

Mandates of the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Working Group on Arbitrary Detention; the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; and the Working Group on discrimination against women and girls

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Excellency,

We have the honour to address you in our capacity as Special Rapporteur on extrajudicial, summary or arbitrary executions; Working Group on Arbitrary Detention; Working Group on Enforced or Involuntary Disappearances; Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; and Working Group on discrimination against women and girls, pursuant to Human Rights Council resolutions 35/15, 42/22, 36/6, 40/16, 34/19 and 41/6.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the need to protect the right to life of four French women, and their children. While their whereabouts are currently unknown, they may be either in North East Syria, including in areas that may be under the control of Turkish authorities, or in Turkey. We also wish to inform you that a letter expressing similar concerns has been sent to the Government of France. We are bringing these cases to your attention in the hope that the Turkish authorities may be able to trace the location of these four women and their children and assist in their repatriation to France.

According to the information received:

Case of Ms. [REDACTED]

Ms. [REDACTED] is a French national, born on 9 July 1990 in Domont. In August 2004, she left France in order to travel to Syria.

In the summer of 2016, while pregnant, she was wounded during a bombing operation and hospitalized for several weeks. In March 2017, she gave birth to a son in Raqqa.

After numerous unsuccessful attempts to flee Syria and reach Turkey in order to return to France, Ms. [REDACTED] surrendered to the Kurdish authorities in May 2018.

On 4 May 2018, she was placed in the Roj camp, located in North-East Syria, with her one-year old son.

On 14 May 2019, three children reportedly died in the camp in a tent fire. Some of the women in the camp reacted violently to that and threw stones at the camp's guards. The next day, in retaliation, the guards stopped and questioned about twenty women including Ms. [REDACTED].

Ms. [REDACTED] and her son were taken to a prison known as the "black prison", because it was located in a basement with no light. They were kept there for several weeks in poor conditions, with no washing facilities, in a very small and dark space, together with some twenty other individuals. Such conditions of detentions resulted in serious trauma for Ms. [REDACTED] son.

Subsequently, Ms. [REDACTED] and her son were taken to the Aïn Issa camp. At present, it is unknown whether they are still alive and if so, whether they may be in Syrian territory, including under the control of the Turkish authorities, or whether they are in Turkey.

Case of Ms. [REDACTED]

Ms. [REDACTED] is a French national, born on 11 October 1996, in Compiègne. On 11 March 2014, when she was below the age of eighteen years and enrolled in a high school, she travelled to Syria. Her parents, who lodged a complaint for kidnapping, discovered through the subsequent, ongoing judicial investigation, that she may have received several thousand euros to do that.

Three days following her departure, Ms. [REDACTED] contacted her parents to reassure them, but they and Ms. [REDACTED] husband were under the impression that she was only repeating the words of a third person next to her.

When she arrived in Syria, Ms. [REDACTED] was a mother of two sons, aged three and two respectively. At an unspecified date, they were placed in detention or anyway deprived of their liberty. They were subsequently brought to the Aïn Issa camp where Ms. [REDACTED] gave birth to a third child.

Case of Ms. [REDACTED]

Ms. [REDACTED] is a French national who travelled to Syria, with her husband, in April 2016, when she was twenty-one years old. On 14 November 2017, she gave birth to a son.

On 21 January 2018, Ms. [REDACTED] and her husband, together with their son, tried to leave Syria to return to France but they were arrested by Kurdish militias. Once separated from her husband, Ms. [REDACTED] and her son were brought to the Ain Issa camp.

Ms. [REDACTED] managed, at some point, to contact her parents in France. On this occasion, she explained the deplorable health and medical conditions under which she lived with her son.

Case of Ms. [REDACTED]

Ms. [REDACTED] is a French national, born on 6 January 1994, in Paris. In February 1999, she moved to the UK.

At an unspecified date, she travelled to Syria. The UK authorities reportedly withdrew her residence permit as a result.

On 29 October 2016, Ms. [REDACTED] gave birth to a son. The father was a British national who allegedly died in Syria in 2016. On 12 March 2018, Ms. [REDACTED] gave birth to a daughter. The father was a Russian national who allegedly died in Syria in 2017.

The well-being and life of these 4 women and children are of utmost concern as no information is presently available as to their fate and whereabouts. In their last communications with their families and lawyers, these women reportedly affirmed that they were in a situation of total distress together with their children, sick, exhausted, traumatized and that they had been waiting to be able to return to France for two years.

Without prejudging the merits of these allegations, we bring these cases to your Excellency's attention as it is probable that these women and their children may have fled to Turkey or may be located in areas of Eastern Syria over which the Turkish authorities may have some control, under international human rights and humanitarian law, by virtue of their latest military operations.

We are concerned about heightened risks of ill-treatment and enforced disappearance to which these individuals may be exposed, mindful of an extremely volatile situation in the region. To that end, we draw attention of Your Excellency's Government to the United Nations Declaration on the Protection of All Persons from Enforced Disappearances, particularly articles 1, 2, 3, 7, 9, 10, 12, and 20; as well as to the absolute and non-derogable prohibition of torture and other cruel, inhuman or degrading treatment or punishment as provided for in articles 2 and 16 of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).

Furthermore, we would like to appeal to your Excellency's Government to take all necessary measures to ensure the best interests of the above-mentioned children by effectively protecting their mothers from arbitrary detention, in accordance with article 9 of the Universal Declaration of Human Rights (UDHR) and article 9 of the International Covenant on Civil and Political Rights (ICCPR).

We wish to express, in particular, our concern at the specific vulnerability of the above-mentioned children. All children should enjoy special protection in accordance with the Convention on the Rights of the Child and its Optional Protocols, the UN Convention on the Elimination of Discrimination against Women (CEDAW) as well as under international humanitarian law. We also wish to highlight the general comment on children and enforced disappearances adopted by the Working Group on Enforced or Involuntary Disappearances in 2012¹.

Children must always be treated primarily as victims, while the best interest of the child must always be a primary consideration. States have the obligation to undertake individualized assessments for each child, determining their integration needs based on comprehensive, multiagency and multidisciplinary approaches. Where possible and depending on the age of the child it is preferable that family separation be avoided or mitigated as far as is possible.

In light of the above, we urge your Excellency's Government to take all the necessary steps to promptly ascertain the fate and whereabouts of the above-mentioned women and children. Should they be still alive, we recommend that they are given immediate access to French consular assistance, afforded protection against any abuse, while deprived of their liberty, and be safely repatriated to France, without delay. We emphasize the need for a thorough individual evaluation of each woman and child, from their human rights perspective, including taking into account instances of gender based violence and persecution that may have occurred prior and/or during their detention in camps such as Ain Issa.

We understand that the Turkish Government has announced its intention to return "foreign fighters" to their countries of citizenship. We would like to recall that the urgent return and repatriation of foreign fighters and their families from conflict zones is the only international law-compliant response to the increasingly complex and precarious human rights, humanitarian and security situation faced by those women, men and children who are detained in inhumane conditions in overcrowded camps, prisons, or elsewhere in northern Syrian Arab Republic and Iraq. The return of these individuals to their country of origin is a comprehensive response that amounts to a positive implementation of Security Council resolutions 2178 (2014) and 2396 (2017), as well as

¹ <http://daccess-ods.un.org/access.nsf/Get?Open&DS=A/HRC/WGEID/98/1&Lang=E>

the CEDAW general recommendation 30 (related to its extraterritorial application), and is considerate of a State's long-term security interests.

Security Council resolutions 2178 (2014) and 2396 (2017) requires that States demonstrate international solidarity and cooperation towards rehabilitating and reintegrating foreign fighters and if applicable members of their families. In the long term such interventions serve the interest of long-term international peace and security.

Practical and detailed guidance is available to States to enable human rights compliance return in the *Guidance to States on Human Rights-Compliant Responses to the Threat Posed by Foreign Fighters* produced by the Counter-Terrorism Implementation Task Force Working Group on Promoting and Protecting Human Rights and Rule of Law while Countering Terrorism (<https://www.ohchr.org/EN/newyork/Documents/Human-Rights-Responses-to-Foreign-Fighters-web%20final.pdf>).

The full texts of the human rights instruments and standards recalled above are available on www.ohchr.org or can be provided upon request.

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of the above-mentioned person(s) in compliance with international instruments.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and any comment you may have on the above-mentioned allegations.
2. Please provide detailed and specific information on the current whereabouts, fate, possible conditions of detention and treatment, if applicable, and the health conditions of the above-mentioned women and children.
3. In case the above-mentioned women and children are being kept in Turkey, please provide detailed information on the legal basis for their detention or deprivation of liberty, and how these measures are compatible with international norms and standards as stated, inter alia, in the UDHR and the ICCPR.
4. Please clarify whether the above-mentioned women and children were duly notified of their rights to consular assistance and whether any

measure, including repatriation to France, was considered, sought, attempted or taken to ensure their safety and health, as well as that of their children. If no measure was taken, please explain why.

5. Please clarify if adequate legal representation, and any other form of support, was ever made available to the above-mentioned women and children.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

We would like to inform your Excellency's Government that after having transmitted an urgent appeal to the Government, the Working Group on Arbitrary Detention may transmit the case through its regular procedure in order to render an opinion on whether the deprivation of liberty was arbitrary or not. Such urgent appeals in no way prejudice any opinion the Working Group may render. The Government is required to respond separately for the urgent appeal procedure and the regular procedure.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

Please accept, Excellency, the assurances of our highest consideration.

Agnes Callamard
Special Rapporteur on extrajudicial, summary or arbitrary executions

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

Luciano Hazan
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Meskerem Techane
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