

**“Five Years after the territorial defeat of Da’esh/ISIL:  
Ending violations against children in northeast Syria”**

Human Rights Council (55<sup>th</sup> Session), Side event  
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**Co-sponsors:**

Independent International Commission of Inquiry on the Syrian Arab Republic  
United Nations Special Representative of the Secretary-General on Violence against Women  
United Nations Special Rapporteur on the promotion and protection of human rights  
and fundamental freedoms while countering terrorism

**Remarks of the UN Special Rapporteur on the promotion and protection of  
human rights and fundamental freedoms while countering terrorism, Ben SAUL**

Excellencies, distinguished guests

I endorse the call of my predecessor on states to cooperate to bring to an end the grave violations of international human rights law, international humanitarian law and international criminal law affecting more than 70,000 people arbitrarily detained in north-east Syria.

These include 43,000 foreign nationals – mostly Iraqis, but also from around 60 other nationalities. The overwhelming majority of detainees are women and children, who experience special vulnerabilities and have been the focus of repatriation efforts. There are, however, also 10,000 male detainees, half of whom are foreigners, who also need urgent attention. In this context I am disturbed by the forcible separation of adolescent boys from their families and their detention among adult men.

Many people have been arbitrarily and indefinitely detained for over six years. I affirm the recommendations of my predecessor for the release and repatriation of all people from detention, respect for *non-refoulement*, and reintegration and prosecution as appropriate.

I endorse the recent authoritative decision of the United Nations Committee against Torture in the case of *PD v France* that states have a duty to take all necessary and possible measures to protect their nationals in north-east Syria against unlawful ill-treatment in detention, specifically through repatriation. The decision confirms the long-held position of my mandate.

The urgency is particularly acute for children given their vulnerabilities. Children, including victims of trafficking, should never be excluded from repatriation on security grounds. In this context I am alarmed at the recent decision of a UK court in the Shamima Begum case.

I commend recent repatriations of nationals by various countries. My predecessor’s recent country visit report on Germany and North Macedonia demonstrates how repatriation

can be achieved in a human rights-compliant manner. I offer technical assistance to any state interested to repatriate and reintegrate or prosecute its nationals.

Until the camps are emptied, it is also necessary to ensure that detention conditions comply with international law, including humane treatment, adequate food and medical care, family unity, non-discrimination, and access to all places of detention by impartial humanitarian actors. Improving conditions must not, however, result in prolonging arbitrary detention.

I welcome the continuing cooperation of the Syrian Arab Republic. I will seek access to the detention facilities that my predecessor was unable to visit. I will also continue to coordinate with relevant states, United Nations bodies, the International Committee of the Red Cross, non-governmental organisations, and other stakeholders.

In closing, I remind all states that stranding their nationals abroad is not an effective counter-terrorism response. It exposes vulnerable detainees, including children, to serious risks of violent extremism and terrorist recruitment. All states should responsibly address such conditions conducive to terrorist violence by immediately repatriating their nationals.

Thank you.