

Technical Visit to the Northeast of the Syrian Arab Republic

End of Mission Statement

1. The Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism has completed a six-day technical visit to the Northeast of the Syrian Arab Republic from 15 to 20 July 2023. Her technical visit addressed issues of detention with all relevant authorities and stakeholders. She started her visit in Damascus on 15 July 2023, where she met with relevant Government officials, before travelling to Qamishli in al-Hassakeh Governorate on 16 July 2023. She visited prisons and sites of detention in Qamishli, Gweiran, Al Hol districts, and al-Malikiyah city. She departed from Damascus on 20 July 2023. The Special Rapporteur acknowledges the facilitation of her visit by the Government of the Syrian Arab Republic.
2. The central focus of this technical visit was to address the complex and multi-layered issues and practices of detention and repatriation in Northeast Syria. The Special Rapporteur highlights her sustained work on issues of detention, repatriation and prosecution in Northeast Syria. She has consistently communicated with governments;¹ addressed the severity of the humanitarian issues, human rights challenges, and concurrent legal obligations of Member States concerning the situation of their nationals in Northeast Syria in her General Assembly and Human Rights Council reports;² issued multiple position papers;³ and submitted multiple amicus curiae briefings in national and regional legal proceedings.⁴
3. The Special Rapporteur recognizes and observed first-hand the intense political and security complexity of the situation on the ground, including the presence of a number of State and non-state actors exercising various forms of control and competences over parts of the population and institutions in this region, as well as the presence of groups designated as terrorist by the UN Security Council. She notes that the risk level to UN personnel in this area is assessed as high. The Special Rapporteur visited and had substantial access to two prisons (Alaya and Gweiran Sina'a (Panorama)), two places in which adolescent and juvenile boys are detained (Houri and Orkesh centres), and two camps (Al Hol and Al Roj), all of which was facilitated by the detaining authority. This access, in line with the Code of Conduct for Special Procedure Mandate Holders, is the first by an independent human rights expert. She affirms the importance of the access provided and the value of transparency in all detention contexts. The Special Rapporteur regrets that she was unable to access the Annex in Al Hol camp where third country nationals (TCN) are detained and that she did not interview men nor accessed boys detained at the newly built high-security Gweiran Sina'a (Panorama) prison.
4. She acknowledges the wide-ranging humanitarian challenges being experienced by the population in this region, as a whole, and particularly highlights the challenges of access to water and electricity, which has a direct and disproportionate impact on the human rights of all populations including those held in detention facilities. She recognizes the broader constrictions

¹ All of the SR's interventions are found here: <https://www.ohchr.org/en/special-procedures/sr-terrorism/return-and-repatriation-foreign-fighters-and-their-families>

² See e.g. A/HRC/52/39 para 53-54; A/77/345 paras 43-44; A/HRC/46/36 paras 30-31.

³ See e.g. https://www.ohchr.org/sites/default/files/Documents/Issues/Terrorism/SR/UNSRCT_Position_human-rights-of-boys-adolescents-2021_final.pdf.

⁴ See e.g. BOLOH 1(A), BOLOH 2(A) male only, BOLOH 12, and BOLOH 13 (2023 FC 98) Federal Court of Canada (3 January 2023); H.F. and M.F. v. France (Application no.24384/19) ECHR (28 September 2020); SIAC, Case of Shamima Begum, <https://www.ohchr.org/en/special-procedures/sr-terrorism/return-and-repatriation-foreign-fighters-and-their-families>

on health services affecting both the general population and those held in detention facilities. Terrorism and counter-terrorism related human rights concerns of a broad nature including ongoing conflict and terrorist attacks, terrorism related disappearances and killings, the widespread misuse of the terminology of terrorism to regulate actions protected by international human rights law including speech, assembly and participation in public affairs, as well as surveillance and targeted killings by drones were raised with the Special Rapporteur during her visit but are not addressed in this end of mission statement because the technical visit was agreed with a defined and specific scope.

5. The Special Rapporteur emphasises her fundamental position that States of nationality have a sustained obligation to repatriate their nationals held in multiple detention facilities in Northeast Syria. The findings of this end of mission statement, including of mass arbitrary detention specifically for children, incommunicado detention, disappearances, structural and systematic discrimination for detained persons on the basis of age and nationality, torture, cruel, inhuman and degrading treatment as well as the deprivation of the fundamental capacity to live a dignified life including access to water, food, healthcare and education, which undermine the right to life, make such return an absolute imperative.
6. She is most profoundly concerned by the mass indefinite arbitrary detention of children, boys and girls, in Northeast Syria in various types of facilities, premised on the alleged threat they pose to security and based on their – or their parents – alleged prior links to ISIL/Daesh. No individual legal determination has been made for the vast majority of those children detained in the camps, centres or prisons and there is no evidence of any understanding that it is in absolute contravention of international law to detain children indefinitely in what appears to be a cradle to grave cycle. Such detention, as well as its extreme psychological consequences on children, is a clear breach of articles 7, 9, 10, 14 and 24 International Covenant on Civil and Political Rights (ICCPR), articles 37 and 40 of the Convention on the Rights of the Child (CRC) and articles 2 and 16 of the Convention against Torture (CAT). She underscores that each child, boy or girl, no matter their parents, place or birth or exposure to conflict -- maintains fundamental non-derogable rights and dignities that must be observed during armed conflict,⁵ as well as in contexts in which counter-terrorism operations are being conducted.
7. The Special Rapporteur visited Al Hol and Al Roj camps. She acknowledges the cooperation of the detaining authority to access these sites. She notes, however, that despite individuals having been detained there for over four years, there was still ambiguity concerning the exact number and identity of all individuals in the camps, and no full breakdown by date of arrival, transfer, departure, age, and sex was available. This lack of comprehensive and accurate records is not consistent with protecting the human rights of detained persons.⁶ She understands that Al Hol camp contains approximately 49,100 persons and is comprised of approximately 15,000 women, approximately 3,000 men, and approximately 31,000 children. It is without doubt a detention facility, as no one can leave or enter without the permission of the detaining authority, and no one can leave by their own based on the exercise of their autonomous choice. The nomenclature of ‘camp’ (and even more so of an IDP/refugee camp) is entirely inappropriate to describe what is in fact an open prison for those arbitrarily and indefinitely detained *en masse* absent any judicial process or review. Camp conditions, notwithstanding extraordinary humanitarian efforts by UN agencies, NGOs, and the International Committee of the Red Cross are dire and extreme. There was a general acknowledgement by all stakeholders she met,

⁵ See also, Article 38 Convention on the Rights of the Child.

⁶ United Nations Standard Minimum Rules for Non-Custodial Measures (the Tokyo Rules) adopted by the General Assembly resolution 46/110 (14 December 1990); The United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) adopted by General Assembly resolution 70/175, (17 December 2015), Rule 6.

including the detaining authority that the situation is *sui generis*, exceptional, unsustainable and increasingly establishing with permanence. In the blazing 50-degree heat when she visited, she observed the absolute inadequacy of the fragile tent-like structures in which men, women and children live to protect them from the extremity of severe climate.⁷ Water scarcity is evidenced by trucking in water tanks, a method which is both expensive and resource intensive for the scale of the water needs of the detained population.⁸ Food is primarily externally provided by the World Food Programme (WFP) and other international service providers. Security prerogatives define life for all persons in this camp, particularly the lives of children who constitute the vast majority of its detainees. It was reported to the Special Rapporteur that insecurity pervades daily life in the camp, and incidents of violence including murder, physical harm, intimidation, and sexual assault occur with some regularity, with no investigation or measures in place to prevent reoccurrence. This situation creates an environment of constant fear and extreme anxiety in particular for women and children. Intimidation by the camp security/administration has also been reported, as well as violence and coercive control perpetrated by detainees on other detainees. Birth rates in the camp are not officially reported but given the male to female ratio in the camp and the observed presence of a large number of men, freely circulating inside the camp, they must be significant.

8. The Special Rapporteur was informed that she could not visit the Al Hol Annex, which holds only third country nationals, for security reasons. Nonetheless, she had some interactions and conversations with women from the Annex in common areas. One formal interview was conducted with an individual who was brought out of the Annex upon the Special Rapporteur's request in line with UN Special Procedures Branch Terms of Reference, demonstrating the absolute feasibility and safety of interviews with Annex detainees. The Special Rapporteur notes that if she was able to meet with men who have committed terrorist offences in high-security prisons in Northeast Syria, it appears anomalous that access to women accused of no crimes is not possible on security grounds. She observed a much higher degree of intrusive security, including the presence of military actors regulating access for third country nationals to common areas than exists for Syrian or Iraqi nationals, including for the men who roam freely in the rest of the camp. Such distinctions present as *prima facie* discrimination on the basis of nationality, which is prohibited by international law.⁹ Testimonies of persons detained in the camp suggest that women or children attempting to escape from the Annex are captured and transferred to prisons, where they are held incommunicado and in alleged inhumane conditions for months before returning them to the camp. Given the stated position of the detaining authorities that all detained in this camp are Daesh/ISIL supporters, it is a clear contradiction on its own terms that men roam freely, and third country female nationals and their children do not. She personally observed that access to medical care for third country nationals, including children, requires an intense and time-consuming security screening process. She is profoundly concerned about the denial of meaningful access to health care for this population and such denial raises serious issues of nationality discrimination which is prohibited under international law. She understands from multiple sources, including women previously incarcerated in the Annex that access to specialised external medical assistance is extremely limited and rarely occurs, as security considerations by military actors outweigh health-based medical transport of women. She is extremely concerned that women from multiple countries¹⁰ who are held in this facility have no capacity to report harms and are

⁷ She takes good note of the recent efforts by UNHCR to provide more stable structures for families including access to latrines, water and some degree of family privacy with more stable concrete bases and expanded tent capacity.

⁸ The scale of the camp's water needs also creates significant burdens and disparities vis-a-viz local populations.

⁹ Common Article 3, Four Geneva Conventions, and Article 2, International Covenant on Civil and Political Rights.

¹⁰ 57 countries have been identified by the SR as having nationals detained in Northeast Syria: Afghanistan, Albania, Algeria, Austria, Australia, Azerbaijan, Bangladesh, Belgium, Bosnia and Herzegovina, Canada,

essentially invisible to the outside world based on a blanket claim of security, in violation of international law.¹¹

9. She is appalled by the forced arbitrary separation of hundreds of adolescent boys from their families, specifically mothers, absent any legal procedure, in what can only be qualified as summary separation based on an unproven security risk that male children pose upon reaching adolescence (around 10 to 13 years old). It appears that such practices are primarily directed at third country nationals raising profound questions about the knowledge or acquiescence of their governments in these processes. Such separation clearly violates article 9 of the Convention on the Rights of the Child. Every woman she spoke with identified the snatching and disappearance of their juvenile and adolescent boys as their main concern. Boys whom she met in other detention facilities described the process of their abduction from Al Hol and Al Roj as sudden – most frequently in the middle of the night or in the marketplace — violent and causing them extreme anxiety, as well as mental and psychological suffering. The Special Rapporteur was informed that children reaching the age of 11 or 12 suffer from extreme stress and anxiety fearing their imminent removal from the camp and separation from their mothers. Mothers she spoke to confirmed that it was often many months before they were told where their boys had been taken, and this was also confirmed by the boys she met who had been taken away. Such a practice constitutes at a minimum, in the Special Rapporteur’s view a disappearance under international law, in direct contravention of articles 9, 19, and 37 of the CRC, articles 7 and 9 of the ICCPR, and articles 1, 2 and 16 of the CAT. Such systematic acts may further engage core international crimes under a universal jurisdiction framework. The detaining authorities informed the Special Rapporteur that such removal was undertaken for a variety of reasons. These include predatory sexual behaviour, extremist ideology, or protection for such boys from unwanted sexual activity. No meaningful legal process was identified to the Special Rapporteur regarding the implementation of this policy of systematic separation. The Special Rapporteur finds it deeply puzzling that the argument of protection on its own terms is used to remove young boys and not girls, in a situation when pregnancy for women may be an equal protection concern. She is further concerned by the persistent invocation of terms such as radicalisation and then forms of “assessment” of these boys by the camp administration on unclear or no criteria, as a justification for separation, in what appears to be an arbitrary overstatement or sensationalization of the security risk these boys represent. Moreover, given the number of adult men in the detention facility as a whole, it is not credible to offer a security basis to systematically remove young boys from their mothers and leave thousands of adult men moving freely in the facility. She views these inconsistencies as illustrating the absolutely arbitrary nature of the separation and transfer policy of the detaining authority in respect of the boy child.
10. The detaining authority stated that women had regular contact with boys who were removed from their mothers. Yet none of the mothers she met had regular or even intermittent contact with their boys and vice versa. Despite reported visits from mothers in the camps to their boys transferred in detention facilities, none of the mothers confirmed undertaking such visits, and the long distance between the camps and the detention facilities makes it unlikely that such

China, Denmark, Egypt, Estonia, Finland, France, Georgia, Germany, India, Indonesia, Iran (Islamic Republic of), Kazakhstan, Kyrgyzstan, Lebanon, Libya, Malaysia, Maldives, Morocco, Netherlands, North Macedonia, Norway, Pakistan, Philippines, Poland, Portugal, Romania, Russian Federation, Saudi Arabia, Senegal, Serbia, Somalia, South Africa, Spain, State of Palestine, Sudan, Sweden, Switzerland, Tajikistan, Trinidad and Tobago, Tunisia, Türkiye, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uzbekistan, Viet Nam, Yemen.

¹¹ The U.N. Human Rights Committee, General Comment No. 20, (1992), recommended that provisions be taken against incommunicado detention. The U.N. Commission on Human Rights has repeatedly reaffirmed this position, holding the view that “prolonged incommunicado detention may facilitate the perpetration of torture and can in itself constitute a form of cruel, inhuman or degrading treatment or even torture” (Resolution 2003/32, para. 14).

visits are in fact regularly organized. All mothers reported intense suffering and extreme anxiety from the loss of their children. Some mothers reported being regularly told by the detaining authority that the authorization for such removals and separation was given by the Global Coalition Against Daesh. The Special Rapporteur makes clear that authorization or cooperation by third states for any such practice of mass separation implicates their legal responsibility in what may amount to systematic human rights violations implicating non-derogable and jus cogens norms. In the Special Rapporteur's presence young boys spoke of their extreme fear of being taken by the authorities. Mothers reported sleeplessness, extreme psychological distress and panic, including in one case suicidal ideation from young boys. Mothers are reportedly trying to hide their boys to keep them safe. The profound and intentional psychological harm to mothers and children from the threat of separation meets the threshold of torture, inhuman and degrading treatment under international law.

11. The Special Rapporteur highlights that the general conditions of health for this detained population, but particularly for women and children is poor. Serious ill-health pervades the camp which directly undermines the right to life of detained persons. In sum, given the arbitrariness and indefinite nature of detention, the tenuous and harsh living conditions, including inadequate housing, open sewage, multiple layers of violence and coercion, limited access to water and sanitation, foreseeably poor health, limited education for children she confirms the findings she has made in multiple reports to the General Assembly and Human Rights Council and holds that the detention conditions meet the threshold for torture, cruel, inhuman and degrading treatment under international law.
12. The Special Rapporteur visited Al Roj camp. The conditions at Al Roj are somewhat better than those at Al Hol, insofar as there is greater internal freedom of movement for all detainees within the camp, although as for Al Hol, it is without doubt a detention facility where individuals are held arbitrarily and indefinitely. Moreover, organization of the camp is orderly, and detainees have access to some greater amenities including television satellites. Nonetheless, the conditions of life including housing, access to water, and limitations on food, education and health are harsh. She has profound concerns about the quality of and access to health infrastructure in this facility. She highlights that a sizeable number of detainees do not speak Arabic and cannot communicate with the health providers in the camp's medical facility. She observes the medical facility to be of a basic primary care nature, and entirely inadequate to the complex needs of the population, particularly children. Though the detaining authority reported that referrals could be made, not a single seriously ill woman she met with has had access to specialist care. All women she met with are required to pay for their own medications. None can afford to do so, and many she spoke with ration their access to essential medications because of their limited access to funds. She reminds countries of nationality refusing to return women and children, that they have an absolute obligation to protect the right to life of their nationals,¹² including in the context where they have the capacity to ameliorate their health situation, specifically by providing the funds to support medical care including access to essential and life-saving medications.
13. She met with several women and their children and conducted interviews. She met individuals from Australia, Austria, Canada, China, Egypt, France, Pakistan, Russia, the United Kingdom, the United States, Trinidad and Tobago, Tunisia and Turkey. She makes clear that any reprisals against those she met with is prohibited. All of the women she met were in exceedingly poor health and a number suffered from physical disabilities. All reported widespread ill-health particularly for children highlighting extensive asthma which they co-related to the inhalation

¹² ICCPR article 6 and General Comment No. 36 of the Human Rights Committee on the Right to Life
CCPR/C/GC/36

of dust from nearby oilfields.¹³ Dental health was also observed to be poor. All the women she interviewed had been subject to violence and intimidation during the course their detention (sometimes in multiple facilities), directly from camp or prison authorities or had witnessed such violence. One reported the practice of bringing mothers for questioning in Gweiran prison, and young children being left to fend for themselves while such questioning took place. It was reported to her that many women were arbitrarily removed from the camps to be taken to prisons, where they could be held for several months, in abhorrent conditions that could amount to torture. In another case reported to her of the removal of an adolescent boy which had escaped capture, it was alleged that camp authorities took a nine-year-old child in lieu, until the twelve-year-old surrendered to them. If correct, this would constitute hostage taking under international law which is absolutely prohibited.¹⁴

14. The Special Rapporteur had meaningful access to two prisons Alayah and Gweiran Al Sina'a (Panorama). The material conditions of confinement in Alayah prison meet minimal human rights standards in some respects and not in others. She notes recognition by the detaining authority of the physical limitations of this prison. Despite initially being told that there were no children in the prison, she was able to access at least two cells in which more than 12 children were detained, some as young as twelve. The prison authorities reported that 45 children were detained in this facility but the Special Rapporteur was unable to verify that number. Most of the children in the prison were, she was told, placed directly in detention in 2019 while their mothers were taken to the camps, while others had been transferred from Al Hol, including one whom she spoke to who had been transferred to the prison from the camps at the age of eleven. Children detained in the facility included Syrians, some convicted with extended sentences as long as twelve years' imprisonment, and third country nationals held without legal grounds, with no prospective of release. Some had had no contact with their mothers since they were placed in detention more than four years ago. Others reported sporadic contact with their mothers, restricted to special religious occasions. The Special Rapporteur was also extremely disturbed to meet a number of children who had been transferred from the Houry facility, demonstrating that there is no exit from detention for boys who have a Daesh/ISIS stigma, no matter, how young or how 'rehabilitated' they may be (except, perhaps, for Syrian children who have gone through a judicial process). She notes that the children were allowed outside for only one hour per day. Children have access to 45 minutes of classes per week, in which they could learn Arabic, English, mathematics, music and art. Given the absence of almost any books or any other activities available in the prison, the boys she met with pleaded to have additional hours of class. The clear desperation and trauma from many of the boys was palpable to the Special Rapporteur, who recalls that children should as a rule, not be placed in detention.¹⁵ None of these vulnerable children have seen a judicial authority, a lawyer, or undergone any sort of judicial process or review, and none have been charged with an offence. This can only be qualified as one of the most severe forms of arbitrary mass detention of male children she has encountered. This unacceptable practice engages multiple fundamental breaches of the rights of the child under international law.
15. The Special Rapporteur is also profoundly concerned about the situation of boys in places of detention designated as rehabilitation facilities. She accepts that the material conditions of confinement in two of these sites (Houry and Orkesh) are adequate and positive efforts are being made to make the physical environment and resources meet relevant international standards. Nonetheless, in a clear policy/pattern of separation, the boys in these places of detention were also mostly transferred from the camps or prisons, and therefore her concerns

¹³ Mother also reported widespread stomach, urinary and digestive tract issues for children. Worms and lice were highlighted as ongoing daily challenges for children.

¹⁴ Rule 96, Customary International Law Study, Common Article 3, Geneva Conventions 1949.

¹⁵ Article 37(b) Convention on the Rights of the Child.

about arbitrary detention, lack of judicial process and review, as well as lack of access to their mothers are as relevant for the boys in these areas of detention as they are for those in prisons and camps. Many of the boys have also suffered enormous trauma and harm from separation from their mothers, and as contact remains extremely limited, this will inevitably work against any stated efforts of “rehabilitation”. She notes that the explanation for the placement of the boys in these various places of detention included the fact that they had undergone training by designated terrorist groups or that they were victims of their families’ or their communities’ ideology in the camp and, therefore, their placement was a measure of protection. Either way, she is extremely concerned that boys seem to be transferred from one place of detention to another, according to varying and moving criteria, but that there appears to be no plan for such boys once they age out of such centres but prison, particularly for third country nationals. She notes also the specific situation of boys who, having been removed from the camps, have been left behind while their mothers and siblings have been repatriated from the camps, showing that the removal from the camps is in most cases also a removal from the possibility of being brought home. The Special Rapporteur recalls that there is no legal basis in international law for the forms and organization of boy-concentrated centres of confinement currently being operated in Northeast Syria. There is no legal basis for such mass indefinite confinement in international law.

16. The Special Rapporteur critically underscores the stigmatising language used by the detaining authority regarding all of the individuals arbitrarily detained, such as “ISIL families” and “cubs of the califate”, terminology aimed at highlighting the unrivalled and absolute threat they pose without any distinguishing of children, trafficked or groomed individuals, Yazidi victims and the complexity of individual situation in the coerced circumstances of the Caliphate’s control. She recognizes that Daesh/ISIL is a brutal terrorist organization designated by the UN Security Council *inter alia* because of its wanton harms and violence directed at the civilian population. She accepts that the population in this region has suffered egregiously from multiple forms of state and non-state violence including from Daesh/ISIL. Nonetheless, she stresses that the use of dehumanizing language by the detaining authority to justify exceptional measures taken in the name of security, is inconsistent with the international law prohibitions on discrimination, and in fact may function to perpetuate the conditions conducive to further social exclusion and violence in the region. Moreover, the lack of a legally based, human rights compliant and disaggregated assessment of individual security threat means that it is actually harder in practice to return individuals to their countries of nationality, as the rhetoric of terrorism undermines the necessarily calibrated process that would enable sustained repatriation. Overall, the Special Rapporteur found exceptionalities, leading to sheer arbitrariness, to be the rule in managing all those detained, rather than an international human rights and humanitarian law framework, including respect for non-derogable rights.
17. While some women have had no contact whatsoever with their governments of nationality, a number of women and children reported being interviewed on multiple occasions by the security authorities of their governments of nationality. In conversations with detained women, she ascertained that no legal advisor, no social or psycho-social support was available in advance of such interviews, a particularly deficient human rights reality when the outcome of such interviews is often to make determinations that justifies their continued indefinite detention in a facility that abjectly fails to meet international human rights standards. She highlights the breaches of international human rights this implicates for countries of nationality. The visits of such government representatives were confirmed by the detaining authority. The fact of continued access to detainees in various facilities in Northeast Syria underscores a broader legal issue raised by the Special Rapporteur concerning the exercise of constructive jurisdiction by States of nationality in respect of the fate of their citizens in Northeast Syria. The Special Rapporteur takes due note of the role and presence of Global Coalition partners on the ground and in relation to the ongoing complex detention situation. She underscores that

given the scale of the human rights violations that she has observed, all actors involved and present on the territory may bear responsibility for indefinite and arbitrary detention and must advance the rights of all individuals currently detained to prevent ongoing violations. Finally, the Special Rapporteur is alarmed by the situation of women and children who have been stripped of their nationality and left, in some cases, stateless, and with increased vulnerability to indefinite detention with no prospective of release or return.

18. The Special Rapporteur finds that the material conditions of confinement in Panorama prison meet minimal human rights standards in some respects and not in others. She did not interview any detainees in this facility. She is profoundly concerned that no legal process applies to the detention of around 5000 adult men and approximately 700 children detained in this facility. She finds that all are held in incommunicado detention and disappearances may also be engaged in this facility. She was made aware by the detaining authority that the prison is experiencing a highly contagious and widespread tuberculosis outbreak. The authorities stated that they did not have the capacity to provide the requisite medication to treat this outbreak, nor was the prison structured to isolate sick detainees. The Special Rapporteur understands that this means in practice that men with tuberculosis are housed with men who have not yet been infected. Untreated tuberculosis is a life-threatening condition estimated by the World Health Organization to cause fatality in 50% of cases. In a context of indefinite detention without trial the failure to treat may thus constitute a death sentence in its own right. Urgent, holistic, sustained, and independent and medical access and intervention is required in Panorama prison to contain and treat this infectious disease, as mandated by rule 24 of the Mandela principles, particularly for the juveniles at risk or already infected.
19. The Special Rapporteur also highlights that the detaining authority noted the challenges in ensuring that the prison population has adequate access to nutritious and appropriate food. She points out the obvious, that is impossible to effectively treat individuals with tuberculosis if they are nutritionally deficient. Countries whose nationals are detained in this prison, and that materially support the operation of the prison, may be responsible for reasonably preventable deaths from a treatable disease or malnutrition. Finally, the Special Rapporteur takes note that the detention rooms she visited were entirely bare, though she was informed that carpets are placed on the floor when detainees were held within. She cautions that sleeping conditions should be adequate and house individuals in a dignified and humane manner. She was unable to determine if such requirements were met in this facility. She observes that it is not clear in practice whether the men and boys detained in this prison have any or adequate communication with family members consistent with the right to family life (ICCPR, Article 17). She notes there does not appear to be a standardized file management system in place, as required by the Mandela Principles,¹⁶ which would include the date and hour of each admission as well as any transfer that occurs during detention.¹⁷ Throughout her visit, the detaining authority informed her that it could not identify the nationalities, ages or names of the persons detained because detainees have been known to change their names, and provide false names. A clear statistic on the numbers of detainees including young boys killed during the ISIL attack in January 2022 was not available, nor is their place of burial identifiable. She was also assured that a biometric data collection had been undertaken and is therefore surprised that this basic information could not be articulated.

Conclusion

¹⁶ Rule 6, Mandela Rules.

¹⁷Rule 7 (c) Mandela Rules..

20. The Special Rapporteur directly appeals to those States whose nationals are detained in these prisons and detention facilities to live up to their fundamental human rights obligations and return, consistent with the requirement of non-refoulement, their nationals home.

Recommendations

21. The Special Rapporteur makes the following immediate recommendations:

- a. Urgently address the arbitrary detention of men, women and children, and ensure a human rights compliant and individual review of the grounds for detention, consistent with the principle of non-refoulement, and other international law norms. The arbitrary detention of children must be urgently addressed and resolved. Governments of nationality should return their detained nationals home as a matter of urgency, in accordance with international law.
- b. The practice of the mass arbitrary separation of boys from their mothers and family must cease forthwith and meaningful family contact and reunification must be facilitated as a matter of urgency.
- c. Access to medical care for women detained in the al-Hol Annex must be practically improved and medical capacity in al Roj camp must be augmented, in due consideration of the cases of increased vulnerability of some women and children. Acute care cases including but not limited to surgical interventions must be prioritized.
- d. Meaningful independent access to Al-Hol Annex must be implemented, and greater contact with women detained there must be allowed.
- e. Documentation of the transfers of women and children from the camps to detention facilities and providing information about the fate and whereabouts to their family members is necessary to prevent disappearances.
- f. States of nationality must proactively prevent harms to their nationals who are detained in these places of detention, including by providing the necessary resources to pay for urgently needed medical care including medications.
- g. Independent human rights observers and monitors must have sustained and meaningful access to all places of detention in Northeast Syria.
- h. UNICEF and other UN agencies as required by their mandate must continue to be allowed to play their full role by the government of Syria and the detaining authority to substantially protect the rights of children in places of detention in Northeast Syria.
