



THE PERMANENT MISSION
OF THE
UNITED STATES OF AMERICA
TO THE
UNITED NATIONS AND OTHER INTERNATIONAL ORGANIZATIONS
IN GENEVA

July 12, 2022

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

Miriam Estrada-Castillo
Vice-Chair of the Working Group on Arbitrary Detention
Geneva, Switzerland

Morris Tidball-Binz
Special Rapporteur on extrajudicial, summary or arbitrary executions
Geneva, Switzerland

Michael Fakhri
Special Rapporteur on the right to food
Geneva, Switzerland

Tlaleng Mofokeng
Special Rapporteur on the right of everyone to the enjoyment
of the highest attainable standard of physical and mental health
Geneva, Switzerland

Balakrishman Rajagopal
Special Rapporteur on adequate housing as a component of
the right to an adequate standard of living, and on the right
to non-discrimination in this context
Geneva, Switzerland

Sorcha MacLeod
Chair-Rapporteur of the Working Group on the use of
mercenaries as a means of violating human rights and
impeding the exercise of the right of peoples to self-determination
Geneva, Switzerland

E. Tendayi Achiume
Special Rapporteur on contemporary forms of racism,
racial discrimination, xenophobia and related intolerance
Geneva, Switzerland

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

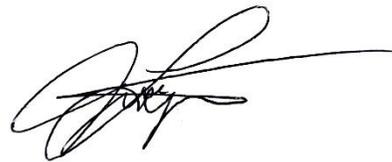
Siobhán Mullally
Special Rapporteur on trafficking in persons, especially in
women and children
Geneva, Switzerland

Pedro Arrojo-Agudo
Special Rapporteur on the human rights to safe drinking water
and sanitation
Geneva, Switzerland

Dear Special Procedures Mandate Holders:

Please find enclosed the U.S. response to your letter dated February 1, 2022.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jesse Lynch', with a long horizontal flourish extending to the right.

Jesse Lynch
Acting Deputy Permanent Representative
Human Rights

U.S. Response to UN Joint Communication Regarding Individuals Currently Detained in Syria

Thank you for your letter dated February 1, 2022. We are grateful for the work you do across the globe to promote respect for human rights, and for the opportunity to provide the below information concerning U.S. law, policy, and practice.

The United States has led by example, bringing back our nationals and prosecuting them where appropriate. As of April 2022, the United States repatriated a total of 39 U.S. citizens from Syria and Iraq – 15 adults and 24 minors (at the time of repatriation) – and the Department of Justice charged 11 with a variety of federal criminal offenses, including providing and attempting to provide material support to a foreign terrorist organization.

As the January attack on the Provincial Internal Security Forces (PrISF) Hasakah detention facility highlights, the Syrian Democratic Forces (SDF) continue to shoulder the burden of the international community by detaining over 10,000 ISIS fighters. We continue to advocate with countries of origin for the repatriation, rehabilitation, reintegration, and where appropriate, prosecution of their nationals currently in northeast Syria, as well as additional support for the humane and secure detention of ISIS fighters and appropriate care for minors in detention.

In the last year, the Combined Joint Task Force – Operation INHERENT RESOLVE (CJTFOIR) has provided equipment transfers and resources aimed at improving the physical security of detention facilities, reducing overcrowding, and enabling more human conditions for detainees through the improvement of living conditions. CJTF-OIR also provided training to the SDF guard forces, including in the use of non-lethal methods to quell riots and provided support to the SDF as they transferred detainees to a more secure facility on the compound following the January attack.

We continue to engage with the SDF on child protection issues, including care for juveniles in detention, and are encouraged by their progress over recent years on this issue. We continue to advocate that the SDF grant consistent access to facilities for, and continue coordination with, child protection expert organizations. They continue to request support to enable alternative care for minors currently housed separately from adults in detention facilities including PrISF Hasakah, and for support alleviating overcrowding and addressing humanitarian conditions in these facilities.

We are also concerned about the humanitarian situation inside detention centers in northeast Syria. The most effective way to reduce overcrowding in these facilities is for countries of origin to repatriate their nationals, however we also urge the international community to provide contributions to support the SDF's capability to detain the ISIS fighters that remain in a secure and humane manner. We also continue to advocate for increased access to these facilities for organizations willing to provide basic services. In addition to providing infrastructure support to enable better conditions, CJTF-OIR also provides limited life support, medical, and personal sanitation items to improve conditions in the facility.

For those U.S. nationals who are repatriated to the United States and subject to federal criminal

prosecution, both the U.S. Constitution and a number of statutes and rules of criminal procedure protect individuals against arbitrary arrest and detention. The Constitution greatly restricts the ability of the government at all levels to infringe on individuals' liberty; several provisions bear directly on the power to arrest and detain. For example, the Fifth Amendment provides that no person shall be "deprived of ... liberty ... without due process of law". Similarly, the Fourteenth Amendment provides that no state shall "deprive any person of ... liberty ... without due process of law". Finally, the Sixth Amendment provides that in all criminal prosecutions, the accused shall be given a "speedy and public trial, by an impartial jury of the state", and persons shall be "informed of the nature and cause of the accusation" brought against them.

The court systems in the United States grant both citizens and nationals of other countries the fair trial rights embodied in article 14 of the International Covenant on Civil and Political Rights. The federal and state constitutions and statutory law provide for fair and public hearings. An independent judiciary, as well as an independent and active bar, are dedicated to the ideal and reality of fair trials and elaborate appellate procedures. The Due Process clauses of the Fifth Amendment and the Fourteenth Amendment guarantee criminal defendants certain fundamental rights deemed essential to a fair trial. For example, a criminal defendant has the right to an unbiased judge and an impartial jury free from unfair influences. The right to counsel in all federal criminal prosecutions is provided for by the Sixth Amendment.

The Coalition organizes an annual pledge drive to encourage and guide stabilization funding for the areas of Iraq and Syria liberated from ISIS. In 2021, the Coalition garnered more than \$300 million in pledges for projects in northeast Syria. These pledges are intended to address Coalition priorities, which include livelihoods and economic recovery, restoring infrastructure and essential services, and support for education and disengagement programming in youth and women's facilities. Since January 2021, the United States has announced nearly \$100 million in stabilization assistance for Syria. In 2022, Coalition funding priorities include youth rehabilitation centers and programming, to enable juveniles' removal from adult detention facilities and set them on the path towards reintegration, as well as basic medical supplies for detainees and youth centers to support improved humanitarian conditions.

U.S. government assistance efforts in northeast Syrian communities prioritize stabilization activities that help ensure the enduring defeat of ISIS and other violent extremists and that help contribute to the restoration of daily life to allow Syrians who choose to return home to do so safely. Project activities include support for the independent media, community security engagement, capacity building for local governance institutions to provide essential services to their communities, support to improve the quality of and access to education, and for civil society to provide services and advocate for Syrians' interests. Projects also help individuals returning from locations of displacement as they seek to reintegrate into society, as well as support the communities receiving them.