

**Mandates of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; the Working Group on Arbitrary Detention; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the right to food; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; the 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; the Special Rapporteur on minority issues; the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance; the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; the Special Rapporteur on trafficking in persons, especially women and children; the Special Rapporteur on the human rights to safe drinking water and sanitation and the Working Group on discrimination against women and girls**

Ref.: UA AUS 2/2022  
(Please use this reference in your reply)

16 February 2022

Excellency,

We have the honour to address you in our capacity as Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; Working Group on Arbitrary Detention; Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on the right to food; Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; 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; Special Rapporteur on minority issues; Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance; Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; Special Rapporteur on trafficking in persons, especially women and children; Special Rapporteur on the human rights to safe drinking water and sanitation and Working Group on discrimination against women and girls, pursuant to Human Rights Council resolutions 40/16, 42/22, 44/5, 32/8, 42/16, 43/14, 43/8, 43/36, 43/20, 44/4, 42/5 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 situation of forty-six Australian citizens, including thirty children, who are currently being held in different camps in North-Eastern Syria. We have deep concerns about the conditions of detention in the camps, notably Al-Hol and Roj where most of these individuals are held and are deprived of their liberty without any judicial process. These concerns have already been raised in a communication sent to Your Excellency's Government on January 26, 2021 ([AUS 1/2021](#)). We thank Your Excellency's Government for the response received on 23 August 2021, and wish to pursue our exchange and our recommendations on this critical issue with the following.

According to the information received:

**Ms. Mariam Dabboussy**, born on 1 February 1991 and her minor children [REDACTED], born on 11 April 2014, [REDACTED], born on 27 July 2016 and [REDACTED], born on 28 November 2017; **Ms. Hodan Abby**, born on 8 February 1996 and her daughter [REDACTED], born on 22 August 2016; **Ms. Nesrine Zahab**, born on 13 January 1994 and her son [REDACTED], born on 18 March 2018; **Ms. Janai Safar**, born on 19

March 1994 and her son [REDACTED], born on 27 October 2016; Ms. [REDACTED], born on 6 November 1992, and her children [REDACTED] born on 6 January 2012, [REDACTED], born on 4 February 2014 and [REDACTED], born on 25 August 2018; Ms. [REDACTED], born on 25 April 1972 and her daughters, Ms. [REDACTED], born on 27 July 2002 and [REDACTED], born on 3 March 2006, and [REDACTED], born on 18 May 2018; Ms. [REDACTED], born on 19 February 1995 with her daughter [REDACTED] born on 12 June 2019; Ms. [REDACTED], born on 16 June 1993 and her children [REDACTED], born on 31 January 2015, [REDACTED] born on 14 August 2016 and [REDACTED], born on 25 May 2018; Ms. [REDACTED], born on 22 September 1994 and her children [REDACTED], born on 1 November 2016 and [REDACTED] born on 10 August 2019, are currently being held in Roj camp in North-eastern Syria.

Ms. [REDACTED], born on 10 September 1990 and her daughter [REDACTED] born on 29 November 2019 are currently being held in Al-Hol camp in North-eastern Syria.

[REDACTED], born on 14 August 2016 and his brother [REDACTED], born on 5 February 2019; Mr. [REDACTED], born on 1 June 1992 together with his wife Ms. [REDACTED], born on 19 January 2000 and their children [REDACTED], born on 23 January 2016, [REDACTED], born on 1 February 2017, [REDACTED], born on 31 March 2018 and [REDACTED] born on 9 July 2019; Ms. [REDACTED], born on 20 October 1974, together with her daughters [REDACTED], born on 13 October 2007 and [REDACTED], born on 28 June 2010; Ms. [REDACTED], born on 24 July 1991, and her children [REDACTED], born on 2 April 2010, [REDACTED], born on 16 March 2012, [REDACTED], born on 22 February 2015; [REDACTED], born on 28 June 2017; Ms. [REDACTED], born on 7 January 1967 are currently being held in unknown camps in North-eastern Syria.

These individuals, twenty-seven of whom (seventeen children and ten adults) are held in Roj camp, have been deprived of their liberty in conditions that we believe constitute a violation of a number of human rights, and meet the standard of torture or other cruel inhuman or degrading treatment or punishment. We understand with concern that some of those detained, including children are being deprived of their citizenship by the Australian authorities. Others have practical difficulties accessing the rights and support that follow from Australian citizenship.

We are well aware that the camps are managed and administered by a non-State actor representing the Kurdish authority, and that food, safe drinking water for consumption, and water and sanitation, access in terms of hygiene, health care and essential non-food items are provided by under-resourced humanitarian groups and organisations. The medical situation of these persons is extremely worrying. Adults and children alike suffer from post-traumatic stress disorder and are underweight. Further, many have complex urgent health concerns including shrapnel in different parts of their bodies, including the head, which cannot be extracted given the lack of proper medical facilities in the camps. Due to malnourishment, dire housing and sanitary conditions and

other serious deficiencies to which they have been subjected in recent years, the children, many of whom are very young, present diversified and disturbing medical conditions including anaemia, asthma, skin irritations, chronic infections, and grave dental problems. Moreover, owing to their repeated exposure to violence and insecurity, they show signs of trauma, including psychological and behavioural disorders, as well as chronic fatigue and acute stress. The conditions related to food, water and health are exacerbated now, with the risks associated to the COVID 19 pandemic. According to the UN Standard Minimum Rules for the treatment of prisoners, approved by the UN Economic and Social Council, prisoners must be provided, ad minima, with sufficient food, safe drinking water, water for hygiene, as well as basic articles necessary to maintain their health and hygiene. These standards are minimum and should always be granted, even more, with the current spread of COVID 19, which has shown worldwide the paramount relevance of water for hygiene and cleanliness purposes.

Without prejudging the accuracy of the information received, we believe that the allegations relating to the situation of these individuals, especially the children, are sufficient credible and corroborated to warrant serious attention. We wish to express our deepest disquiet about the humanitarian situation of these persons in situation of vulnerability in an environment as complex, uncertain and sordid as the camps in north-eastern Syria, which amounts to a violation of ICESCR (ratified by your Excellency's Government on 10 Dec 1975) in particular articles 11 and 12 relating to the rights to food, adequate housing and safe drinking water and sanitation. We also wish to identify the risks associated with their continued detention in conditions which may amount to torture or other, cruel, inhuman degrading treatment or punishment, and which are universally protected under the UDHR, the ICCPR, the Convention on the Rights of the Child and the Convention against Torture. These concerns, which have already been brought to Australia's attention in greater detail in communication AUS 1/2021, remain valid and are heightened due to the passage of time.

Furthermore, we deem it pertinent to underline the need to protect the right of these individuals and their relatives, who are deprived of any national legal protection, as well as the right of their lawyers, to unhindered access to and communication with the United Nations, its representatives and mechanisms in the field of human rights without fear of intimidation or reprisals of any sort.

#### *Continued deprivation of liberty*

We remain particularly concerned at the continued deprivation of liberty of these Australian citizens - men, women and children - in North-East Syria. According to the information we have received, there is no legal basis for this broad detention policy which entirely lacks in predictability and due process of law, judicial authorisation, review, control or oversight. We note that for some, the detention has already lasted four years, without any formal legal process and could continue indefinitely.

The prohibition of arbitrary detention, recognised both in times of peace and armed conflict, is well-established as a non-derogable<sup>1</sup> right that is considered as a

---

<sup>1</sup> Human Rights Committee, general comment No 29 (2001) on derogation during a state of emergency, paras. 11 and 16.

peremptory or jus cogens norm of international law.<sup>2</sup> Arbitrary deprivation of liberty can never be a necessary or proportionate measure, given that the considerations that a State may invoke pursuant to derogation are already factored into the arbitrariness standard itself. Thus, a State can never claim that illegal, unjust, or unpredictable deprivation of liberty is necessary for the protection of a vital security or other interest or proportionate to that end. The sub-contraction or direct facilitation of liberty deprivation by non-State actors does not negate a State's obligations to protect, promote and fulfil its human rights treaty obligations.<sup>3</sup>

Administrative security detention presents severe risks of arbitrary deprivation of liberty<sup>4</sup>. as other effective measures addressing the threat, including the criminal justice system, would be available in countries of citizenship. Administrative – including security – detention can only be invoked by States under the most exceptional circumstances where a present, direct and imperative threat exists that cannot be addressed by alternative measures. States also need to show that detention does not last longer than absolutely necessary, that its overall length is limited and that the guarantees provided for by Article 9 of the ICCPR, including prompt and regular review by a court of the detention, are respected.

There is no legal basis in international human rights law for non-State actors to engage in administrative, security or other detention practices.<sup>5</sup> We have not found any legal human rights basis for the detention by the non-State actor, which would be a necessary condition for any detention, during or after a conflict. In any event, both international human rights law and international humanitarian law clearly prohibit arbitrary and indefinite detention where individuals are held without proper charge, due process of law, and on the basis of individual responsibility for imperative reasons, which requires an individual assessment of the risk, and a right of review by a judicial authority. There is also no permissible human rights basis for States to sub-contract directly or indirectly administrative or security detention to non-State actors on the territory of third States.

We are cognizant of the circumstances surrounding these detentions. It is our considered view that any argument based on the extreme nature of the situation cannot be used to justify such already lengthy detentions and the complete lack of steps taken by your Excellency's government to remedy the sheer obliteration of the rights of Australian citizens resulting from their arbitrary deprivation of liberty. The absolute prohibition of arbitrary detention in international law is considered so fundamental that it remains applicable even in the most exceptional situations.

We also recall that according to international law, children are considered vulnerable and in need of special protection. States must treat children, including children related to or associated with designated terrorist groups, primarily as victims when devising responses, including counter-terrorism responses. No child is responsible for the circumstances of his birth and cannot be punished, excluded, deemed unworthy of human rights protection by virtue of the status or acts of his parents. Children can only be detained as a measure of last resort and for the shortest amount of time possible. We have not been able to find any basis or process for the

<sup>2</sup> Working Group on Arbitrary Detention, Deliberation No. 9 concerning the definition and scope of arbitrary deprivation of liberty, Report of Working Group on Arbitrary Detention, A/HRC/22/44, 24 December 2012.

<sup>3</sup> This obligation extends to the work in question between carried out by private entities Yassin et al. v. Canada, Comm. No. 2285/2013, Human Rights Committee, (26 July, 2017) para. 6.5

<sup>4</sup> UN Human Rights Committee, General Comment 35, para. 15.  
<https://digital-commons.usnwc.edu/ils/vol91/iss1/5/>

children's continued deprivation of liberty.

It is our understanding that these individuals are detained due to their alleged past association with the Islamic State, and we are concerned that this factor is the basis for not facilitating their repatriation to Australia. We stress the need to understand that the association with terrorist groups, especially in the case of women and children, is highly complex, notably regarding the distinction between victims and perpetrators. Australia must be mindful of the potential for coercion, co-option, trafficking, enslavement, sexual exploitation, and harm upon joining or being associated with a non-state armed group, not to mention on-line grooming and recruitment for marriage, sexual or household services or labour for the organization. States must always undertake individualised assessments pertaining to the specific situation of individuals concerned, especially women and girls.<sup>6</sup>

We understand that some of the women may have been coerced or trafficked into Syria. We urge your Excellency's government to be conscious of the gender-specific traumas experienced by women and girls, as well as the various human rights violations that they are subjected to in the context of their arbitrary detention and the impact of those conditions on their mental and physical health. It is imperative that State responses do not perpetuate or contribute further harm to those who have already experienced profound violence and trauma.<sup>7</sup>

In this regard we would also like to draw Your Excellency's Government attention to the application of the principle of non-punishment for victims of trafficking. This is a general principle of law, recognized in international and regional legal instruments, as well as in domestic legislation and in case law of regional and domestic courts. As a principle, it is essential to the object and purpose of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, ratified by Your Excellency's government on 14 September 2005, namely, to protect and assist victims of trafficking with full respect for their human rights. It is also set out in full in the Principles and Guidelines for Human Rights and Human Trafficking of the Office of the United Nations High Commissioner for Human Rights (OHCHR).

Recalling the report of the Special Rapporteur on trafficking, especially women and children, A/HRC/47/34, the implementation of the principle entails that as soon as there are reasonable grounds to believe that a person has been trafficked, a victim or potential victim must not be punished for any unlawful activity carried out by a trafficked person as a direct consequence of their trafficking situation, regardless of the gravity or seriousness of the offence committed (para 55 and 57). As it has been raised in the report of the Special Rapporteur, forms of punishment may also include detention or/and the arbitrary deprivation of nationality (para 41).

### *Deprivation of citizenship*

We also raise concern against the use of citizenship-stripping measures legislation to address at threat of terrorism. Given the serious and permanent impact of

<sup>6</sup> See in particular CTED Trends Report on the Gender Dimensions of the Response to Returning Foreign Terrorist Fighters (2019) and UNDP/ICAN, Invisible Women (2019).

<sup>7</sup> The UN Global Compact/CTITF Working Group on promoting and protecting human rights and the rule of law while countering terrorism, "Guidance to States on Human Rights-Compliant Responses to the Threat Posed by Foreign Fighters" (2018)

deprivation of citizenship, it should never be the first measure sought. States are prohibited from exercising powers of deprivation causing statelessness, absent certain conditions, including respect for the right to a fair hearing.<sup>8</sup> States may also not deprive a citizen of nationality based on their own assessment that the individual holds another nationality where the other implicated State refuses to recognize the individual as a national.<sup>9</sup> Further, States are not justified in depriving a person of nationality for the sole purpose of denying a national entry into the national territory, given that nationals have the right, enshrined in article 13(2) of the UDHR, to return to their country of nationality.<sup>10</sup> Similarly, article 5 (ii) of ICERD affirms that every person, without discrimination of any type, shall enjoy “[t]he right to leave any country, including one’s own, and to return to one’s country”. We also note that where citizenship-stripping legislation, policies and procedures apply only to citizens with dual nationality, they disproportionately affect certain communities and further stereotypes by associating terrorism with people of certain ethnic and national origins. Failures to treat mono and dual nationals as equals vis-à-vis citizenship deprivation has impacts that are incompatible with international human rights principles of equality and non-discrimination.<sup>11</sup> Additionally, deprivation of nationality is an administrative sanction that not only violates the non-punishment principle, but also increases risks of trafficking or re-trafficking.

In our view, in the context of individuals deprived of their liberty in North East Syria, given the absence of any meaningful capacity for those who are the subject of such conditions of detention to access adequate legal representation, participate in proceedings, provide adequate consent to legal process that implicates their fundamental human rights, and be free from coercion as their legal rights are determined, any withdrawal is likely to amount to arbitrary deprivation of citizenship. The practice of simply ‘informing’ an individual of a deprivation decision (often by sending the decision to their last known address) renders the notice and the independent review requirements of citizenship stripping, effectively meaningless.

The Committee on the Rights of the Child has asserted that States may not deprive a child of his or her nationality on any ground, regardless of the status of his or her parents.<sup>12</sup> In the same line, in its resolution 26/14, The Human Rights Council urged States to refrain from automatically extending the loss or deprivation of nationality to a person’s dependents.<sup>13</sup> States have a legal obligation to provide a child who has been illegally deprived of some or all of the elements of his or her identity with appropriate assistance and protection, with a view to re-establishing speedily his or her identity. States must also ensure the availability of an effective remedy in the

---

<sup>8</sup> Convention on the Reduction of Statelessness 989 U.N.T.S. 175 (1961), art. 8(1)-(4).

<sup>9</sup> UN Human Rights Council, *Interpreting the 1961 Statelessness Convention and Avoiding Statelessness Resulting from Loss and Deprivation of Nationality: Summary Conclusions* (2014), para. 6.

<sup>10</sup> Institute on Statelessness and Inclusion, ‘Principles on Deprivation of Nationality as a National Security Measure’, Principle 7.2.1.2 and UN Special Rapporteur on the promotion and protection of human rights while countering terrorism, *Intervention in the case of Shamima vs. Secretary of State for the Home Department*, UK Court of Appeal (2020), para. 19. See also UNHCR Guidelines on Statelessness No. 5’ (May 2020).

<sup>11</sup> UN Special Rapporteur on Racism, *Visit to the Netherlands*, A/HRC/44/57/Add.2, para. 60. In its 2020 report following its official visit to the Netherlands, the UN Special Rapporteur on Racism stated that “although being neutral on the face of it, the Netherlands citizenship-stripping legislation, policies and procedures apply only to citizens with dual nationality and therefore disproportionately affects Netherlanders of Moroccan ... descent. Because of its limited applicability, citizenship-stripping legislation in the Netherlands aggravates stereotypes of terrorism by associating terrorism with people of certain ethnic and national origins. The associated policies and their effects are incompatible with international human rights principles of equality and non-discrimination”.

<sup>12</sup> CRC/ C/UKR/CO/3-4, para. 38.

<sup>13</sup> A/HRC/25/28, para. 24

context of arbitrary deprivation of nationality.<sup>14</sup>

Under article 6 of the 1961 Convention on the Reduction of Statelessness, a contracting State may not permit automatic loss of nationality of spouses or children of individuals whose nationality it has withdrawn where it would render that child or spouse stateless. Since the arbitrary deprivation of nationality places children in a situation of increased vulnerability to human rights violations, the Human Rights Council has recommended that States ensure such children are not denied the enjoyment of other human rights.<sup>15</sup>

We also highlight the very profound consequences that the deprivation of a parent's citizenship can have on their children, particularly if they are their primary caregiver. The burden that a mother's deprivation of her nationality will inevitably have on their underage children, even if their right to a nationality is not formally affected, must be a key aspect of the proportionality assessment carried out in the deprivation process. We also raise concerns about processes in which the children in the camps are allowed to return to their home country on the condition they consent to separation from their mothers and/or vice versa. Forced separation in a context where meaningful consent cannot be procured absolutely undermines the dignity of the child and can never be in their best interest.

### *Repatriation*

**Considering the above, our position remains that the voluntary and human rights law compliant repatriation to Australia of all individuals who are citizens of your Excellency's State is the only legal and humane response to the complex and precarious human rights, humanitarian and security situation faced by those currently deprived of their liberty in North-East Syria.** Given the geopolitical fluidity of the region currently controlled by various non-State armed groups, repatriations are key to States' long-term security interests. ***Any repatriation must comply with international law, including with the absolute prohibition of torture and other, ill-treatment, as well as the peremptory principle of non-refoulement.***

Furthermore, the Special Rapporteur on trafficking notes the strict obligation imposed on States parties to the Trafficking in Persons Protocol regarding repatriation as stated in article 8 (1):

*“The State Party of which a victim of trafficking in persons is a national or in which the person had the right of permanent residence at the time of entry into the territory of the receiving State Party shall facilitate and accept, with due regard for the safety of that person, the return of that person without undue or unreasonable delay.”*

States which have citizens in these camps<sup>16</sup> have a positive obligation to take necessary and reasonable steps to end the flagrant violations of their nationals' rights who have been detained for over three years outside the protection of any law. This

<sup>14</sup> Human Rights Council, *Impact of the arbitrary deprivation of nationality on the enjoyment of the rights of children concerned, and existing laws and practices on accessibility for children to acquire nationality, inter alia, of the country in which they are born, if they would otherwise be stateless*: Report of the Secretary General, 16 December 2015, A/HRC/31/29. Para. 14.

<sup>15</sup> *Ibidem*, para. 46.  
JAL AUS 1/2021.

position has been corroborated by the UN Committee on the Rights of the Child.<sup>17</sup> As these “camps” now appear to function as detention and security facilities for several thousand women and children, including the individuals in question, the legal obligations of the Australian authorities resulting from their continued detention are greater.

### *Specific Impact on Women*

As stated above, women’s and girls’ association with terrorist groups is complex, notably regarding the distinction between victims and perpetrators. We recommend that states remain mindful of the potential for severe violations of their rights as described earlier. It is critical that States always undertake individualized assessments pertaining to the specific situation of the persons concerned, especially, but not only, women and girls.<sup>18</sup> We draw again your Excellency’s government to the gender-specific traumas that may have been experienced by women and girls, as well as the various human rights violations that they continue to be subjected due to their continued detention outside any legal protection, and the impact of those conditions on their mental and physical health. It is imperative that State responses do not perpetuate or contribute further harm to those who have already experienced profound violence and trauma.<sup>19</sup>

In its resolution 2331 (2016), the Security Council recognized the nexus between trafficking, sexual violence, terrorism and transnational organized crime. The resolution also laid a crucial normative framework for tackling previously unforeseen threats to international peace and security, including the use of sexual violence as a tactic of terrorism by groups that traffic their victims internally, as well as across borders, in the pursuit of profit and with absolute impunity. The resolution sets out that the link emerges from the implication of terrorist groups in the trafficking of women and girls in conflict-related areas and from the fact that trafficking serves as an instrument to increase the finances and power of those organized criminal groups.

In addition, the Convention on the Rights of the Child provides that States shall take all feasible measures to ensure the protection and care of children affected by armed conflict, and all appropriate measures to promote their physical and psychological recovery, as well as social reintegration. Articles 38 and 39 of the CRC are of particular relevance to children affected by armed conflict and to children who are victims of any form of exploitation, as is the Optional Protocol to the Convention on the involvement of children in armed conflict.

In a decision on admissibility in *L.H., L.H., D.A, C.D. and A.F. v France* (30 September 2020) the Committee on the Rights of the Child specifically addressed the issue of whether the State Party (France) (CRC/C/85/D/79/2019–CRC/C/85/D/109/2019) has competence *ratione personae* over the children detained in the camps in north-eastern Syrian Arab Republic. In its decision, upholding admissibility, the Committee recalled that under the Convention,

---

<sup>17</sup> UN Committee on the Rights of the Child, *CRC/C/85/D/79/2019-CRC/C/85/109/2019* and *CRC/C/86/D/R.77/2019*

<sup>18</sup> See in particular CTED Trends Report on the Gender Dimensions of the Response to Returning Foreign Terrorist Fighters (2019) and UNDP/ICAN, *Invisible Women* (2019).  
The UN Global Compact/CTITF Working Group on promoting and protecting human rights and the rule of law while countering terrorism, “Guidance to States on Human Rights-Compliant Responses to the Threat Posed by Foreign Fighters” (2018)

States have the obligation to respect and ensure the rights of the children within their jurisdiction, but the Convention does not limit a State's jurisdiction to "territory" (para.9.6). Territorial jurisdiction was deliberately left out of article 2 (1) of the Convention.[1] The Committee concluded that a State may also have jurisdiction in respect of acts that are performed, or that produce effects, outside its national borders. Specifically in the migration context, it was noted that the Committee has held that under the Convention, States should take extraterritorial responsibility for the protection of children who are their nationals outside their territory through child-sensitive, rights-based consular protection (para. 9.6). In its decision, the Committee concluded that the State party, as the State of the children's nationality, has the capability and the power to protect the rights of the children in question by taking action to repatriate them or provide other consular responses. The relevant circumstances cited by the Committee, include, "the State party's rapport with the Kurdish authorities, the latter's willingness to cooperate and the fact that the State party has already repatriated at least 17 French children from the camps in Syrian Kurdistan since March 2019." (para. 9.7)

We note that the de facto authorities (the Syrian Democratic Force) have expressed its willingness to help governments repatriate their all their citizens from Roj and also from Al-Hol, information which has been corroborated by our mandates. It is therefore our clear position that any argument relating to the lack or the difficulties of access or the limitations placed by the local authorities as a reason for not repatriating your nationals is questionable by the sustained contacts between a number of States and camp authorities which can and have led to interventions concerning third country national nationals in the camps,<sup>20</sup> the close proximity to the camps of international military bases and forces, the number of civilian and other official and non-official delegations that have had access to the camps, and the number of successful repatriations of women and children that have already taken place.

The full texts of the human rights instruments and standards recalled above are available on [www.ohchr.org](http://www.ohchr.org) or can be provided upon request.

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

We are issuing this appeal in order to safeguard the rights of abovementioned individuals from irreparable harm and without prejudicing any eventual legal determination.

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/or comment(s) you may have on the above-mentioned allegations.

---

<sup>20</sup> This information is the result of independent interviews and source verifications carried out by the Special Rapporteur, together with open sources such as Rights and Security International (RSI) "Europe's Guantanamo", 25 November 2020 and National Consultative Commission on Human Rights, Opinion on French minors detained in Syrian camps, September 24, 2019, pp. 8-9.

2. Please provide information on the measures taken by your Excellency's Government to protect these forty-seven Australian nationals, whose stay in these camps makes them particularly vulnerable to multiple violations of human rights, in order to avoid irreparable damage to their life, integrity, health and safety.
3. Please indicate what measures have been taken by your Excellency's government to maintain contact with these individuals and with those detaining them in view of the protection of their rights
4. Please provide information on measures taken by your Excellency's Government to repatriate these individuals in compliance with Australia's international human rights obligations, in particular by taking into account their age, sex and vulnerability.
5. Please indicate what measures are taken to protect these individuals against the risk of violence, including trafficking and to ensure that specialized assistance measures are provided to them.
6. Please provide information on how your Excellency's government is liaising with the de facto authorities in Syria to improve the protection of the most fundamental rights to security, food, water and sanitation and health of your citizens while detained and during their repatriation;
7. Please indicate what measures are taken to work with and support the families and communities of these individuals who are in Australia.
8. Please provide any information about steps that your Excellency's Government may have taken to deprive any of these individuals from their citizenship, and how such deprivation is consistent with Australia's human rights obligations under the treaties it has signed.

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

While awaiting for a response to this communication, we may consider publicly expressing our concerns in the near future, as in our view, the information is reliable, and indicates a matter warranting serious attention by the Government. We also believe that it may be of interest to the wider public concerned with the enjoyment and exercise of human rights. Any public expression of concern on our part will indicate that we have been in contact with your Excellency's Government's to clarify the issues in question.

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.

A copy of this communication has been sent to the Syrian Arab Republic.

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

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

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

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

Michael Fakhri  
Special Rapporteur on the right to food

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

Balakrishnan 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

Fernand de Varennes  
Special Rapporteur on minority issues

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

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

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

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

Melissa Upreti  
Chair-Rapporteur of the Working Group on discrimination against women and girls