

**Addressing the situation of all individuals detained in North-east Syria**  
**Side event on the margins of the 52<sup>nd</sup> session of the Human Rights Council**  
**14 March 2023, 13:00-15:00**  
**Geneva Academy, Cassese Room**



## **Background**

Despite a long-awaited increase of repatriations, predominantly of women and children, from the camps in the northern Syrian Arab Republic, there are still around 65,000 foreign and Syrian men, women and children detained in the region in various prisons, camps and other detention centres, of which 42,000 are foreigners. The vast majority have been detained by the Kurdish-led de facto authorities since the battle of Baghouz in the spring of 2019, for alleged links with the designated terrorist group ISIL, absent any legal basis or judicial review. UN Special Procedures and Treaty Bodies have found that the conditions of detention amount to torture and ill-treatment. The majority of individuals detained are children, including approximately 850 in prisons and in so-called 'rehabilitation centres'. Some 10,000 men, including approximately 2,150 third-country nationals are detained in prisons, in conditions that may amount to incommunicado detention.

For all these individuals, detention amounts to indefinite detention, absent any meaningful process through which they can obtain a review of the legality of their detention and a decision on its termination. In addition, several problematic practices have emerged which demand urgent attention. These practices include the removal of boys from the camps and of the care of their mothers when they reach the age of 10-12 to be placed in detention centres; and the traumatic separation of children from their mothers subsequent to the stripping of citizenship of their mothers.

The position of the UN Special Rapporteur on the situation of these individuals has been, since 2019, that the voluntary and human rights-compliant urgent return and repatriation of foreign fighters and their families from conflict zones is the only international law-compliant response to the increasingly complex and precarious human rights, humanitarian and security situation faced by those women, men and children who are detained in inhumane conditions in overcrowded camps, prisons, or elsewhere in northern Syrian Arab Republic and Iraq. This process requires a comprehensive individual evaluation of each man, woman and child from a human rights perspective, including cases involving gender-based violence and persecution against women who return from Syria and Iraq, including via third countries. There must also be recognition that women and children allegedly associated with ISIS may have experienced extreme and significant human

rights violations and gender-based violence during and prior to their detention. An effective return process includes holding individuals accountable for violations of national and international law for serious and systematic crimes committed in Syria and Iraq as appropriate and commensurate with the available evidence. Given the geopolitical fluidity of the region, the metastatic growth of non-State armed groups also designated as terrorist in the region, and the complexities for the de facto authorities in maintaining the detention situation in the camps, absent a significant reduction in numbers and a global and comprehensive solution, repatriations are critical to States' long-term security interests.

Advocacy by UN human rights experts, civil society actors and families has drawn significant attention to the plight of women and children in the camps. Combined with a number of judicial and quasi-judicial decisions, including by the European Court of Human Rights, the UN Committee on the Rights of the Child and the UN Committee against Torture, the repatriation tide has shifted and led 37 countries to repatriate at least some of their nationals, although significant work remains to be done to empty these camps of women and children. By contrast, the fate of boys and men deemed "associated" with the designated terrorist group have received very little attention.

The current situation of mass arbitrary detention has become entrenched, and demands urgent solutions by individual States and the wider international community, particularly given the increased humanitarian demands on the de facto authorities following the earthquake that shook the region, including the north of the Syrian Arab Republic.

### **Objective**

This side event will focus on the human rights of men, women and children who are currently still detained in North-east Syria, with an aim to propose concrete human rights-compliant solutions to these ongoing human rights violations. The event will address in particular the situation of boys, who are in a situation of cradle-to-grave detention as a form of gender discrimination, the situation of men, who are in a situation of indefinite arbitrary detention that is often sustained by their home countries, and the situation of all those who cannot be subject to voluntary and human rights-compliant repatriations.

### **Organizer**

The event is organized by the UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism with the support of the Geneva Academy of International Humanitarian Law and Human Rights.

**Format and programme** 2 hours

### **Panellists**

1. Fionnuala Ní Aoláin, Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism
2. Theo Boutruche, Head of our Rule of Law and Transitional Justice Unit, UN Human Rights Office for Syria, OHCHR
3. Letta Tayler, Associate Crisis and Conflict Director, Human Rights Watch
4. Katherine Cornett, Head of Syria and Iraq Detention Project, Reprieve
5. Rasha Muhrez, Response Director, Save the Children

**An interactive discussion (Q&A) will follow the presentations.**

**Moderator:**

Anne Charbord, Senior Legal Adviser to the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism

**Information and registration**

The event will be conducted in English only. No interpretation is available.

Participants are kindly requested to register for the event at:

<https://indico.un.org/event/1004679/>