



Ministry for Foreign Affairs
Director-General for Legal Affairs

The Special Rapporteurs and
Working Groups signatories to
the joint urgent appeal
UA SWE 5/2022

Office of the High Commissioner
for Human Rights
Palace of Nations
CH-1211 GENEVA 10
Switzerland

Joint urgent appeal from Special Procedures

Reference: UA SWE 5/2022

Dear Special Rapporteurs and Members of Working Groups,

1. I have the honour of referring to your letter of 14 November 2022, in which the Swedish Government is invited to submit certain observations regarding the situation of a girl who was transferred from Syria to Sudan in 2019. In response to the invitation, I have the privilege, on behalf of the Swedish Government, to submit the following.
2. Initially, the Government wishes to clarify that it is actively working to find a solution to this issue, which is a high priority.
3. The Government notes that communications concerning the situation in northeast Syria were submitted to Sweden by a number of Special Rapporteurs and Working Groups in January 2021 and in February 2022. Sweden's replies to those communications clarified that the exercise of jurisdiction in accordance with relevant human rights instruments is a necessary condition for a State to be held responsible for acts or omissions, and furthermore stated that Sweden cannot be attributed such jurisdiction regarding individuals in northeast Syria. The arguments presented in this regard remain equally applicable to the situation described in the present communication.

4. While the Government maintains the position that Sweden cannot be attributed jurisdiction under international human rights law in relation to individuals connected to Sweden in northeast Syria, nor, for that matter, the Republic of the Sudan, the Government is devoting intensive consular attention to the issue at hand.

5. A total of 41 children and 18 women who had been held in camps in northeastern Syria have so far been brought to Sweden. Many of these children were born in Syria and lacked identity documents. Within the framework of passport applications, Swedish Foreign Service staff have DNA-tested these children and their mothers to be able to establish Swedish citizenship.

6. In April 2019, it was brought to the attention of the Swedish Ministry for Foreign Affairs that an allegedly Swedish orphan girl, who was born in Syria, had been transferred to Sudan from the al-Hol camp by the Ministry of Foreign Affairs of the Republic of the Sudan. This information was provided by Swedish individuals who claim to be relatives of the girl's parents, with the support of Save the Children International in Sweden.

7. The Foreign Service of Sudan described the act of transfer as a rescue operation of five Sudanese orphans stranded in the northeast of Syria. It is unclear whether, at the time of the transfer, the responsible Sudanese officials were aware of the girl's purported links to Sweden.

8. According to information from the abovementioned relatives in Sweden, the Swedish parents of the girl went to Syria in 2014. Her father died in 2015, and her mother and younger brother died in 2019. At the time of the mother's death, she was remarried to a man from the Republic of the Sudan. After the mother's death, the girl is believed to have been in the care of the Sudanese husband's third wife for a short period in al-Hol. The relatives in Sweden never met or had any contact directly with the girl, due to the situation in the al-Hol camp. Nor did the Government or the Swedish authorities have any confirmed information about a Swedish orphan in al-Hol before she was taken to the Republic of the Sudan, and they were thus not in a position to establish her identity or kinship while she was still in al-Hol.

9. The Swedish Ministry for Foreign Affairs has worked closely with the Swedish Embassy in Khartoum to find a way forward to establish the identity of the girl, which is a precondition for any further step in terms of consular support

or assistance. Such a process would of course require close cooperation with the Sudanese authorities. The local context and the conditions for progress in relation to this consular case have proved to be complex.

10. Since May of 2019, the Embassy of Sweden in Khartoum has been in constant contact with the Ministry of Foreign Affairs of the Republic of the Sudan, requesting consular assistance to confirm the whereabouts and identity of the girl. The Embassy has regularly communicated through Notes Verbales and has held numerous meetings with officials of the Ministry of Foreign Affairs of the Republic of the Sudan. At the same time, the Swedish Ministry for Foreign Affairs has interacted with the relatives of the girl and Save the Children International in Sweden. The Swedish Ministry for Foreign Affairs has also been in contact with the Embassy of the Republic of the Sudan in Stockholm regarding the case.

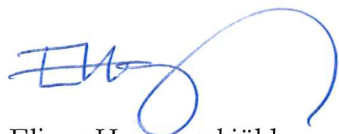
11. In July of 2020, the Ministry of Foreign Affairs of the Republic of the Sudan confirmed that Sudanese authorities knew of the girl and her whereabouts. The Embassy of Sweden in Khartoum has since made repeated requests through the Ministry of Foreign Affairs of the Republic of the Sudan to be given consular access to the girl to conduct a DNA-test to confirm her identity. This request is still pending. The Ministry of Foreign Affairs of the Republic of the Sudan has provided various reasons for the long delay, including the need for legal aspects to be clarified.

12. In the most recent meeting between the Embassy of Sweden in Khartoum and the Ministry of Foreign Affairs of the Republic of the Sudan on 8 January 2023, the Undersecretary made a renewed commitment to the Ambassador of Sweden to find a solution to the matter in a cooperative spirit as soon as possible.

13. The Government wishes to reiterate that the Swedish authorities remain fully engaged in consular work in this case. The Embassy of Sweden in Khartoum is in constant dialogue with Sudanese authorities about this matter and has continuously stressed the need to establish the girl's identity as a next step. If it were to be determined that the girl is a Swedish citizen, she will be considered an orphaned Swedish child abroad with an extensive need for consular support, taking into account the best interests of the child.

14. Finally, the Government wishes to clarify that it remains at the disposal of the Special Rapporteurs and relevant Working Groups, should any further information be required.

Please accept the assurances of my highest consideration.

A handwritten signature in blue ink, consisting of a stylized 'E' followed by a large, flowing loop.

Elinor Hammarskjöld
Ambassador, Director-General for Legal Affairs