



TPN 098/2019

The Permanent Mission of Ireland to the United Nations Office and other International Organisations in Geneva presents its compliments to the Secretary-General of the United Nations (High Commissioner for Human Rights) and refers to the urgent appeal UA IRL 3/2019.

With reference to the aforementioned appeal, enclosed please find a response from Tánaiste & Minister for Foreign Affairs and Trade, Mr Simon Coveney T.D.

The Permanent Mission of Ireland to the United Nations Office and other International Organisations in Geneva avails itself of this opportunity to renew to the Secretary-General of the United Nations (High Commissioner for Human Rights) the assurances of its highest consideration.





Ms Fionnuala Ní Aoláin
Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism

Ms Leigh Toomey,
Vice-Chair of the Working Group on Arbitrary Detention

Mr Luciano Hazan
Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances

Ms Agnes Callamard
Special Rapporteur on extrajudicial, summary or arbitrary executions

Professor Nils Melzer
Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

Dr Dubravka Šimonovic
Special Rapporteur on violence against women, its causes and consequences

Ms Meskerem Techane
Chair-Rapporteur of the Working Group on discrimination against women and girls

19 November 2019

Dear Mandate Holders,

I refer to your joint urgent appeal of 15 November concerning Ms Lisa Smith and her child. The Government are fully committed to complying with Ireland's obligations under international human rights law and to providing consular services to Irish citizens abroad, to the extent possible, in challenging and unstable environments. The Taoiseach (Prime Minister) and I have stated publically our commitment to examine options for facilitating the return of Ms. Smith and her daughter to Ireland. The Government have noted that the State has a particular responsibility towards the child who is an innocent victim of circumstances beyond her control. The welfare of this child has been at the centre of our thinking on this case.

The following are my Government's observations on the specific matters you have raised in your letter:

Please provide any additional information and any comment you may have on the above mentioned allegations

1. The Government first became aware in March 2019, that an Irish national, Ms Lisa Smith, and her daughter, were in the Al Hol detention camp in Syria. Since that time we have worked with a number of international partners, to examine options for their return to Ireland. I am not in a position to comment on the current whereabouts of Ms Smith and her daughter but the Government are in contact with the relevant national authorities in this regard. Notwithstanding allegations in relation to the commission of terrorist offences by Ms Smith, the Government's clear and stated position is that there must be a presumption of innocence for all persons until proven otherwise.

Please clarify if Ms Smith has been provided with due diligence consular services and if the appropriate protection measures to ensure her safety, health and that of her child have been sought and guaranteed

2. The Department of Foreign Affairs and Trade has not had direct contact with Ms Smith. However, the Department is in ongoing contact with members of the family of Ms Smith in respect of options for the return to Ireland of her and her daughter.

Please clarify if legal representation has been made available to Ms Smith in the context of her current detention

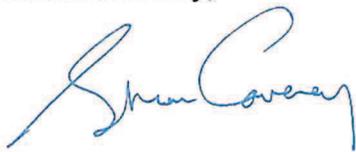
3. My Department is aware that a legal firm has been retained by members of the Smith family in Ireland.

Please share information on the repatriation of Ms Smith and her child to Ireland and on how your Government will ensure that such repatriation is compliant with international law including human rights law particularly in addressing the fact that Ms Smith may have experienced torture, inhuman and degrading treatment while in detention

4. The Department of Foreign Affairs and Trade and our Embassies in the region are in ongoing contact with the relevant authorities in the region with a view to examining options to facilitate the return of Ms Smith and her child to Ireland. At all times, the Government are conscious of our obligations under international law including human rights law.

I remain at your disposal to answer any further queries you may have on this matter.

Yours Sincerely,



Simon Coveney
Tánaiste and Minister for Foreign Affairs and Trade