



Government of Canada
Permanent Mission of Canada
to the United Nations and the
Conference on Disarmament

Gouvernement du Canada
Mission permanente du Canada
auprès des Nations Unies et de la
Conférence du désarmement

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The Permanent Mission of Canada to the United Nations and the Other International Organisations in Geneva presents its compliments to the Office of the High Commissioner for Human Rights (OHCHR) and has the honour to transmit Canada's response to the Joint Urgent Appeal CAN 3/2022 (a dual British-Canadian citizen currently detained in north-east Syria).

The response consists of one PDF document.

The Permanent Mission of Canada avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights (OHCHR), the assurances of its highest consideration.



Geneva, 24 August 2022

**Response by the Government of Canada to the Joint Urgent Appeal from Special Procedures
Reference UA CAN 3/2022**

1. Information and comment on the allegations in the letter;

Canada takes very seriously its international human rights treaty obligations, including those described in the Joint Urgent Appeal, and fully supports the important mandates of the Special Rapporteurs enumerated therein. Canada does its utmost to cooperate with the Special Rapporteurs and gives serious, good faith consideration to their views.

After careful consideration of the views of the Special Rapporteurs in this case, Canada has the following comments regarding the Joint Urgent Appeal:

Page 5 of the Joint Urgent Appeals includes comments on the scope of Canada's obligations under international human rights law, notably the obligation to protect the rights recognized in the International Covenant on Civil and Political Rights ("ICCPR"). According to the Appeal, this positive obligation is said to include a legal obligation to facilitate the return of one's nationals detained by foreign entities in the territory of another sovereign state.

Canada's position is that the obligation to respect and ensure human rights is primarily restricted to the sovereign territory of a state and is limited by the sovereign rights of the other relevant states. International human rights law (including the ICCPR, other human rights treaties, and customary international law) does not create a positive obligation on states to protect the rights of persons who are detained by foreign entities in another state's territory. Such persons are entirely outside of Canada's territory and jurisdiction. Rather, the obligations apply to the state in whose territory the detentions are occurring. While this does not preclude the possibility that a state might be held responsible for aiding or assisting human rights violations in another state, this would require that the aid or assistance be given with a view to facilitating those wrongful acts. That is plainly not the case here, as further elaborated upon in the information provided in section 5 below.

Moreover, the Government of Canada is aware of the reports mentioned in the letter and appreciates that the Special Rapporteurs share Canada's concern. The Government of Canada is monitoring the situation closely and is concerned by the ongoing health challenges facing Canadians in Syrian Kurdish detention. Canadian government officials are engaging with Syrian Kurdish authorities and with international organizations on the ground for information on, and assistance to, Canadians in the Syrian camps and prisons.

2. Information on the measures taken by the Government to protect the most fundamental rights of Mr. Letts, including his right to life and health;

The safety and well-being of Canadian citizens abroad is a priority for the Government of Canada. Canada aims to deliver consular services to its citizens in a consistent, fair and non-discriminatory manner. Consular services are delivered in accordance with the rules of international law applicable to consular matters.

In the context of providing consular assistance to Canadian citizens who travelled to Syria the Government of Canada took measures as early as 2011 to advise Canadian citizens to avoid travel to Syria and to depart the country. In 2012, Canada closed its embassy in Damascus and further updated its travel advisory for Syria to reflect the closure of the Embassy and to advise Canadians that, due to the lack of a physical presence in country, Canada's ability to provide consular and other support throughout Syria is very limited.

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Nevertheless, as noted above, Canada continues to reach out to Syrian Kurdish authorities and to international organizations on the ground to provide assistance to all Canadians in the camps and prisons to the extent possible. Canadian officials have conveyed to Syrian Kurdish authorities the expectation that all Canadian citizens in their custody be treated humanely, in line with the applicable principles of international humanitarian law and international human rights law.

3. Information on the steps taken by the Government to maintain contact with Mr. Letts in view of the protection of his rights, safety and wellbeing, as well as ensure contacts with his family

The Government of Canada cannot publicly release information on individual cases due to the prohibition against sharing personal information found in Canada's *Privacy Act*.

More generally, while Canada has received some information and updates on the status of Canadian women and children in the camps, Canada has received limited information and updates on the Canadian men detained in prisons in northeastern Syria from the Syrian Kurdish authorities.

Canada has been able to provide some consular assistance to Canadians detained in northeastern Syria, mainly through engagement with the Syrian Kurdish authorities. This has included verifying the whereabouts and well-being of Canadians, requesting available medical care and conveying Canada's expectations that Canadians be treated humanely and in a manner consistent with the applicable principles of international humanitarian law and international human rights law.

The Government of Canada has also made general requests that affect all detained Canadians on multiple occasions to the Syrian Kurdish officials, such as an update on their current status, and to have phone/messaging access to the Canadian detainees.

4. Information on the measures taken by the Government to repatriate Mr. Letts to Canada and provide him with adequate procedures that will ensure respect for his right to life, to liberty, and to a fair trial;

As noted above, due to privacy concerns, the Government of Canada cannot publicly comment on the provision of consular services to specific individuals.

Furthermore, despite the existing challenges mentioned above, Canadian government officials continue to explore possible ways to extend assistance to Canadians detained in northeastern Syria.

5. Information on the security support and stabilization assistance provided by the Coalition, its funding, and the use of these Coalition funds, as well as the actual financial or other engagement of the Government in this process;

Since 2016, Canada has committed more than \$4 billion, through its Middle East Strategy, to respond to the crises in Iraq and Syria and address the impacts they have had on the region. Canada is also a committed member of the Global Coalition against Daesh. Canada's

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programming is aligned with the Coalition's security and stabilization priorities and is funded through agreements with various implementing partners and not directly with the Coalition.

On May 11, 2022, Global Affairs Canada announced \$46.5 million in funding for 15 projects in the Middle East, Central Asia and Africa. These projects are funded through Global Affairs Canada's Peace and Stabilization Operations Program and Counter-Terrorism Capacity Building Program, and are aligned with the civilian lines of effort of the Global Coalition against Daesh.

Recently announced projects include:

- *Funding Facility for Stabilization (Iraq)* - Implemented by the United Nations Development Program, the Funding Facility for Stabilization (FFS) in Iraq aims to create conditions for the return of displaced Iraqis and supports reconstruction and recovery in Iraq. This project's activities include the restoration of basic services in areas liberated from Daesh, the creation of livelihood opportunities, particularly for women and youth, and the implementation of social cohesion activities in liberated areas. This project will also increase the Government of Iraq's capacity to implement stabilization activities in the country.
- *Building Women's Movements for Sustainable Peace in Iraq* - Implemented by MADRE, this project aims to enhance security and stability for communities affected by Daesh in Iraq, particularly women and girls. This will be done by increasing the effectiveness of local Iraqi civil society organizations, particularly women's organizations, to implement programs, deliver services, and advocate for legal and policy changes that advance women, peace and security priorities and enhance protections and reintegration of Iraqis who have survived Daesh violence.
- *Supporting Iraqi National Efforts for an Enhanced Implementation of the National Strategies on the Prevention of Violent Extremism* - The project will enhance the capacity of the Government of Iraq and civil society stakeholders to analyze and respond to drivers of violent extremism in communities that have shown an elevated susceptibility to recruitment. Furthermore, it will support the Prosecution, Rehabilitation and Reintegration round tables and the implementation of some key recommendations that derive from the round tables. The project was designed in collaboration with, and in support of, the Government of Iraq's 2019 National Strategy to Combat Violent Extremism, which links to Iraq's broader National Security Strategy, launched in 2015.
- *Innovative Accountability for Syria* - This project, implemented by the Syrian Legal Development Program, aims to help Syrian civil society organizations better understand and navigate the judicial system and public institutions to hold perpetrators of human rights violations accountable, including business entities.
- *Deir ez Zor Immediate Stabilization Support* - Continuing on previous funding to People Demand Change, this project aims to build the resilience of communities in Deir ez Zor, Syria, by restoring essential water infrastructure and enabling local civil councils to better manage resource-driven conflicts, including through effective reconciliation services to the community. This project will also support civil society organizations to better engage with local councils and will provide youth and women with vocational training.

Additional information on recently announced projects are available on the Global Affairs Canada [website](#).

Further details on Global Affairs Canada's international projects are available through the [Project Browser](#), an interactive tool which is part of the Government of Canada's continued commitment to Open Government and to the International Aid Transparency Initiative.