenses against migrants, six from

be imprisonment for no more than five years if such an act was carried out by a public servant or by someone impersonating the character of public servant, or by an armed person, or by two persons or more, or for the purpose of stealing, or if the victim is a minor or lacking perception or short of it, or if confiscation of freedom would subject his life or health to danger."

¹⁶⁴ Human Rights Watch interview with Musleh al-Ghazi, Criminal investigation Department representative; Faisal Sharhah, Director of Drug Control; Muhammad Ahmed Nijad, Police Director of Haradh; and Fuad Farhan, Administrative Affairs Officer, Haradh, September 23, 2013.

¹⁶⁵ Human Rights Watch interview with "Walid" (a pseudonym), Haradh, September 23, 2013.

¹⁶⁶ Human Rights Watch interview with Abdullah Hameed Abu-Oraij, judge at Haradh court, Haradh, September 25, 2013.

¹⁶⁷ Human Rights Watch interview with Ahmed Shedaiwah, head of Haradh Local Council, Haradh, September 20, 2013.

2013 and one each from 2010, 2011, and 2012. Six of the cases involve charges for restricting free movement, one is for attempted murder, one is for murder, and one is for illegal entry into Yemen and rape. Eleven of the defendants are Yemeni and nine are Ethiopian. The court could not provide Human Rights Watch with any details on the whereabouts of the defendants or progress on any of the cases, other than that they had been opened. Judge Muhammad Abd al-Aleem al-Sururi of the Hajja Criminal Court said that there was an additional trafficking case involving several Ethiopian defendants charged for beating another Ethiopian to death; they were acquitted on January 15, 2014, for lack of evidence.¹⁶⁸

One Yemeni official involved in the 2013 raids privately raised his concerns with superiors about the failure to prosecute traffickers. Ali Omar Said, Commander of the Second Brigade Border Guards, wrote an internal letter to the Ministry of Defense on November 22, 2013, later shared by a person who wished to remain anonymous with Human Rights Watch, in which Said denied to his superiors accusations that six of his soldiers killed a female African migrant at a checkpoint.¹⁶⁹ In the same letter, he refers to the success of the raids earlier in the year, and states that his forces detained 36 traffickers and owners of torture camps, but nothing came of the arrests:

The prosecution did not do its job in holding the criminals accountable and they did not cooperate with the security and military bodies even though they knew of serious crimes committed against migrants by smugglers and camp-owners.... They were meant to do their job and hold these criminals accountable instead of covering up their crimes. During the raids, a number of soldiers were killed and wounded by the smugglers and the camp owners...all of that was ignored by the prosecution and instead they acquitted the criminals and became de facto protectors of the smuggling gangs. Not only did the prosecution release those accused of serious crimes, they also released [28] drug smugglers who we detained...they were released by Haradh prosecutor Ahmed Jibreel.¹⁷⁰

¹⁶⁸ Human Rights Watch telephone interview with judge Muhammad Abd al-Aleem al-Sururi, Hajja, January 19, 2014.

¹⁶⁹ Letter from Border Guard commander, November 22, 2013.

¹⁷⁰ Letter from Ali Omar Said, November 22, 2013.

Officials at the Ethiopian Embassy in Sanaa said they had visited Hajja Central Prison and found 10 Ethiopians serving prison sentences for crimes related to the operation of traffickers' camps, but they did not know whether they had been captured during the raids. They explained that their nationals usually serve a few months of their prison sentence and then the authorities release them and allow the IOM to repatriate them. They do not serve any more time upon their return to Ethiopia.¹⁷¹

It is not clear to what extent the prosecutors make any effort to bring successful prosecutions against alleged traffickers. For instance, doctors at a Haradh medical facility, which receives about 10 to 15 victims of torture per month, told Human Rights Watch that authorities have never once contacted them to request medical reports as evidence of torture for a judicial process.¹⁷²

An international aid worker dealing with sexual violence cases concluded that the authorities were unwilling to prosecute Yemenis for crimes against African migrants:

For the year I have been working with victims, I have not seen a single successful case brought by a migrant who was a victim of sexual violence. Sometimes this is because they are in areas where no hospital is willing or able to provide a medical certificate. But more often it is because of the nationality of the victim. When it comes to non-Yemeni victims, the government does not care. And when the perpetrator is Yemeni nothing will ever be done by way of justice. There is a high degree of discrimination. It exists already at the police level—the police will not intervene to arrest the perpetrator. Or if they do, it is after they ask for money as a bribe. Every case I have seen where the police did intervene, someone had to pay them a bribe.¹⁷³

¹⁷¹ Human Rights Watch interview with Techane Bekele Yadete, Consular at Ethiopian Embassy Sanaa, and Brehane Meskel Kihisen, Diaspora Engagement Affairs Counselor at Ethiopian Embassy Sanaa, Sanaa, November 3, 2013.

¹⁷² Human Rights Watch interview with two doctors at a medical facility, Haradh, September 23, 2013.

¹⁷³ Human Rights Watch interview with a humanitarian aid worker, Sanaa, November 25, 2013.

After the Raids

By June 2013, officials had freed thousands of captive migrants from the camps, the registered 1,987 of them for repatriation, and the raids stopped.¹⁷⁴ Border Guard senior officer Yaslam, who coordinated the raids, acknowledged that the camps his soldiers raided quickly began functioning again, but says senior Ministry of Defense officials in Sanaa ordered him to cease conducting raids because authorities had insufficient food and shelter to provide for the large number of freed migrants.¹⁷⁵ Other government officials provided this same explanation for ending the raids. Ahmed Shedaiwah, the head of the Haradh Local Council, told Human Rights Watch, “In our view, we have solved the problem as best we can.”¹⁷⁶

Ministry of Interior officials conceded to Human Rights Watch that the raids were not part of any broader policy to address the abuses, and there were no current plans to restart the raids.¹⁷⁷ They said that the government lacked the resources to develop a long-term strategy. None suggested continuing the raids while partnering with humanitarian agencies to address the needs of those released.¹⁷⁸

¹⁷⁴ Human Rights Watch interview with Ahmed Shedaiwah, head of Haradh Local Council, Haradh, September 20, 2013.

Human Rights Watch interview with Lilian Ambuso, Operations Manager at IOM, Haradh, September 22, 2013.

¹⁷⁵ Human Rights Watch interview with Ali Yaslam, Head of Operations of Second Brigade Border Guards, and Ali Omar Said, Commander of the Second Brigade border guards, Haradh, September 23, 2013. Human Rights Watch interview with Ahmed Shedaiwah, head of Haradh Local Council, Haradh, September 20, 2013. Human Rights Watch interview with Naser al-Matari, Military Police deputy.

¹⁷⁶ Human Rights Watch interview with Ahmed Shedaiwah, head of Haradh Local Council, Haradh, September 20, 2013.

¹⁷⁷ Human Rights Watch interview with Abd al-Salam al-Mahbashi, Deputy Head of the Human Rights Department in the Ministry of Interior and Abd al-Salam Jawhar, Head of the Refugees Affairs Department in the Ministry of Interior, Sanaa, October 28, 2013.

¹⁷⁸ Human Rights Watch interview with an international aid worker, Haradh, September 21, 2013.

VI. Role of the Saudi Government

Saudi labor authorities in 2011 passed new *Nitaqat* regulations, a program that aims to boost employment for Saudi citizens. The new regulations set specific quotas for employment of Saudi citizens in private firms based on the company's business sector and size.¹⁷⁹ In addition, Saudi police and labor authorities in early 2013 launched a vigorous campaign to arrest and deport foreign workers found in violation of labor laws, targeting workers who did not have valid residency or work permits, or those found working for an employer other than their legal sponsor. Authorities suspended the campaign in April 2013 following King Abdullah's declaration of a limited "grace period" for workers to correct their status, but resumed it in November.¹⁸⁰ In addition, Saudi Arabia accelerated work on high-tech improvements for its fence along its border with Yemen in an effort to stem illegal crossings.

Migrants' sudden difficulties getting into and staying in Saudi Arabia may have led fewer migrants to embark on the journey from Ethiopia. But trafficking and smuggling of migrants still takes place across the border between Saudi Arabia and Yemen with the apparent complicity of Saudi border guards.

After extorting money from migrants in their torture camps, some traffickers then escort them into Saudi Arabia. A group of smugglers who met with Human Rights Watch said that traffickers breach the border fence, which Saudi media has reported includes night lighting and thermal cameras, by snipping holes in the fence along the ground.¹⁸¹ Then they bribe Saudi border guards with *qat* (a chewed stimulant ubiquitous in Yemen but banned in Saudi Arabia) or wine; when guards suspect the fence has been breached, they wait by the opening in the fence to exact payment.¹⁸² They also pay Saudi border guards

¹⁷⁹ DLA Piper Nitaqat Study http://www.dlapiper.com/files/Publication/8013ec0e-9213-4de5-93b1-769e55e29b70/Presentation/PublicationAttachment/c8a4d367-e2fo-4df4-83c4-8b94cfoe0e88/Be_Aware_Middle_East_June_2012.pdf

¹⁸⁰ <http://www.theguardian.com/world/2013/nov/29/saudi-arabia-foreign-labour-crackdown-migrants>

¹⁸¹ Human Rights Watch interview, Haradh, September 22, 2013. Human Rights Watch interview with seven smugglers, Haradh, September 24, 2013. "Saudi Arabia continues strengthening border security with Yemen," *Al Arabiya News Online*, April 10, 2013, <http://english.alarabiya.net/en/News/middle-east/2013/04/10/Saudi-Arabia-continues-strengthening-border-security-with-Yemen.html> (accessed November 28, 2013). One area the fence does not span is the Huthi-controlled area bordering Sa'da. "The fence has taken advanced phases at the Yemeni border and expectations of deporting villagers from Bani Malik soon," *Eldayer*, May 4, 2012, <http://www.aldayer.net/news.php?action=show&id=5053> (accessed March 9, 2014).

¹⁸² Human Rights Watch interview with seven smugglers, Haradh, September 24, 2013.

stationed at one of five to seven gates in the fence near Haradh to open the gate and allow the traffickers to walk through with African and Yemeni migrants.¹⁸³ Once a smuggler clips the fence, the hole usually remains open for a week to 10 days before Saudi security personnel repair it.¹⁸⁴

Traffickers and smugglers told Human Rights Watch they had arrangements with Saudi border guards to ensure they could cross the border into Saudi Arabia. Those who bring across Yemeni migrants and illegal *qat* said that they used two crossing points, one far from the nearest Saudi village, the other, more convenient, close to a Saudi village. Human Rights Watch was unable to find out how much smugglers bribed Saudi border guards to smuggle migrants across the border but a local *qat* smuggler said it costs him 500 Saudi Arabian Riyals (US\$133) to cross at the further point and SAR 2,000 (US\$533) to cross at the other.

The director of Yemen's Immigration for the Haradh area alleged that officials on the Saudi side are complicit in all aspects of smuggling and trafficking.¹⁸⁵ However, the deputy chief of the Saudi embassy in Sanaa, Haza'a al-Mutiri, told Human Rights Watch that officials had no concerns about complicity in smuggling or trafficking on the Saudi side, and that multiple agencies monitoring the area would report if officials were involved in corruption.¹⁸⁶

Saudi security forces frequently send migrants whom they pick up near the border to a deportation center near Jizan to await deportation to Yemen. Smugglers and aid workers told Human Rights Watch that migrants had told them about terrible conditions in the deportation center.¹⁸⁷

Human Rights Watch interviewed 42 Yemeni and 9 Somali workers deported from Saudi Arabia after November 2013, most of whom described terrible detention conditions prior to deportation, including overcrowding, insufficient food and drinkable water, and beatings

¹⁸³ Ibid.

¹⁸⁴ Ibid.

¹⁸⁵ Human Rights Watch interview with Abdullah Salah Hadi, Immigration Office Director of Al Tuwal border region, Haradh, September 23, 2013.

¹⁸⁶ Human Rights Watch interview with Mr. Haza'a al-Mutiri, Saudi Deputy Chief of Mission, Sanaa, October 28, 2013.

¹⁸⁷ Human Rights Watch interview, Haradh, September 21, 2013, Human Rights Watch interview with seven smugglers, Haradh, September 24, 2013.

by prison guards.¹⁸⁸ Ethiopian nationals in the Saudi capital, Riyadh, told Human Rights Watch in November that thousands of foreign workers were being held in makeshift detention facilities without adequate food and shelter before being deported.¹⁸⁹

Exit from Saudi Arabia

Some Saudi border guards turn undocumented migrants over to Yemeni traffickers.¹⁹⁰ They load migrants onto buses, drive them to a specific border crossing, and call a trafficker on the Yemeni side to pick them up, said one trafficker. The traffickers take the migrants to their camps, where they again torture them to extort money.¹⁹¹

One Ethiopian migrant, Muhammad Hussain, 25, from the town of Silte, said that he crossed from Yemen to the Fife district of Saudi Arabia in a group of 123 migrants, including three women. Saudi officials arrested the migrants and placed them in a detention center, where they remained for a month. One night at 2 a.m., the Saudi police took the migrants to a remote, sandy area on the Yemeni border and began making phone calls in Arabic. He told Human Rights Watch:

One of us understood Arabic and he said, "They are selling us to the smugglers!" Four cars arrived. When the cars got close to us, they [Saudi police officers] released us. One car drove to the soldiers and the other three came to us. They ran toward us to capture us. We tried to protect ourselves by throwing stones at them. After a short period of time we escaped and reached Yemeni farmland where they could not catch us.¹⁹²

Shikuri Muhammad said he entered Saudi Arabia in June 2013 with a group of 200 migrants, including 52 women, from Ethiopia, Chad, and Nigeria, on foot through the

¹⁸⁸ "Saudi Arabia: 12,000 Somalis Expelled," Human Rights Watch news release, February 18, 2014, <https://www.hrw.org/news/2014/02/18/saudi-arabia-12000-somalis-expelled>.

¹⁸⁹ "Saudi Arabia: Labor Crackdown Violence," Human Rights Watch news release, December 1, 2013, <http://www.hrw.org/news/2013/11/30/saudi-arabia-labor-crackdown-violence>.

¹⁹⁰ Human Rights Watch interview with Hussain Mohammed, Haradh, January 8, 2014. Human Rights Watch interview with "Shikuri Muhammad" (a pseudonym), Haradh, September 22, 2013. Human Rights Watch interview with seven smugglers, Haradh, September 24, 2013. Human Rights Watch interview with "Nadim" (a pseudonym), Haradh, September 21, 2013. Human Rights Watch interview, September 22, 2013. Human Rights Watch interview, Haradh, September 22, 2013. Human Rights Watch interview, September 23, 2013. Human Rights Watch interview, Haradh, September 23, 2013. Human Rights Watch interview, Haradh, September 23, 2013. Human Rights Watch interview, Haradh, September 23, 2013.

¹⁹¹ Human Rights Watch interview, Haradh, September 22, 2013.

¹⁹² Human Rights Watch interview with Muhammad Hussain, Haradh, January 8, 2014.

mountains of Sa`ada, where no fence separates Yemen from Saudi Arabia. They sought refuge in a deserted construction site near the Saudi side of the border but within a few hours, border guards appeared, loaded them into four buses, and drove them back to the border, he said.

Muhammad was the only man on his bus, with the 52 women. He did not see the other buses again. Once the migrants were on the bus, he said, the guards locked the bus and the driver stood outside the bus and made a phone call. Muhammad, who speaks Arabic, said he heard the driver say “something about us being ready to leave.” Then, just before the bus stopped in the desert, the driver made another phone call saying they had arrived. No one was allowed to exit for about 20 minutes, until Muhammad saw armed men drive up in seven trucks. The migrants realized they were traffickers. Muhammad said:

The cars pulled up next to our bus and the bus driver opened the doors. We ran towards the doors and pushed each other out and started running in different directions. The smugglers started shooting at us from behind. I think that most of us were able to escape but I did see some people get shot and fall down.

Muhammad escaped uninjured.

A Yemeni government official, aid workers, migrants, and smugglers told Human Rights Watch that Saudi border guards fire warning shots at migrants and on occasion have fired at them directly, injuring or killing them.¹⁹³

One Yemeni migrant told Human Rights Watch in November that while attempting to illegally cross in Saudi Arabia two days before the interview, Saudi border guards shot a man travelling in his group of nine. He said: “I saw a man shot in the head right in front of me. [The border guards] asked us to stop and raise our hands, but he ran and they shot

¹⁹³ Human Rights Watch interviews with Abdullah Salah Hadi, Immigration Office Director of Al Tuwal border region, Haradh, September 23, 2013, with migrant “Shikuri Muhammad” (a pseudonym), Haradh, September 22, 2013, with smugglers, Haradh, September 24, 2013, with trafficker “Nadim” (a pseudonym), Haradh, September 21, 2013. Human Rights Watch interview, September 22, 2013. Human Rights Watch interview, September 23, 2013. See also Tom Finn, “Migrant hunting, smuggling on Yemen-Saudi border,” *Reuters*, May 30, 2012, <http://www.reuters.com/article/2012/05/30/us-yemen-migrants-idUSBRE84ToWU20120530> (accessed May 8, 2014).

him. I was so scared, all of us stopped, we didn't run, the Saudis took the body away in one car and eight of us to jail in another car."¹⁹⁴

Migrants who were deported from Saudi Arabia have reported seeing other migrants' dead bodies in the border area, according to the Danish Refugee Council.¹⁹⁵

A humanitarian aid worker who visited Haradh's local morgue, told Human Rights Watch that since late 2012, people have brought the bodies of at least 50 Africans from the border region of Haradh to the morgue, and that the bodies often remain there unclaimed and unidentified.¹⁹⁶ People have brought other bodies to a clinic run by Medecins Sans Frontières.¹⁹⁷

One Haradh resident who acknowledged that his family members are traffickers told Human Rights Watch that in June 2013 he visited the local morgue and saw 14 bodies of African migrants, all of them brought from the border areas, according to morgue records that he saw, two with severed heads. He said he saw the coroner's reports, which categorized them as "accidental deaths." He said the bodies had been lying in the open so long that they were rotting.¹⁹⁸ Ahmed Shedaiwah, the head of the Haradh Local Council, told Human Rights Watch that in August 2013, Yemeni border guards brought 38 bodies from the border to the morgue.¹⁹⁹ Ibrahim Zaidan, the Haradh representative of the Ministry of Human Rights, said that for a period in September 2013, there were 48 bodies of migrants in the morgue.²⁰⁰

¹⁹⁴ Human Rights Watch interview with Ahmed Ali Dahman, Haradh, November 29, 2013.

¹⁹⁵ Danish Refugee Council, "Desperate Choices," p.43.

¹⁹⁶ Human Rights Watch interview with an international aid worker, Haradh, September 21, 2013.

¹⁹⁷ Human Rights Watch interview, Haradh, September 22, 2013.

¹⁹⁸ Human Rights Watch interview, Haradh, September 21, 2013.

¹⁹⁹ Human Rights Watch interview with Ahmed Shedaiwah, head of Haradh Local Council, Haradh, September 20, 2013.

²⁰⁰ Human Rights Watch interview with Ibrahim Zaidan, Ministry of Human Rights representative in Haradh, Haradh, September 21, 2013.

VI. Yemen's International Legal Obligations

The Yemeni government's failure to investigate and prosecute serious abuses committed against migrants by private individuals and entities as well as by government officials violates Yemen's obligations under international human rights law. International human rights bodies have made clear that governments have positive obligations to protect individuals from acts, such as infringements on the rights to life and to bodily integrity, committed by private persons.²⁰¹ A government's failure to prevent, investigate or punish such abuses may itself give rise to a violation of those rights.²⁰²

Trafficking

The United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Trafficking Protocol) defines trafficking as the recruitment, transportation, transfer, harboring, or receipt of persons through "the threat or use of force or other forms of coercion...or of the giving or receiving of payments or benefits to achieve the consent of a person having control of another person, for the purpose of exploitation." Exploitation includes, at a minimum, "the exploitation of prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs."²⁰³

Although Yemen is not a party to the Trafficking Protocol, the crimes described in this report nonetheless constitute trafficking. They include the transport, transfer, and harboring of migrants by using force or the threat of force for the purpose of slavery.

The practice of traffickers in Yemen to effectively buy and sell migrants from, and to each other, amounts to slavery under international law. For instance, the Rome Statute of the

²⁰¹ See generally, International Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force March 23, 1976, articles 6 and 7. Yemen ratified the ICCPR in 1987.

²⁰² See, e.g., Human Rights Committee, General Comment No. 31 on the Nature of the General Legal Obligation Imposed on States Parties to the Covenant, para. 8.

²⁰³ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention on Transnational Organized Crime (Trafficking Protocol), adopted November 15, 2000, G.A. Res. 55/25, annex II, 55 U.N. GAOR Supp. (No. 49) at 60, U.N. Doc. A/45/49 (Vol. I) (2001), entered into force December 25, 2003, http://www.uncjin.org/Documents/Conventions/dcatoc/final_documents_2/convention_%20traff_eng.pdf (accessed May 2, 2013). Yemen has not signed or ratified the protocol.

International Criminal Court defines enslavement as “the exercise of any or all of the powers attaching to the right of ownership over a person and includes the exercise of such power in the course of trafficking in persons, in particular women and children.”²⁰⁴

In 2000, the Preparatory Commission for the Establishment of an International Criminal Court issued guidance on the elements the crimes of “enslavement” and “sexual slavery,” and concluded that in both cases, the crimes involved a person exercising “any or all of the powers attaching to the right of ownership over one or more persons, such as by purchasing, selling, lending or bartering such a person or persons, or by imposing on them a similar deprivation of liberty.”²⁰⁵

In 2002, the Trial Chamber of the International Criminal Tribunal for the former Yugoslavia (ICTY) found that that factors contributing to “enslavement” included “control of someone’s movement, control of physical environment, psychological control, measures taken to prevent or deter escape, force, threat of force of coercion, duration, assertion of exclusivity, subjection to cruel treatment and abuse control of sexuality.”²⁰⁶

Article 248 of Yemen’s penal code criminalizes buying, selling, dealing in, or gifting people, and particularly penalizes anyone importing or exporting people with the intent of taking advantage of them. This crime is punishable by a prison sentence of up to 10 years. Human Rights Watch could not confirm a single instance in which a trafficker was charged with this crime. Although the government reported that it convicted and sentenced 17 trafficking offenders in 2012, despite multiple efforts to gain more information, Human Rights Watch

²⁰⁴ Rome Statute of the International Criminal Court (Rome Statute), A/CONF.183/9, July 17, 1998, entered into force July 1, 2002, article 7(1)(c), http://www.icc-cpi.int/nr/rdonlyres/ea9aeff7-5752-4f84-be94-0a655eb30e16/o/rome_statute_english.pdf (accessed November 21, 2013). See also, Slavery, Servitude, Forced Labor and Similar Institutions and Practices Convention of 1926 (Slavery Convention), adopted September 25, 1926, 60 L.N.T.S. 253, entered into force March 9, 1927, article 1, <http://www1.umn.edu/humanrts/instreet/fisc.htm> (accessed November 21, 2013) (Slavery involves “the status or condition of persons over whom any or all of the powers attaching to the right of ownership are exercised”).”

²⁰⁵ Report of the Preparatory Commission for the International Criminal Court, Addendum, Part II, Finalized draft text of the Elements of Crimes,” Preparatory Commission for the International Criminal Court, November 2, 2000, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N00/724/27/PDF/N0072427.pdf?OpenElement> (accessed November 21, 2013). In 2001, the Trial Chamber of the International Criminal Tribunal for the Former Yugoslavia (ICTY) held that “acquisition” or “disposal” is a “prime example” of the exercise of the right of ownership over someone. ICTY, *Prosecutor v. Kunarac, Kovac and Vukovic*, Judgement of February 22, 2001, <http://www.icty.org/x/cases/kunarac/tjug/en/kun-tjo10222e.pdf> (accessed November 21, 2013), para 542.

²⁰⁶ *Ibid.*, para. 543.

was unable to verify the convictions or determine for which crimes the individuals were convicted.

States party to the Trafficking Protocol are obligated to criminalize trafficking and the act of working as an accomplice to traffickers, and to strengthen border controls to detect and prevent trafficking.²⁰⁷ Yemen has not passed anti-trafficking legislation, beyond article 248 of the penal code, consistent with the UN Trafficking Protocol, though a national committee on combating human trafficking has prepared a draft anti-trafficking law, which it introduced in late 2013 and which is currently pending before parliament.²⁰⁸

Obligations to Investigate Torture

Torture is prohibited under the Yemeni Constitution in article 47.²⁰⁹ International law prohibits torture and other cruel, inhuman or degrading treatment.²¹⁰ The definition of torture under the Convention against Torture includes three core elements: the nature of the abuse, the purpose of the abuse, and the involvement of a public official.²¹¹

²⁰⁷ Ibid., articles 5(2) and 11.

²⁰⁸ Human Rights Watch interview with Fouad al-Ghaffari, Director for the office of the Minister of Human Rights, Sanaa, January 26, 2014.

²⁰⁹ Article 47 of Yemen's Constitution also prohibits torture, stating:

Any person whose freedom is restricted in any way must have his dignity protected. Physical and psychological torture is prohibited. Forcing confessions during investigations is forbidden... The law shall determine the punishment for whosoever violates any of the stipulations of this Article and it shall also determine the appropriate compensation for any harm the person suffers as a result of such a violation. Physical or psychological torture at the time of arrest, detention or jail is a crime that cannot be prescribable. All those who practice, order, or participate in executing, physical or psychological torture shall be punished.

Yemeni Constitution, February 10, 2001, <http://www.refworld.org/docid/3fc4c1e94.html> (accessed February 13, 2014).

The Committee against Torture, in its 2010 review of Yemen's implementation of the convention, that the definition of torture in the Yemeni constitution was limited:

The current definition in the Constitution prohibits torture only as a means of coercing a confession during arrest, investigation, detention and imprisonment, and that punishment is limited to individuals who order or carry out acts of torture and does not extend to individuals who are otherwise complicit in such acts.

Consideration of reports submitted by States parties under article 19 of the Convention, Concluding observations of the Committee against Torture, Committee against Torture, Forty-fourth session, 26 April-14 May 2010, CAT/C/YEM/CO/2/Rev.1, May 25, 2010, para 7.

²¹⁰ See, e.g., ICCPR, article 7; Arab Charter on Human Rights, article 8; CRC, article 37.

²¹¹ Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture), adopted December 10, 1984, G.A. res. 39/46, annex, 39 U.N. GAOR Supp. (No. 51) at 197, U.N. Doc. A/39/51 (1984), entered into force June 26, 1987, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CAT.aspx>. Yemen ratified the Convention against Torture in 1991. Torture is defined as:

any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third

Thus, while the intentional infliction of severe pain or suffering by someone not a public official is not torture under the convention definition, the convention nonetheless places obligations on a government to adopt measures against acts by non-state actors.

The Committee against Torture, the independent expert body that monitors compliance with the Convention against Torture, has stated in a general comment that government officials can be complicit in torture and other ill-treatment carried out by non-state actors:

where State authorities or others acting in official capacity...know or have reasonable grounds to believe that acts of torture or ill-treatment are being committed by non-State officials or private actors and they fail to exercise due diligence to prevent, investigate, prosecute and punish such non-State officials or private actors consistently with the Convention, the State bears responsibility and its officials should be considered as authors, complicit or otherwise responsible under the Convention for consenting to or acquiescing in such impermissible acts.²¹²

The committee stated that a government's failure "to exercise due diligence to intervene to stop, sanction, and provide remedies to victims of torture facilitates and enables non-State actors to commit acts impermissible under the Convention with impunity," and provides a form of encouragement or de facto permission. It noted that it had applied this principle in other areas, including trafficking.²¹³

The readily available information in the public realm about the widespread abuses traffickers have committed in Yemen and evidence of abuse obtained in the traffickers' camps, means there are, as the Committee against Torture puts it, "reasonable grounds to believe ... that acts of torture or ill-treatment are being committed by ... private actors." The

person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.

Ibid., art. 1.

²¹¹ Committee against Torture, General Comment No. 2, Implementation of article 2 by States parties, U.N. Doc. CAT/C/GC/2/CRP.1/Rev.4 (2007), November 23, 2007, http://www1.umn.edu/humanrts/cat/general_comments/cat-gencom2.html, para. 18.

²¹² Committee against Torture, General Comment No. 2, Implementation of article 2 by States parties, U.N. Doc. CAT/C/GC/2/CRP.1/Rev.4 (2007), November 23, 2007, http://www1.umn.edu/humanrts/cat/general_comments/cat-gencom2.html, para. 18.

²¹³ Ibid.

authorities' failure "to exercise due diligence to prevent, investigate, prosecute and punish such non-State officials or private actors" indicates that the Yemeni government "facilitates and enables [traffickers] to commit acts impermissible under the Convention [against Torture] with impunity." Thus the government "bears responsibility and its officials should be considered as authors, complicit or otherwise responsible under the Convention [against Torture] for consenting to or acquiescing in such impermissible acts."²¹⁴

Obligation to Investigate Violence Against Women

International and regional human rights treaties place obligations on state authorities to act with due diligence to combat violence against women. For example, the committee monitoring compliance with the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW),²¹⁵ has identified violence against women as a form of discrimination, and stated in a general recommendation that governments have a due diligence obligation to prevent, investigate, prosecute, and punish all acts of gender-based violence.²¹⁶

The CEDAW committee said in its General Recommendation No. 26 on women migrant workers that governments "should take all appropriate measures to ensure non-discrimination and the equal rights of women migrant workers" and "measures that may be required include" the "protection of undocumented women migrant workers." The committee noted that "the situation of undocumented women needs specific attention. Regardless of the lack of immigration status of undocumented women migrant workers, States parties have an obligation to protect their basic human rights."²¹⁷

²¹⁴ Committee Against Torture, General Comment 2.

²¹⁵ Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), G.A. res. 34/180, 34 U.N. GAOR Supp. (No. 46) at 193, U.N. Doc. A/34/46, entered into force Sept. 3, 1981. Yemen acceded to CEDAW on May 30, 1984.

²¹⁶ CEDAW Committee, General Recommendation No. 28, The Core Obligations of States Parties under Article 2 of the Convention on the Elimination of All Forms of Discrimination against Women, CEDAW/C/GC/28 (2010), <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G10/472/60/PDF/G1047260.pdf?OpenElement> (accessed September 11, 2013), paras. 19 and 34; and CEDAW Committee, General Recommendation No. 19, Violence against Women, (Eleventh session, 1992), Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies, UN Doc. HRI\GEN\1\Rev.9 (Vol. II) (2008), <http://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm#recom19> (accessed September 11, 2013), para. 9.

²¹⁷ UN Committee on the Elimination of Discrimination against Women, General Recommendation 26, Women Migrant Workers, CEDAW/C/2009/WP.1/R (2009), para. 26, http://www2.ohchr.org/english/bodies/cedaw/docs/GR_26_on_women_migrant_workers_en.pdf.

The Committee furthermore stated:

Undocumented women migrant workers must have access to legal remedies and justice in cases of risk to life and of cruel and degrading treatment, or if they are coerced into forced labour, face deprivation of fulfilment of basic needs, including in times of health emergencies or pregnancy and maternity or if they are abused physically or sexually by employers or others.²¹⁸

Special Obligations for the Treatment of Children

The Convention on the Rights of the Child (CRC) provides that governments “shall respect and ensure the rights” under the convention “to each child within their jurisdiction without discrimination of any kind.”²¹⁹ The Committee on the Rights of the Child encourages governments to strengthen their efforts to integrate the right to non-discrimination in all relevant legislation and to “ensure that this right is effectively applied in all political, judicial and administrative decisions and in projects, programmes and services which have an impact on all children, including non-citizen children and children belonging to minority groups.”²²⁰

All decisions taken regarding children, including decisions concerning immigration status or detention, must take as a primary consideration “the best interests of the child.”²²¹ The CRC Committee specifies that the “best interests” include, among other things, consideration of children’s need for care, protection, and safety, and attention to particular vulnerabilities of, for example, migrant children.²²²

With specific regard to unaccompanied migrant children, the CRC Committee provides important guidance for designing and implementing reception policies under the “best

²¹⁸ Ibid.

²¹⁹ Convention on the Rights of the Child (CRC), G.A. res. 44/25, annex, 44 U.N. GAOR Supp. (No. 49) at 167, U.N. Doc. A/44/49 (1989), *entered into force* Sept. 2, 1990, article 2. Yemen ratified the CRC in 1991.

²²⁰ Committee on the Rights of the Child, concluding observations on the second periodic report of the Czech Republic (CRC/C/15/Add.201), para. 29.

²²¹ CRC, article 3. See also, Committee on the Rights of the Child, General Comment 14, On the right of the child to have his or her best interests taken as a primary consideration (art. 3, para. 1), U.N. Doc. CRC/C/GC/14 (2013), May 29, 2013, http://www2.ohchr.org/English/bodies/crc/docs/GC/CRC_C_GC_14_ENG.pdf (accessed March 30, 2014).

²²² Committee on the Rights of the Child, General Comment 14, paras. 52-84.

interest” principle, observing that such children need to be assigned a guardian to help them cope with complex procedures and to secure appropriate shelter and care.²²³

International law indicates that children should not be detained for reasons related to their migration status, and places strict limits on the exceptional use of detention: article 37 of the CRC states that detention of any type should only be used against children as “a measure of last resort and for the shortest appropriate period of time.” The Committee in General Comment No. 6 states that “unaccompanied or separated children should not, as a general rule, be detained,” and “detention cannot be justified solely on...their migratory or residence status, or lack thereof.” Most importantly, in February 2013, the UN Committee on the Rights of the Child urged states to “expeditiously and completely cease the detention of children on the basis of their immigration status,” arguing that such detention is never in the child’s best interest.

Children should also have access to legal and psychological assistance, including by enabling contact with nongovernmental organizations offering such assistance, and they should receive care appropriate to their age, including ability to contact family, appropriate medical treatment and psychological counseling, and access to education.²²⁴ States should ensure the full economic, social and cultural rights of all non-citizen children in detention without discrimination—especially the right to education—and ensure their right to integration into society.²²⁵

²²³ Committee on the Rights of the Child, General Comment 6, Treatment of unaccompanied and separated children outside their country of origin, U.N. Doc. *CRC/GC/2005/6* (2005), September 1, 2015, <http://www2.ohchr.org/english/bodies/crc/docs/GC6.pdf> (accessed March 30, 2014), paras. 19-22.

²²⁴ Committee on the Rights of the Child, concluding observations on the second periodic report of the Czech Republic (para. 57) and on the second periodic report of the Netherlands (*CRC/C/15/Add.227*, paras. 30–31 and 53–54). As a minimum, children of asylum seekers should not be separated from their parents during detention. Committee on the Rights of the Child, concluding observations on the second periodic report of Lebanon (para. 52).

²²⁵ Committee on the Rights of the Child, concluding observations on the second periodic report of Italy (*CRC/C/15/Add.198*, para. 21).

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Annex I: List of Cases Forwarded by Haradh Police to the Haradh Prosecution

NATURE OF CHARGE	NAME (IF NON-YEMENI, NATIONALITY LISTED IN BRACKETS)	VICTIMS	DATE CASE WAS SENT FROM LOCAL POLICE TO HARADH PROSECUTION	STATUS
MURDER AND ATTEMPTED MURDER				
	Ali Omar Ali Zaila'a	Abd al-Rahim Ghaleb Naser (Border Guard, killed). Wounded- an unidentified Ethiopian; Burhan Jermay Aroji (Ethiopian); and Jarjana Jabra (Ethiopian).	March 19, 2013	Arrested, and still in detention
	Hadi Yosuf Matari			Escaped
	Ahmed Ahmed Awaji Zaila'a			Arrested
	Ibrahim Abdu Shoaee Katbi			Arrested
	Noah Ibrahim Shoaee Rajihi			Escaped
	Abdu Yosuf Jaishi (Ethiopian)			Unsure of status
	Muhammad Ibrahim Shoaee Rajihi			Unsure of status
	Abdullah Ibrahim Shoaee Rajihi			Unsure of status
DETENTION, RESTRICTING FREEDOM OF MOVEMENT AND TORTURE				
	Hadi Abdu Hassan Kudaish	A number of African migrants	April 20, 2013	All were released by Haradh and Hajja prosecution teams and did not face trial
	Ali Saghir Abdu Kudaish			
	Ali Shoaee Muhammad Kudaish			
	Ali Hadi Abdu Kudaish			
	Hassan Ali Shoaee Kudaish			
	Husain Ahmed Husain Hairan			
	Ahmed Hadi Abdu Kudaish			
	Yahya Ali Muhammad Aydi			
	Muhammad Shoaee Muhammad Kudaish			
	Ali Sultan Muhammad Hadadi			
	Muhammad Ibrahim Abdullah Odabi			
	Shafi Ali Admo (Ethiopian)			
	Shakro Idrees Hassan (Ethiopian)			
DETENTION, RESTRICTING FREEDOM OF MOVEMENT AND TORTURE				
	Ibrahim Sayd Ali Adam (Ethiopian)	A number of African migrants	April 20, 2013	All were released by Haradh and Hajja prosecution teams
	Othman Muhammad Ibrahim Adam (Somali)			

NATURE OF CHARGE	NAME (IF NON-YEMENI, NATIONALITY LISTED IN BRACKETS)	VICTIMS	DATE CASE WAS SENT FROM LOCAL POLICE TO HARADH PROSECUTION	STATUS
DETENTION, RESTRICTING FREEDOM OF MOVEMENT AND TORTURE				
	Hassan Ibrahim Bukhit Harmali	119 African migrants	April 20, 2013	All were released by Haradh and Hajja prosecution teams
	Matar Shoaee Bukhit Harmali			
	Ibrahim Muhammad Ali Okaili			
	Abkar Ahmed Ibrahim Juaidi			
	Ahmed Ibrahim Ali Juaidid			
	Hajar Esa Suliman Katbi			
	Ahmed Husain Abdullah Jabri			
	Ibrahim Ibrahim Ali Jomai			
MURDER				
	Hadi Abdu Hassan Kudaish	An unidentified Ethiopian	April, 20, 2013	Released by Haradh and Hajja prosecution teams
SMUGGLING AND RESTRICTING FREEDOM OF MOVEMENT				
	Husain Ali Ahmed Azzam	A number of African migrants	April, 27, 2013	Released by Haradh and Hajja prosecution teams
SMUGGLING AND RESTRICTING FREEDOM OF MOVEMENT				
	Ahmed Abdu Hassan Kudaish	[not mentioned]	June 25, 2013	All were released by Haradh and Hajja prosecution teams except Abdu Yahya Kudaish, who escaped.
	Ahmed Hamdan Hassan Alaan			
	Ghawi Esa Suliman Okaili			
	Abdu Yahya Kudaish			

This list is a compilation of information derived from seven letters sent from Muhammad Ahmed Nijad, director of General Security in Haradh, to the Haradh prosecutor's office, sent on the dates listed in the fourth column, transferring criminal files, as well as a letter from Ali Omar Said, commander of the Second Brigade Border Guard, to the Ministry of Defense on November 22, 2013, outlining what Said charged was the lack of follow-up by Haradh's prosecution team with regard to cases that were transferred to it as a result of the raids. Said in his letter lists all of the cases that were transferred, as well as the status of each case.



Tens of thousands of African migrants pass through Yemen each year to seek work in Saudi Arabia. A multi-million-dollar human trafficking industry has developed in Yemen based on their passage. Its locus is the hot and dry northern border town of Haradh. Here Yemeni traffickers have found a particularly horrific way to make money: by taking migrants captive and transporting them to isolated camps, where they inflict severe pain and suffering and extort ransom from the migrants' relatives and friends.

Yemen's Torture Camps describes how Yemeni officials have conducted only sporadic raids on the camps, and have frequently warned traffickers of raids, and freed them from jail when they are arrested. In some cases, officials actively helped the traffickers capture and detain migrants. It also documents abuses of migrants by Saudi border officials, who apprehend border crossers and turn them over to Haradh-based traffickers.

The report is based on interviews with 67 people, including 18 Ethiopian migrants who survived torture in the camps, and 10 traffickers and smugglers, as well as health professionals, government officials, activists, diplomats, and journalists.

Human Rights Watch calls on the Yemeni government to launch a concerted effort to investigate and prosecute traffickers, as well as members of the security forces, regardless of rank, suspected of collusion with traffickers. It also calls on police, military, and intelligence agencies to assist in the investigations and take appropriate disciplinary action against personnel implicated in trafficking.

(above) Ethiopian migrants outside the Migrant Response Centre in Haradh, May 2013.

(front cover) Ethiopian migrant, 19, at a local medical facility in Haradh. He said he was tortured for a month and shot in the leg by traffickers trying to extort money from family members abroad, May 2013.

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