

PUNISHING THE INNOCENT: ENDING VIOLATIONS AGAINST CHILDREN IN NORTHEAST SYRIA



Children in Al Hawl Camp © Antti Kuronen – Yle

INDEPENDENT INTERNATIONAL COMMISSION OF INQUIRY ON THE
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Introduction

Five years after the territorial defeat of the UN designated terrorist group ISIL/Da'esh,¹ some **30,000 Syrian and foreign children remain unlawfully deprived of their liberty** for their, or their families', alleged links to ISIL.

Held in closed internment camps and detention centres run by the Syrian Democratic Forces (SDF) and the SDF-linked autonomous administration in the north-east, the "self-administration,"² mainly in Hasakah governorate in northeast Syria, these children are **victims of the conflict, yet are still stuck** in what has been described as "the largest site of detention of children for counter-terrorism purposes worldwide."³ They are not accused of any crimes, yet are being held in inhuman and degrading conditions, vulnerable to trauma and radicalization, to the escalating regional violence and multiple types of other violations detailed in this paper.⁴

Six years after the Commission⁵ first called for an end to violations and crimes against children allegedly affiliated to ISIL,⁶ some progress has been made towards their release and, in cases of children of foreigners, repatriation. However, many countries, including the Syrian Arab Republic itself, still **refuse or delay undertaking efforts to recognise and protect these children's rights**, including bringing them home.⁷ In addition, thousands of Syrian children who have been released with their mothers from internment camps under so-called tribal sponsorship arrangements in the northeast (see below) also struggle to access their basic rights. Few rehabilitation or reintegration services are available to them after years spent in detention.

The Commission regularly reports on violations and crimes against children throughout the Syrian Arab Republic and the appalling impact of the ongoing conflict on their lives. This includes six-monthly mandate reports and the 2020 report "They have erased the dreams of my children': children's rights in the Syrian Arab Republic."⁸ The present paper focusses on the Commission's findings to date on the children in internment camps and detention centres in northeast Syria. Here, crimes against children, committed with impunity by ISIL, the SDF and other parties, threaten to have long lasting and tragic consequences on their future. Their fate depends on urgent action by the SDF and its allies, the Syrian Government and scores of other States with nationals held in the northeast.⁹

¹ The Commission continues to regard the group as a terrorist entity as designated by the Security Council in its resolution 2253 (2015).

² A/HRC/45/31, para. 12.

³ [A/78/520](#) Report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, para. 52 (10 October 2023).

⁴ See also A/HRC/55/64 section VI (February 2024).

⁵ The Commissioners are Paulo Sérgio Pinheiro (Chair), Hanny Megally and Lynn Welchman.

⁶ [A/HRC/37/72](#), paras. 59, 68, 69, Annex III paras. 12-18 (February 2018)

⁷ Paulo Sergio Pinheiro, Karen Konig AbuZayd, Hanny Megally, *The world must bring children home from Syrian detention camps*, The Times, 22 September 2021, available <https://www.thetimes.co.uk/article/the-world-must-bring-children-home-from-syrian-detention-camps-ff3d7t8s9>

⁸ [A/HRC/43/CRP.6](#) "They have erased the dreams of my children': children's rights in the Syrian Arab Republic (16 January 2020). See also [A/HRC/53/CRP.5](#) 'No end in sight': Torture and ill-treatment in the Syrian Arab Republic 2020-23 (10 July 2023).

⁹ See more generally A/HRC/53/CRP.5 paras. 106-115 (July 2023) for findings on SDF detention.

Background

The **violations that ISIL inflicted on children** have had a devastating impact.¹⁰ During ISIL’s “caliphate” starting June 2014, children were not only killed and maimed during hostilities, but forced into participating in hostilities and mass atrocity crimes. Girls as young as nine were subjected to sexual slavery and other forms of sexual violence. ISIL established “cubs camps” where children of various backgrounds, including Yezidi boys as young as seven, were forcibly trained for combat roles and suicide missions.¹¹

By 2017, the SDF, backed by the United States-led international coalition of 120 nations against ISIL,¹² had retaken much of the ISIL conquered territory and captured Raqqah city, the then de facto “capital” of ISIL. Significant parts of the city were destroyed in the process and hundreds of thousands of people were forced to flee.¹³ It marked an accelerated **decline for ISIL’s territorial control**, with the last ISIL stronghold of Baghuz captured in March 2019.

As the SDF gradually gained control, thousands of men and boys perceived to be affiliated with ISIL or to be ISIL fighters were captured on the battlefield, immediately separated from women and children, and **transferred to detention sites**. Those detained included boys as young as 12, and Yezidi boys who had been forcibly transferred from Iraq to the Syrian Arab Republic beginning in 2014.¹⁴

Meanwhile, tens of thousands of people assumed to be the detained ISIL fighters’ family members, the majority being women and young boys and girls, were **interned in makeshift desert camps**. They had fled under appalling conditions,¹⁵ with many exposed to ISIL attacks and abductions.¹⁶ Children and mothers were commonly transferred between multiple makeshift internment camps and detention centres and mothers faced interrogation.¹⁷ Living conditions were primitive with virtually no access to medical assistance and cases of malnourished children were reported.¹⁸

By early 2018, some 80,000 individuals were interned in such camps for prolonged **vetting** by the SDF, Asayish (Kurdish internal security forces) and Kurdish military intelligence for possible connections to ISIL, among them women, children, the elderly and infirm.¹⁹ Families with identifying documents issued by ISIL underwent more prolonged vetting periods. Once cleared, only those individuals or families who were able to locate a *kafil* or “guarantor” in Kurdish-held areas were authorised to leave the camps. Similar requirements of guarantors were imposed for onward movement towards opposition-held Jarablus in northern Aleppo.²⁰

¹⁰ The Commission reported extensively on the widespread violations against children under ISIL/Da’esh areas of control. For example: “Rule of Terror: Living under ISIS in Syria”, A/HRC/27/CRP.3; and A/HRC/32/CRP.2 on the genocide against the Yezidis.

¹¹ [A/HRC/43/CRP.6](#) paras. 28, 41, 49, 89 (January 2020).

¹² In September 2014, the United States of America announced the formation of an international coalition to fight ISIL. Initially focused on combating ISIL in Iraq at the request of the Government of Iraq, the coalition, although not all of its members, has also conducted operations against ISIL in the Syrian Arab Republic, without the consent of the Government of Syria, which continue to date. See A/HRC/46/54, paras. 8, 12, 17 (February 2021) and <https://theglobalcoalition.org/en/>

¹³ A/HRC/46/54 para. 17 (February 2021); A/HRC/37/72 para. 36 onwards (March 2018).

¹⁴ A/HRC/40/70 para. 45 (February 2019).

¹⁵ A/HRC/42/51 paras. 81-83, 85 (August 2019).

¹⁶ A/HRC/40/70 para. 45 (February 2019).

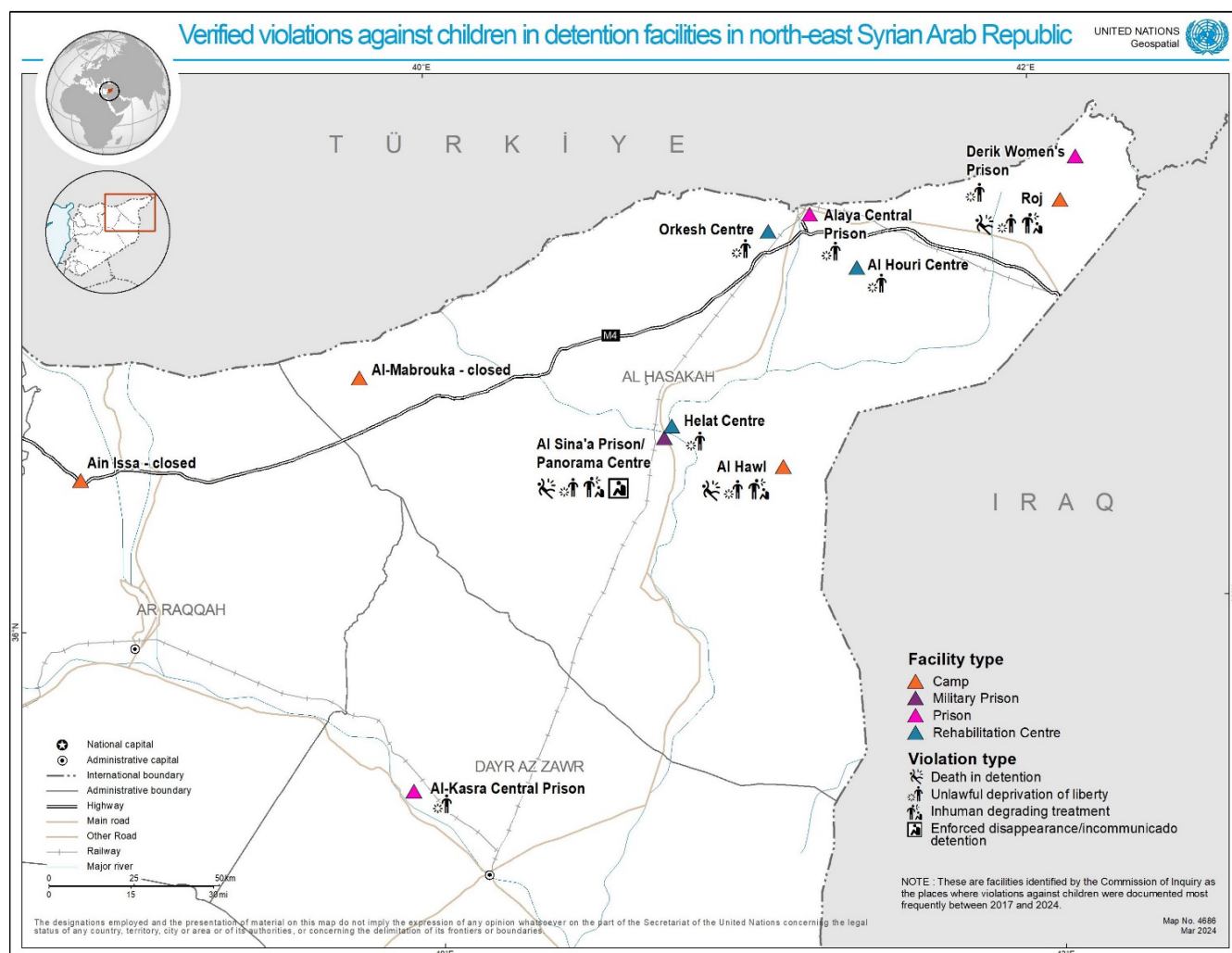
¹⁷ A/HRC/46/55 para. 53 (March 2021). Some witnesses held by the Syrian Democratic Forces on suspicion of association with ISIL described being interrogated also by officials of member States allied against ISIL, including of the United States.

¹⁸ A/HRC/37/72 para. 69 (February 2018); A/HRC/40/70 para. 45 (February 2019).

¹⁹ A/HRC/37/72 Annex III (February 2018).

²⁰ Ibid.

As the SDF gained control over the last remaining ISIL strongholds in eastern Syria in early 2019, more women and children with suspected family ties to ISIL were transferred to the **Al Hawl, Rawj and Ain-Issa camps** in eastern Syria (see below map).²¹ By the end of the Baghuz offensive in March 2019, approximately 73,000 individuals, 65% of them children, had been transferred to Al Hawl camp.²² By mid-2019 hundreds of boys perceived to be ISIL militants were also held in detention centres by the SDF.²³



Unlawful deprivation of liberty of boys and girls with suspected family ties to ISIL in internment camps

While smaller camps have since been closed, the Al Hawl and Rawj sites appear increasingly permanent. At the time of writing, some 47,000 women and children remain interned in Al Hawl and Rawj camps, some since at least 2019. The situation of the **29,000 children still interned there today** is particularly

²¹ A/HRC/43/CRP.6 para. 57 (January 2020).

²² <https://reliefweb.int/report/syrian-arab-republic/syria-humanitarian-response-al-hol-camp-situation-report-no-1-enar>

²³ A/HRC/42/51, para. 82 (September 2019).

concerning. 73% of them are under 12 years old and 20% under 5 years old. Some two thirds are foreigners, primarily from Iraq but also from more than 60 other countries, many of whom could be repatriated.²⁴

Living conditions in the camps have been deplorable and, at times, lethal. Already by September 2019, at least 390 preventable deaths had been recorded in Al Hawl,²⁵ primarily affecting boys and girls as young as 5 years old, mostly due to pneumonia, dehydration, or malnutrition.²⁶ In August 2020 alone, at least eight children reportedly perished in Al Hawl; the causes of death included health complications caused by malnutrition; heart failure; and internal bleeding.²⁷ Children have drowned in open sewage pits and been burned when their tents caught fire because of the gas heaters used in the winter.²⁸ Their parents or caregivers have faced persistent challenges in obtaining medication for them and accessing adequate health care, amid chronic asthma, malnutrition, burns, and mental illness.²⁹ While several humanitarian organizations provide medical, educational and other services in the camps, these remain insufficient and hampered by insecurity and funding concerns.³⁰

Children in the camps have also **suffered severe trauma from violence**, both before and after their internment, and both outside and inside the camps.³¹ Such violence has emanated from hostilities, such as during Operation Peace Spring in October 2019 (when Ain Issa camp came under attack),³² or during intermittent airstrikes by Türkiye in proximity to Al Hawl and Rawj camps which spread fear among the population. The violence has also included violence within the camps.³³ In 2021, some 60 camp residents were reportedly killed, including two boys.³⁴ Deadly clashes left civilians, including children, dead and injured, also in February and March 2022.³⁵ In response, Asayish - reportedly with the support of the SDF and the international coalition – have in recent years carried out security operations to eliminate the influence of ISIL.³⁶ While leading to a welcome reduction in murders, this has not addressed the multiple other forms of violence experienced by children.³⁷

Disturbingly, a large number of **Yezidi women, girls and boys – victims of ISIL’s genocide against the Yezidis**³⁸ - who had surfaced from Baghuz have also been interned by SDF in the camps,³⁹ alongside their tormentors. They include young Yezidi children who were born to foreign fighters, including as a result of rape of their Yezidi mothers, who were often children themselves at the time. Many have

²⁴ S/2024/117, para. 52 (January 2024); See also https://media.defense.gov/2024/Feb/09/2003392203/-1/-1/1/OIR_Q1_DEC2023_GOLD_508.PDF

²⁵ WHO statement on mortality in Al Hol camp, Syrian Arab Republic’ (22 September 2019) <https://reliefweb.int/report/syrian-arab-republic/who-statement-mortality-al-hol-camp-syrian-arab-republic> (accessed 20 February 2024).

²⁶ A/HRC/42/51 paras. 83, 85 (August 2019).

²⁷ <https://www.unicef.org/press-releases/eight-children-die-al-hol-camp-northeastern-syria-lessweek>.

²⁸ A/HRC/49/77, para. 110 (February 2022).

²⁹ A/HRC/51/45, para 98 (August 2022).

³⁰ A/HRC/52/69 para. 116 (February 2023); See also <https://reliefweb.int/report/syrian-arab-republic/syrian-arab-republic-north-east-syria-al-hol-camp-4-february-2024>.

³¹ A/HRC/51/45, para. 98 (August 2022); See also <https://msf.org.au/article/project-news/unveiling-mental-health-crisis-al-hol-camp-northeast-syria>.

³² A/HRC/43/57 para. 63 (January 2020) Both Ain Issa and Mabrouka camps closed after Operation Peace Spring in October 2019.

³³ A/HRC/48/70, paras 110-111 (August 2021); See also <https://news.un.org/en/story/2021/02/1085982>

³⁴ See <https://www.unicef.org/press-releases/two-children-killed-al-hol-camp-syria>.

³⁵ A/HRC/51/45 paras. 97-98 (August 2022) .

³⁶ A/HRC/52/69 para. 115 (February 2023); See also <https://sdf-press.com/en/2022/08/the-internal-security-forces-launch-the-second-phase-of-the-operation-security-and-humanity-in-al-hol-camp/>.

³⁷ A/HRC/52/69 section VII.B. (February 2023).

³⁸ A/HRC/32/CRP.2.

³⁹ A/HRC/42/51 paras. 86-88 (August 2019).

concealed their ethnic and religious identities for fear of being separated from their children by the Yezidi community wanting to only take the mothers home.⁴⁰

Many interned children **lack civil documentation**, notably birth registration documents, either due to lost parents, lost documents or their parents' inability to register them.⁴¹ In Al Hawl camp alone, some 520 unaccompanied and separated children had been identified by mid-2019.⁴² As of early 2024, some 100 unaccompanied third country national children still reside in specialised interim care centres.

Legal findings

In numerous reports since early 2018, the Commission has concluded that the prolonged blanket internment of tens of thousands of Syrian, Iraqi and foreign individuals with suspected affiliation or family links to ISIL in camps in northeast Syria is unjustifiable and amounts to **unlawful deprivation of liberty**.⁴³ Women and children interned in camps have not been subject to the regular individual reviews of the lawfulness of their internment which are required under international humanitarian law.⁴⁴

Holding some 29,000 children, 73% of whom are under 12 years of age, in Al Hawl and Rawj camps for years, without individual or regular review, not only contravenes the prohibition of unlawful deprivation of liberty of these **children, whose detention must only be a measure of last resort**. It also runs against the most fundamental guarantees afforded to children by international law.⁴⁵

The failure to provide even basic medical care, water or food to interned women and children also constitutes a violation of the prohibition of **cruel, inhuman or degrading treatment**, which may amount to a war crime.⁴⁶ Further, there are reasonable grounds to believe that the form, severity, duration and intensity of the physical and mental suffering inflicted on interned residents since January 2019 may amount to the war crime of committing **outrages upon personal dignity**, in particular humiliating and degrading treatment, in relation to each interned individual, adult or child.

⁴⁰ A/HRC/42/51 para. 85-87 (August 2019); See generally [A/HRC/32/CRP.2](#) (June 2016).

⁴¹ A/HRC/42/51, para. 85 (August 2019).

⁴² <https://www.unicef.org/press-releases/unwanted-exploited-and-abused-tens-thousands-children-al-hol-camp-and-several-parts>; See also A/HRC/43/57 para. 96 (January 2020).

⁴³ A/HRC/37/72, para. 59, Annex III, paras. 1–18 (March 2018), incl. para 13: “Internment, or administrative detention, for the purposes of vetting civilians believed to pose a security threat may only be justified when absolutely necessary to address “imperative reasons of security”, and a case-by-case evaluation must take place in relation to every individual prior to detaining him or her. The internment of civilians may not be used solely for interrogation or intelligence gathering. All internees must have been informed promptly, in a language he or she understood, of the reasons for internment, and all had the right to challenge, with the least possible delay, the lawfulness of his or her detention in these camps. The review of lawfulness of internment must be carried out by an independent and impartial body,” and para 15: “Irrespective of this threat, the blanket internment of all civilians from Raqqah and Dayr al-Zawr cannot be justified by SDF. Among those civilians currently interned are women, children, elderly, infirm, disabled persons, and others who did not represent an imperative security threat and whose continued detention is manifestly unnecessary on any grounds. In many instances, the on-going internment of these individuals amounts to arbitrary deprivation of liberty, and therefore the unlawful confinement of tens of thousands of individuals.” See also A/HRC/46/55, para. 98 (March 2021); A/HRC/52/69 para. 121 (February 2023)

⁴⁴ Ibid and ICRC, IHL Rules on Detention by Non-State Armed Groups <https://www.icrc.org/en/document/detention-non-state-armed-groups>, page 55 onwards.

⁴⁵ A/HRC/48/70 para. 117 (August 2021); A/HRC/49/77 para. 112 (February 2022) See also A/HRC/43/CRP.6 para. 50 and ICRC Customary Rules of International Humanitarian Law 120, 135 and 118.

⁴⁶ A/HRC/40/70 para. 92 (February 2019); A/HRC/48/70 para. 113 (August 2021); A/HRC/52/69, para. 121 (February 2023).

The Commission considers that Member States involved in supporting SDF have a particular responsibility to assist them to bring such violations to an end.⁴⁷

Unlawful deprivation of liberty of boys for alleged association with ISIL, in detention facilities

Up to 1,000 Syrian and foreign children of multiple nationalities, predominantly boys, are held in military prisons, “rehabilitation centres” and other detention centres run by the SDF and the self-administration.⁴⁸ In addition, it has been estimated that over 1,000 such detainees who were apprehended as children on the battlefield before March 2019, and held alongside adult male fighters, have since turned 18.⁴⁹

These children have been held in **at least 10 detention centres** (see above map). They include two that are military prisons run by the SDF, namely the Al-Sina’a military prison in Hasakah city (and its new Panorama centre), holding the largest number of children, as well as Alaya military prison in Qamishli. Others known to the Commission include Derik (Al-Malikiya) women’s prison, Al Kasra central prison, the Helat centre (Hasakah city), plus the Al-Houri and Orkesh “rehabilitation centres” in Qamishli and Hasakah city.⁵⁰

Conditions of detention in the two SDF-run military prisons have been widely acknowledged as appalling for years.⁵¹ In the early years, boys were at times held in the same cells as male adults.⁵² Detained individuals in the Al-Sina’a prison have often been **held incommunicado** with limited contact with the outside world, except through International Committee of the Red Cross (ICRC)-facilitated letters, with many unaware of the fate and whereabouts of their family members following the Baghuz battle,⁵³ and without access to judicial guarantees.⁵⁴ Rare witnesses report insufficient medical care. Boys, including one double amputee, were observed at the Al Sina’a prison emaciated and anaemic, with muscle wasting and obvious trauma.⁵⁵ Others at the prison suffer from mental illness and malnutrition.⁵⁶ Despite improvements to prison infrastructure in 2022,⁵⁷ scores of teenagers, and also prison guards, were reported to have died due to tuberculosis at the Al Sina’a prison by 2023.⁵⁸

Prisons are also at risk of being targeted by ISIL, as illustrated by its complex multipronged attack on Al Sina’a prison on 10 January 2022. Close to 4,000 male individuals, including some 700 who had been detained as boys, were believed to have been held there at the time of the attack, during which close to 500

⁴⁷ A/HRC/52/69, para 121 (February 2023) Common article 1 of the Geneva Conventions of 1949.

⁴⁸ S/2023/568 “Seventeenth report of the Secretary-General on the threat posed by ISIL (Da’esh) to international peace and security and the range of United Nations efforts in support of Member States in countering the threat” para. 47 (31 July 2023).

⁴⁹ Ibid. A/78/520 paras. 49-64.

⁵⁰ A/HRC/40/70, para. 45 (January 2019); A/HRC/48/70, para. 108 (August 2021); A/HRC/51/45 para. 95 (August 2022); A/HRC/53/CRP.5 para. 108 (July 2023).

⁵¹ E.g. A/HRC/46/55 Section IV.C. and A/HRC/43/57, para. 64 (January 2020). See also [report](#) of the Lead Inspector General to the United States Congress, December 2020, p. 58–69.

⁵² A/HRC/45/31 para. 78 (August 2020).

⁵³ A/HRC/43/57, para. 64 (January 2020).

⁵⁴ A/HRC/46/55 para. 95 (March 2021).

⁵⁵ A/HRC/52/69, para. 114 (February 2023).

⁵⁶ A/HRC/49/77 para. 108, 87-8 and Annex 1 paras 17-19 (February 2022) [A/HRC/49/70](#), para. 108.

⁵⁷ Following the below Al Sina’a prison attack in 2022, some boys were transferred to a new adjacent building referred to as the “Panorama Centre.”

⁵⁸ A/HRC/52/69, para. 114 (February 2023); See also

<https://www.ohchr.org/sites/default/files/documents/issues/terrorism/sr/statements/EoM-Visit-to-Syria-20230721.pdf>

people were reportedly killed, including hundreds of ISIL affiliates and over one hundred prison staff.⁵⁹ Both the SDF and the US-led coalition confirmed that child detainees had been killed inside the juvenile wing, alleging they had been used as human shields by ISIL. No investigation has been made public to date.⁶⁰

Following the attack, the previous facilitation by the ICRC of letter exchanges ceased for months, causing deep concern to family members who were unable to obtain information about detained loved ones.⁶¹ To date, **humanitarian access** to the estimated 1000 children in prisons and detention facilities remains curtailed by the SDF,⁶² and should be fully restored.⁶³

Conditions of detention are better in **“rehabilitation centres”** run by the self-administration such as the Al Hourri centre, where the Commission has documented cases of detention of Syrian and foreign boys since at least 2019.⁶⁴ According to the self-administration, 110 children between 12 and 18 years of age were present at Al Hourri by mid-2020 on the basis of their association with ISIL. The Centre has reportedly been full since then.⁶⁵ In the following years, sources reported that the self-administration aimed to build 15 to 16 new “rehabilitation centres” for Iraqi and other non-Syrian boys, pending their repatriation. The Orkesh centre in Hasakah city opened in 2022, with reported plans to transfer some 200 adolescent boys from the Al-Sina’a prison.⁶⁶

Since 2019, Syrian boys from Al Hawl camp have been placed in Al Hourri reportedly pursuant to decisions by makeshift judicial bodies affiliated to the SDF, notably the **People’s Defence Court**.⁶⁷ Interviewees have stated that representatives were not allowed access to the children during interrogations in which confessions were induced, and lawyers were appointed only once charges had been filed by prosecutors.⁶⁸

Since 2019, the Commission has also documented scores of **boys aged ten and above being transferred** from Al Hawl and Rawj internment camps to military prisons, the Al Hourri and Orkesh “rehabilitation centres”, or other unknown locations.⁶⁹ In 2023, the self-administration circulated a draft policy indicating that young people would require separation and removal from their “ISIS-affiliated mothers” in the camps where security concerns are identified either in relation to the young people’s own safety or that of others.⁷⁰ Families of boys thus transferred have stated that they have not been provided with any clear reasons for their removal nor with sufficient opportunities for regular contact or visits following the separation.⁷¹ Foreign boys held at the centres recount a sense of abandonment and longing for family contact.⁷²

⁵⁹ A/HRC/51/45 paras. 86-88 (August 2022); A/HRC/49/77 paras. 4-5 (February 2022).

⁶⁰ [A/HRC/49/77](#), paras. 87-8 and Annex 1 paras. 17-19 (February 2022).

⁶¹ A/HRC/51/45, para. 93 (August 2023); A/HRC/53/CRP.5 para. 90 (July 2023).

⁶² [S/2023/805](#) para. 82 (27 October 2023).

⁶³ A/HRC/52/69, para. 114 (February 2023).

⁶⁴ A/HRC/43/57, paras. 64, 98 (January 2020).

⁶⁵ A/HRC/45/31 para. 78 (August 2020); A/HRC/46/55, paras. 54, 78 (March 2021).

⁶⁶ A/HRC/49/77 para. 108 (February 2022).

⁶⁷ A/HRC/43/57, paras. 64, 98 (January 2020).

⁶⁸ A/HRC/45/31 paras. 77-78 (August 2020).

⁶⁹ A/HRC/43/57, para. 98 (January 2020); A/HRC/48/70, para 108 (August 2021); A/HRC/51/45, para 98 (August 2022); A/HRC/52/69, para 115 (Feb 2023); A/HRC/54/58, para 95 (August 2023).

⁷⁰ A/HRC/51/45, para 98 (August 2022); A/HRC/54/58, para 95 (August 2023).

⁷¹ A/HRC/52/69, para 115 (February 2023); See also:

<https://www.ohchr.org/sites/default/files/documents/issues/terrorism/sr/statements/EoM-Visit-to-Syria-20230721.pdf>

⁷² *Ibid.*, para. 15.

The total number of children transferred to the adult prisons or detention centres remains unknown. Worryingly, hundreds more boys approaching adulthood face the prospect of such a transfer, **without any adequate review of their detention.**⁷³ While some Syrian boys allegedly associated with ISIL have been tried by the self-administration's People Defence Courts,⁷⁴ no trials of any foreign boys have ever been held in the northeast. Since 2017, the self-administration has announced its preference for countries of origin to repatriate their nationals and subject them to their respective jurisdictions, or for an ad hoc international court to be established for this purpose. At the time of writing, there is no indication that any plans for internationally assisted judicial proceedings are advancing, and meanwhile, these boys remain interned, but in detention facilities instead of in camps.⁷⁵

Nor have many foreign detained boys been repatriated. While Iraqi security authorities transferred 202 Iraqi boys allegedly associated with ISIL from Al Sina'a military prison to Iraq in 2022,⁷⁶ the Commission is not yet aware of any other similar cases of repatriation (see below).

Legal findings

The Syrian Democratic Forces have **unlawfully** deprived hundreds of boys suspected of former membership of or association with ISIL/Da'esh of their liberty, holding them without adequate review or judicial guarantees, and often **incommunicado.**⁷⁷

By holding boys allegedly affiliated to ISIL without access to adequate health care as explained above, the SDF are **violating the obligation to treat humanely** all individuals who do not – or no longer – take part in hostilities.⁷⁸

Furthermore, holding hundreds of children in the Al Sina'a military detention facility, which was and still is likely to be attacked, may have amounted to a **failure to take all feasible measures to ensure protection and care of children affected by armed conflict.**⁷⁹

Decisions to move boys from internment in the Al Hawl camp to military detention and other facilities which take place on the sole basis of their gender and age, without consideration for their status as children are, as such, contrary to international humanitarian law and amount to **discrimination on the basis of gender.**⁸⁰ In addition, separating certain boys aged above 12 from their families in Hawl and Rawj camps without offering opportunities for regular family contact or visits raises concerns of potential international humanitarian law **violation of respect for family life.**⁸¹

Member States involved in supporting the SDF have a particular responsibility to assist them to bring these violations to an end.⁸² It is essential that **unhindered** humanitarian access be granted to the hundreds of

⁷³ A/HRC/45/31 para. 77 (August 2020); A/HRC/48/70, para. 109 (August 2021), and confidential submissions.

⁷⁴ A/HRC/54/58 para. 92 (August 2023): "Since it established the "people's defence courts" in 2014, the self-administration indicated that it has tried more than 8,300 Syrians, including 6,279 with alleged links to Da'esh." The number of Syrian children convicted by these courts is unknown to the Commission.

⁷⁵ See <https://aanessgov.org/?p=4567>. See also A/HRC/37/72 para. 68 (February 2018); A/HRC/46/55, para. 54 (March 2021); A/HRC/54/58 para. 91 (August 2023).

⁷⁶ S/2023/805, para. 30 (October 2023).

⁷⁷ A/HRC/46/55 para. 95 (March 2021) and A/HRC/51/45, para. 101 (August 2022); A/HRC/51/45, para. 94 (August 2022); A/HRC/52/69 para. 120 (February 2023); A/HRC/54/58, para. 97 (August 2023). See also A/HRC/53/CRP.5, para. 111 (July 2023).

⁷⁸ A/HRC/51/45, para. 101 (August 2022).

⁷⁹ A/HRC/51/45, para. 91 (August 2022); See ICRC Customary Rules of International Humanitarian Law, rule 135; and Convention on the Rights of the Child, art. 38, para. 4.

⁸⁰ A/HRC/51/45, para. 102 (August 2022) Art. 3 common to the four Geneva Conventions.

⁸¹ A/HRC/54/58 para. 95 (August 2023).

⁸² A/HRC/54/58, para. 98 (Aug 2023).

boys held in Sina'a prison or other places of detention.⁸³ The SDF must also take more steps to **prevent and investigate deaths and ill-treatment** of those deprived of their liberty.⁸⁴

Repatriations of foreign children

The Commission has repeatedly called for the repatriation of children held in northeast Syria since early 2020.⁸⁵ From 2018 to 2021, few countries repatriated nationals from the camps, but the pace increased after the COVID-19 pandemic. By the end of 2023 at least **38 countries had repatriated** at least some of their nationals (see Table I below).⁸⁶ In total, some 6,000 foreign children, including 4,000 from Iraq, have now been repatriated from internment camps.

However, many countries who could assist in getting their own children out of harm's way in Syria still refuse or delay undertaking efforts to protect these children's rights.⁸⁷ **35 countries have not yet** conducted any known repatriation operations (Table I).

Stated **obstacles to repatriation** vary. Not all home countries have the capacity to repatriate or reintegrate their nationals, even if they are willing in principle. Others indicate that they are not aware that they have nationals in the camps. Yet other States point to not wanting to bring children back without their mothers, and most of the women are not welcome home because they voluntarily went to Syria to join the murderous, genocidal ISIL, often in breach of national laws. Some insist that mothers need to be held accountable for their actions and alleged crimes, and that the best place to ensure accountability is in situ, in Syria, where witnesses and evidence can be found. Others refer to the mothers – and potentially their children – as security risks, bringing home violent, extremist ideology.⁸⁸ Additional political and practical challenges are also referred to, such as lack of diplomatic relations with the Government of Syria; reluctance to engage publicly with the self-administration; increasing security risks;⁸⁹ or logistics challenges related to the closure of airports. None seem sufficient to justify maintaining the status quo for thousands of innocent children, five years on.⁹⁰

Some States have proposed to repatriate children **without their mothers**, which may run counter to the principle of the best interest of the child.⁹¹ Other States have offered to repatriate children with their mothers, but repatriation is not happening reportedly due to the refusal of mothers to leave the camps,⁹²

⁸³ A/HRC/52/69 (February 2023).

⁸⁴ A/HRC/54/58, para. 89 (August 2023) Common art. 3 to the four Geneva Conventions of 1949; ICRC Customary Rules of International Humanitarian Law, rule 118; and International Covenant on Civil and Political Rights, art. 6.

⁸⁵ A/HRC/43/57, para. 103(e) (January 2020).

⁸⁶ See also annexed “tables of repatriation” in the Commission’s reports published from September 2021 onwards, e.g. A/HRC/48/70, A/HRC/49/77, A/HRC/52/69, A/HRC/54/58, A/HRC/55/64. See also A/HRC/39/65 (Sept 2018) para 97; A/HRC/40/70, para 10 (Jan 2019); A/HRC/43/57, para 97 (January 2020); A/HRC/49/77 para 111 (February 2022). See also Hanny Megally et Paulo Sergio Pinheiro, ‘Dans le nord-ouest de la Syrie, 1,8 million d’enfants ont désespérément besoin d’aide humanitaire’, Le Monde [here](#), 24 octobre 2021; See also www.unicef.org/pressreleases/governments-should-repatriate-foreign-children-stranded-syria-its-too-late.

⁸⁷ Ibid., Hanny Megally et Paulo Sergio Pinheiro.

⁸⁸ Ibid.

⁸⁹ See e.g. <https://www.ohchr.org/en/hr-bodies/hrc/iici-syria/report-coi-syria-march2024>

⁹⁰ Ibid.

⁹¹ A/HRC/43/CRP.6, para 77. Relevant Security Council resolutions call upon States to develop gender- and age-sensitive prosecution, rehabilitation and reintegration strategies for women and children associated with foreign terrorist fighters returning or relocating to and from conflict, see, for example, S/RES/2396 para. 31 (2017).

⁹² E.g. <https://yle.fi/a/74-20043956> and https://www.francetvinfo.fr/france/jihadistes-francais/document-franceinfo-ces-enfants-ont-assez-souffert-pour-la-premiere-fois-des-grands-parents-d-enfants-francais-de-jihadistes-ont-pu-leur-rendre-visite-dans-un-camp-en-syrie_6402160.html

TABLE I

**Repatriation of foreign, non-Iraqi women and children from SDF-run
camps in northeast Syria (as of 31 December 2023) ^a**

<i>States and territories</i>	<i>No. children</i>	<i>No. women</i>	<i>No. unknown/ men</i>	<i>Total</i>
Afghanistan	-	1	-	1
Albania	28	9	-	37
Australia	21	4	-	25
Austria	4	-	-	4
Barbados	2	1	-	3
Belgium	33	12	-	45
Bosnia and Herzegovina	12	6	8	26
Canada ^b	17	9	-	26
Denmark	18	4	-	22
Finland	14	4	-	18
France ^b	169	57	-	226
Germany	80	27	1 ^c	108
Italy	5	1	1	7
Iraq	~4 000	-	~3 575	7 575
Kazakhstan	417	158	37	612
Kingdom of Saudi Arabia ^c	2	0	18	20
Kosovo ^d	78	33	12	123
Kyrgyzstan ^b	232	100	-	332
Malaysia	7	2	16	25
Maldives	4	1	-	5
Moldova	4	1	-	5
Morocco	-	-	8	8
Netherlands	44	18	-	62
New Zealand ^b	1	-	-	1
Nigeria	3	-	-	3
North Macedonia	14	5	11	30
Norway	11	3	-	14
State of Palestine	2	-	-	2
Russian Federation ^b	409	13	-	422
Slovakia	2	1	-	3
Spain	13	2	-	15
Sudan	8	2	-	10
Sweden	41	18	-	59
Switzerland	2	-	-	2
Tajikistan	177	73	-	250
Ukraine	31	8	-	31
United Kingdom ^b	14	2	-	16
United States of America ^b	18	5	7	30
Uzbekistan	248	98	1	347
Total	6 185	678	3 694	10 550

Countries for which the Commission received information that citizens are held and for whom there is no indication of any repatriation:

Algeria^e, Azerbaijan, Bahrain, Bangladesh, China, Comoros, Congo, Czechia, Egypt^e, Estonia^e, Georgia, India, Indonesia, Iran (Islamic Republic of), Jamaica, Jordan, Kenya, Lebanon, Libya, Mali, Pakistan, Philippines, Poland, Portugal, Romania^e, Senegal, Serbia, Seychelles, Somalia, Tanzania, Trinidad and Tobago, Tunisia, Türkiye, Viet Nam^e, Yemen.

^a This table is based on open-source data and replies to Note verbales sent to States alleged to have nationals in northeast Syria and letters to other relevant parties (footnote 2). Where open sources provided different numbers, the lowest figure was used.

^b Repatriations reportedly occurred during the previous year.

^c One boy was repatriated after he turned 18.

^d References to Kosovo shall be understood to be in the context of Security Council resolution 1244 (1999).

^e According to information submitted by States in response to communications by the Commission and United Nations special procedures, the national authorities have no indication as to the presence of citizens in northeast Syria, or are still trying to determine such presence.

again raising concerns about the children's best interest, although of a different nature. The best interests of each child should be assessed individually.⁹³

Since 2019, the Commission has interviewed dozens of **foreign family members** of girls and boys detained in northeast Syria from all over the world. After years of separation, many of these grandparents, aunts, and uncles express their deeply felt desire to bring home the children of their extended family, even children they have not yet met, since they were born in Syria. Others wish only to know of their fate and whereabouts. In many cases, interviewees express a deep sense of frustration and powerlessness in light of their respective Government's failure to repatriate.

In some cases, mothers and children may rationally fear persecution at home and so repatriation would run against the principle of **non-refoulement**. In such cases, continued support will be needed, but not necessarily continued internment (see below).

In many cases, however, repatriations of foreign children are **eminently possible** as has been shown by the 38 States who have successfully brought their children, mothers and caregivers back.⁹⁴

In addition, repatriations can **facilitate accountability for international crimes** committed by ISIL, through fair trials organized in and by national jurisdictions. Several European jurisdictions have initiated or completed criminal proceedings to convict over 30 former ISIL members – men and women – for war crimes, crimes against humanity and genocide, including crimes committed against children specifically, ranging from child abduction and forced recruitment to slavery and rape of children.⁹⁵

⁹³ CRC/C/GC/14.

⁹⁴ Reintegration of children has also been facilitated by the UN through e.g. its Global Framework for United Nations Support on Syria / Iraq Third Country National Returnees, see <https://www.un.org/counterterrorism/events/launch-global-framework-united-nations-support-syria-iraq-third-country-national-returnees> and its Global Programme on Prosecution, Rehabilitation and Reintegration, see <https://www.un.org/counterterrorism/cct/prosecution-rehabilitation-reintegration>

⁹⁵ A/HRC/55/64 para 108 (February 2024), <https://syriaaccountability.org/universal-jurisdiction/> and <https://experience.arcgis.com/experience/d33632f4c36146d2b62ec3727ed8ded6/>. These include Germany (23), Sweden (4), the Netherlands (3), Hungary (1) and France (1) (accessed 26 February 2024).

Release and reintegration of Syrian children

By the end of 2023, an estimated 10,500 **Syrian nationals**,⁹⁶ mostly children and women, had reportedly been released from Al Hawl. Those willing to exit using official procedures needed to undertake a lengthy and opaque process, entailing providing a vetted named male guarantor to the camp administrator, often associated with tribes.⁹⁷ Syrians hailing from areas not controlled by SDF have been excluded from the process due to the lack of agreement with the Syrian Government and relevant de facto authorities.⁹⁸

After years living in internment, **a host of challenges then faced children who returned** with their mothers to communities in Raqqah, Deir-ez-Zor and Aleppo Governorates, areas which saw widespread destruction of civilian infrastructure during the campaign to defeat ISIL and the ongoing conflict. These challenges include stigmatization, lack of birth registration, untreated physical and mental health issues, and insufficient access to livelihood opportunities and shelter. Children have often been excluded from the educational system as a result of stigma or lack of civil documentation. Such challenges have even led certain families to voluntarily return to other camps, placing them at renewed risk of being exposed to radicalization.⁹⁹

Access to **civil documentation**, often needed to obtain other humanitarian aid and services, is particularly challenging for children of foreign fathers, for whom birth registration is complex and associated with stigmatization.¹⁰⁰ While birth registration without proving the lineage to the father is possible for Syrian children, it is associated with significant societal shame and stigma, and may entail risky travel across contact lines, often deterring mothers from undertaking the procedure and leaving their children at risk of statelessness.¹⁰¹

United Nations frameworks¹⁰² and programmes to assist countries to manage the challenges faced in **rehabilitating and reintegrating returning nationals** have not been implemented in Syria¹⁰³ and, despite increased attention to the issue in the last 12 months, there are insufficient gender- and age-sensitive rehabilitation and reintegration programmes, also in the northeast, including initiatives to support host communities.¹⁰⁴

⁹⁶ See OCHA (December 2023) <https://reliefweb.int/report/syrian-arab-republic/humanitarian-update-syrian-arab-republic-issue-19-december-2023> and confidential submissions.

⁹⁷ The self-administration first announced criteria for the release of Syrians in Al Hawl in December 2019, noting that priority should be given to the sick and elderly, to the persons who had been kept the longest, to persons with Syrian identity documents and to those with “trustworthy” sponsors. See A/HRC/45/31, para. 74 (Aug 2020).

⁹⁸ In June 2019, at least Syrian 800 families left Al Hawl camp for Raqqah Governorate, A/HRC/42/51, para. 94; 1,500 individuals between December 2019 and February 2020, A/HRC/45/31, para. 74; 1,300 Syrians released in last six months of 2021, A/HRC/49/77 para. 111; some 800 individuals were released in 2023, A/HRC/55/64, para. 108 (February 2024).

⁹⁹ A/HRC/55/64 para. 110 (February 2024).

¹⁰⁰ A/HRC/55/64 para. 109 (February 2024).

¹⁰¹ Syria Commission of Inquiry, Policy Paper [Gendered impact of the conflict in the Syrian Arab Republic on women and girls](#) (12 June 2023).

¹⁰² <https://news.un.org/en/story/2021/09/1101652> The “Global Framework on United Nations Support to Member States on Individuals Returned from the Syrian Arab Republic and Iraq” is not implemented inside Syria.

¹⁰³ Ibid., S/2023/568, para. 54.

¹⁰⁴ See e.g. [this report](#) by IMPACT.

Recommendations /Ways Forward

For five years now, almost 30,000 children have spent a large part of their childhood in internment camps, “rehabilitation centres” and prisons in northeast Syria. These children are victims of armed conflict first and foremost, and were just 12 years old or younger at the fall of Baghuz in March 2019. While there are alleged perpetrators of mass atrocity crimes committed by ISIL among the adult population interned and detained in the northeast, it is abundantly clear that **every single child held there today is innocent**. Such large-scale deprivation of innocent children’s liberty cannot be justified.¹⁰⁵

Releasing, repatriating and reintegrating them into their home communities, with their mothers, is long overdue. Children should never be detained or prosecuted for their or their parents’ actual or alleged association with armed groups; instead, a child-sensitive approach should guide current and future engagement with survivors and victims of crimes and grave violations, anchored in the best interest of children and respect for their rights. While mothers in the camps are not a homogeneous group (but include victims/survivors including of trafficking and ISIL crimes, witnesses as well as alleged perpetrators of such crimes), nearly 30,000 innocent children cannot be held hostage to the failure to ensure effective judicial or internment review procedures of whether imperative reasons of security exist to hold their mothers, five years later.¹⁰⁶

While SDF may be ill-suited and ill-equipped to handle the large case load, Member States with nationals in the northeast and members of the Coalition have the capacity – and responsibility under common article 1 of the Geneva Conventions 1949 - to assist, while the UN and other international entities with relevant expertise can advise. This must be done without further delay: failing this, **the remedy for unlawful deprivation of liberty of almost 30,000 children is release.**

As a way forward the Commission recommends:

To the SDF and the self-administration:

- **Offer and facilitate immediate voluntary release or repatriation to all children** currently interned or detained in the northeast, with their mothers where possible.¹⁰⁷
- **Until such voluntary release or repatriation occurs:**
 - o Immediately grant unfettered and regular **access** for impartial humanitarian and human rights organizations to every internment camp and detention facility across the northeast where children are held. Ensure child protection actors can undertake confidential assessments of each detained child’s needs. As a priority, provide adequate access to medical care for all children in detention.¹⁰⁸

¹⁰⁵ A/HRC/49/77 para. 112 (February 2022); See also e.g., ICRC, IHL Rules on Detention by Non-State Armed Groups, page 37-38 and 55-57.

¹⁰⁶ See e.g., ICRC, IHL Rules on Detention by Non-State Armed Groups, page 56.

¹⁰⁷ In line with the child’s best interests and in compliance with international standards. Pending repatriations and the desired resulting closure of the internment camps which many advise may take time, given the urgency, as an interim solution, Al Hawl and Rawj camps could be transformed from today’s internment camps where women and children are locked up into temporary regular IDP/refugee camps for the vast majority, in which they enjoy full freedom of movement and opportunities to seek livelihoods outside the camps – the sole exceptions being continued internment, in a separate part, of adults who through regular individual reviews are found to continue to pose a security threat justifying their continued internment, in compliance with IHL standards, see A/HRC/37/72, para. 59 and Annex III, paras. 1–18, and also ICRC, IHL Rules on Detention by Non-State Armed Groups, page 55 onwards.

¹⁰⁸ Ibid, Rules 1, 3, 5, 10.

- Disclose the locations of all places of child detention; prepare lists **recording and identifying all children** being held, recognising that not all children will have identification papers. Cease all forms of incommunicado detention and facilitate children's communication with their immediate and extended families.¹⁰⁹ Cooperate with the new institution on the missing and its work on assisting families of children who have been reported missing and/or disappeared in the northeast in this regard.
- Hold all **children separate** from adult detainees, except where families are accommodated as family units.¹¹⁰
- **End the practice of separation** of boys from their mothers and siblings in the internment camps, except in justifiable cases after a meaningful best-interest determination procedure, and facilitate contact between family members. Ensure all transfers of children between camps, "rehabilitation centres" and prisons are properly documented, as above.
- Ensure that all credible reports of **deaths of children** in internment camps or detention facilities are investigated; that their families are informed of the facts about the death, the body and the grave, and provide all the necessary documentation to guarantee and protect the right to truth and reparations.¹¹¹
- **Take urgent steps to re-integrate** all Syrian women and children released from camps to their homes in the northeast. Where possible, support local integration in northeast Syria for families unable to return to Government-controlled areas. Give humanitarian actors adequate notice of Syrian releases from Al Hawl camp, and return all civil documentation to its owners.
- Children should **never be prosecuted for mere association** with an armed force or armed group.¹¹²

To the Government of the Syrian Arab Republic specifically:

- **Enable voluntary safe return of children to their homes in Government-controlled areas**, with their mothers as above, and facilitate their reintegration, including through providing the UN and humanitarian actors with unfettered access for supporting children.
- **Facilitate unfettered and regular access** for impartial humanitarian and human rights organizations, including UN agencies, also to the northeast.
- Provide **continued support for repatriation** of foreign children through Damascus.
- Facilitate pathways for all children residing in the Syrian Arab Republic to **access affordable recognized official documentation**, including birth and education certificates, that can enable full and unimpeded access to health, education and social services, preventing discrimination and exclusion. This may include recognizing documentation indicating birth or other vital events provided by non-state actors as valid proof, together with witness testimonies, for obtaining official civil documentation; the possession of documentation provided by armed groups should not in any way result in negative consequences for children.

¹⁰⁹ Ibid, Rule 7.

¹¹⁰ Ibid, Rule 6.

¹¹¹ Ibid, Rule 9.

¹¹² Ibid, Rule 6 and page 36 onwards, and ICRC, Commentary on the Third Geneva Convention, 2020, common Article 3, paras 725-727. Where a child is facing criminal charges, judicial proceedings must abide by fair trial standards and be adapted to juveniles and alternatives to judicial proceedings should be sought. Children should not be prosecuted for mere association with an armed force or armed group such as ISIL, but only in extraordinary circumstances where allegations concern serious mass atrocity crimes which were committed voluntarily by children over the age of 15 at the time, and which are prosecuted in courts respecting fair trial standards and excluding the possibility of imposing the death penalty or life imprisonment without possibility of release. Children should not be detained except as a measure of last resort and for the shortest time possible. Young adults currently detained in the northeast as a result of processes that did not abide by such standards, for alleged crimes committed when they were children, should be released and rehabilitated.

To Member States supporting or otherwise influencing the SDF and the self-administration:

- Take action to **ensure rights-respecting and law-compliant action** by the SDF and the self-administration, in line with their obligations under customary international humanitarian law and common article 1 to the Geneva Conventions of 1949 and other relevant treaties, including by conditioning any support to the SDF and the self-administration on their respect of international law standards, on their conduct of effective investigations, within the scope of holding their own forces accountable for alleged violations against children, and on them taking verifiable internal measures of compliance with international law, such as ensuring that individuals are not unlawfully deprived of their liberty, including through regular individual reviews for internment for continued imperative reasons of security, and other recommended action as set out above.

To all UN Member States:

- **Repatriate all children nationals** held in the northeast, including boys held for alleged association with ISIL and those currently in “rehabilitation centres”, prioritising with utmost urgency unaccompanied children so they can be reunified with their extended families, and repatriating others with their mothers, in accordance with the best interests of the child.
- Take immediate steps to ease the registration of children of foreign nationals born in Syria, to facilitate their repatriation and to **prevent situations of statelessness** created during the armed conflict.
- Facilitate **resettlement** for unaccompanied and stateless children.
- In order to support repatriations generally, **cooperate with the United Nations to seek rights-based durable solutions**, including through the aforementioned Global Framework, taking into account the principles of the best interests of the child and non-refoulement.
- In order to support children in northeast Syria, **provide adequate funding of humanitarian responses for all children**, including gender- and age-sensitive health, education, shelter, livelihoods, reintegration and rehabilitation programmes, including programmes for physical and psychological recovery of boys and girls survivors of mass atrocity crimes and protection activities for children in detention, based on gender- and age-disaggregated data.
- **Continue seeking accountability for ISIL crimes** in Syria, including gender persecution and crimes against children.¹¹³

¹¹³ See for example International Criminal Court, Office of the Prosecutor Policy on Children (December 2023) <https://www.icc-cpi.int/sites/default/files/2023-12/2023-policy-children-en-web.pdf> (accessed 24 February 2024).