



“THIS IS A SLOW DEATH”: AN URGENT APPEAL ON THE PLIGHT OF AFGHAN REFUGEES INDEFINITELY AND ARBITRARILY DETAINED IN THE UAE

Geneva, 13 March 2023:

For a year and a half, thousands of Afghan refugees fleeing Taliban persecution have been trapped in a de-facto detention facility in the United Arab Emirates. Evacuated from Afghanistan by private actors, the refugees have languished in prolonged arbitrary detention at an emergency evacuation compound in Abu Dhabi called the “Emirates Humanitarian City”.

EVACUATED, BUT NOT RESETTLED

Following the fall of Kabul in August 2021, the US State Department assisted the evacuation of thousands of Afghans fleeing the Taliban, in some cases authorising privately chartered flights. Evacuation to the UAE was intended to be a temporary measure, so that processing procedures could be completed before long-term resettlement in the US.

With preliminary clearance for onward travel, most of the Afghan evacuees were resettled in the US by December 2021. Afghans evacuated by private actors were led to believe they had received preliminary clearance from the US government before departure. However, while these private evacuations reportedly occurred with the US government’s knowledge and authorisation, US officials have argued that these individuals had no guarantee of US resettlement.

INDEFINITE, DE FACTO DETENTION

Around 2,500 Afghan refugees remain stranded in a compound in Abu Dhabi called the **Emirates Humanitarian City (EHC)**, awaiting authorisation to travel to the US. The EHC was re-purposed to serve as an international humanitarian evacuation facility for Arab nationals stranded in China during the COVID pandemic where they would stay for up to two weeks. [According to the UAE Department of Health](#), it was “built with the highest of standards to facilitate high-quality care for individuals admitted, ensuring their privacy and dignity are maintained throughout their stay.”

Afghan evacuees, however, have been held in the facility for a year and a half, are deprived of their liberty, and have been kept in legal limbo, as the UAE is not a signatory to the [1951 Refugee Convention](#) and has no formal asylum processing system.

Testimonies that were collected by an independent lawyer investigating conditions inside the EHC and which were shared with the GDP and Migrant-Rights.org reveal that refugees in the facility are prevented from leaving; have limited freedom of movement within the facility; are under constant surveillance; and are denied visits by family and lawyers. Even those with funds for their own accommodation have not been permitted to leave the facility.

“The lack of asylum procedures or refugee protection in the UAE means that Afghan detainees are being held in a state of legal limbo in the EHC,” said a representative from the Gulf-based organisation, [Migrant-Rights.org](#).

“We are in a jail. It doesn’t matter if we are safe,” said one Afghan refugee interviewed by the independent lawyer’s team. “Psychologically, physically, mentally, medically, we will die. This is a slow death.”

“Afghan refugees, who believed they were being evacuated for resettlement, are being deprived of their liberty in the EHC with limited ability to contact anyone or receive visitors, and no idea when they will be freed,” said Rachael Reilly, the [Global Detention Project](#)’s Senior Advocacy Coordinator. “They are being held in conditions that appear to amount to arbitrary and indefinite detention.”

The arbitrary and prolonged detention of Afghans in the EHC is in violation of international human rights law, notably Article 9 of the [International Covenant on Civil and Political Rights](#) and Article 9 of the [Universal Declaration of Human Rights](#).

“There seems to be no proper judicial process in place,” added Reilly. “Detainees have not been given any written or verbal explanation for their detention, they have not been brought before a judge, there have been no reviews of their detention, and they have no ability to challenge their detention. This is a clear rights violation.”

REPORTS OF SEXUAL ASSAULT

According to the testimonies seen by the GDP, Afghan refugees in the EHC have faced harrowing abuses and conditions that appear to amount to torture and cruel, inhuman, and degrading treatment.

Alarming, several Afghan refugees have reported instances of sexual assault and rape in the women-only block which is sealed off from the rest of the compound; doors to rooms have no locks. Women also report lack of access to appropriate reproductive health care, and some have experienced miscarriages and life-threatening pregnancy complications as a result.

Evacuees have also reported a lack of adequate service provision, including education for children and healthcare access—including the ability to obtain essential medicine for the treatment of long-term health conditions such as diabetes and asthma as well as mental health conditions.

“They told me that they had no anaesthesia for root canal treatment, so I had to have RCT without anaesthesia,” reported another refugee to the lawyer’s team. “It was incredibly painful.”

Reportedly, there are no appropriate mechanisms for the Afghan detainees to lodge complaints about the ill-treatment they face, or the lack of services provided in the EHC. A lack of clarity regarding the management responsibility of the facility exacerbates this (there appears to be shared responsibilities between the private US evacuation groups and the UAE, but US officials have also had access to some parts of the EHC to carry out processing). On several occasions—most recently in late January 2023—Afghans held in the EHC have [protested their detention](#) and lack of resettlement. These protests were met with threats of deportation.

A NEED FOR LASTING SOLUTIONS AND RESPECT FOR RIGHTS

The Global Detention Project and Migrant-Rights.org urge UAE and US authorities, as well as the international community, to find lasting solutions that respect the rights of all Afghan detainees held in the EHC.

UAE authorities should end the arbitrary and indefinite detention of Afghan refugees held in the EHC complex and allow full freedom of movement for all Afghans in the facility.

Custodial authority over the Afghan refugees at the EHC must be urgently settled to ensure that all proper legal procedures are followed, and the refugees have access to legal recourses. The roles and responsibilities of the US and UAE authorities in the evacuation and relocation of Afghan refugees must be clarified. In particular, the involvement of the US State Department in evacuations of Afghan refugees as well as the role of US immigration authorities in processing claims at the EHC shows a high level of involvement and control, which raises critical questions about jurisdiction, responsibility, and accountability with respect to the refugees.

The US government should seek lasting solutions for the 2,500 refugees stranded in the EHC, expedite processing for resettlement to the US, and provide refugees with clear and timely information about the resettlement procedures and timeframe.

As the mandated international UN refugee agency, UNHCR should also be guaranteed access to the refugees in the facility to provide them with assistance and legal support, and the organisation should be actively involved in seeking durable solutions for all Afghans stranded in the UAE.

The GDP and Migrant-Rights.org recommend that:

- The UAE authorities should guarantee that Afghan refugees held in the EHC have the right to a full judicial review of the decision to detain, and the right to appeal.
- UAE authorities must allow refugees to have regular in-person contact with family members, friends, NGOs, and international organisations, and be able to meet and socialise with other Afghan refugees being held in the facility without restrictions or limitations.
- Afghan refugees in the EHC should have full access to adequate health care, including appropriate medicines, maternal health care, dental care, and mental health

support, and specialised medical care. UAE authorities must ensure that Afghan refugees can freely leave the EHC to access medical and dental care.

- The UAE authorities should ensure that children and young people in the EHC have access to appropriate and adequate education while they are awaiting resettlement and they should be allowed to freely leave the EHC to access education.
- The safety and security of Afghans held in the EHC must be guaranteed. In particular, women and girls should be protected against sexual violence and assault and the UAE authorities should ensure that all allegations of sexual violence are fully and independently investigated. Proper security must be provided in the women-only blocks of the EHC, including secure locks on all the doors and female-only staff.
- An independent complaints mechanism should be put in place for Afghans held in the EHC, and those who have already left the EHC, with clear lines of managerial responsibility. There should be greater clarity and transparency about who is responsible for the management of the facility. There must be a proper process for lodging complaints about treatment and services in the EHC, without fears of retaliation and with guarantees that action will be taken to improve conditions.
- The role of private actors in evacuating the refugees and managing activities and processes at the EHC should be carefully scrutinised to ensure that their operations and contracts are fully transparent and effectively overseen by relevant authorities, and that they are held to account should they commit abuses or violations.
- The UAE and US authorities should announce a clear timeline for the closure of the EHC as a transit facility and for durable solutions, including resettlement to the US, to be found for all Afghan refugees currently detained there.

Global Detention Project (GDP)

1-3 rue de Varembé,

1202 Geneva,

W: www.globaldetentionproject.org

E: admin@globaldetentionproject.org

T: +41 (0) 22 548 14 01

Migrant-Rights.org

W: <https://www.migrant-rights.org/>

Twitter: <https://twitter.com/MigrantRights>