

**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 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 trafficking in persons, especially women and children and the Working Group on discrimination against women and girls**

Ref.: UA GBR 18/2023  
(Please use this reference in your reply)

9 October 2023

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 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 trafficking in persons, especially women and children and Working Group on discrimination against women and girls, pursuant to Human Rights Council resolutions 49/10, 51/8, 49/13, 51/21, 53/9 and 50/18.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning two British mothers and their minor children, indicating that they are subjected to prolonged and indefinite arbitrary<sup>1</sup> detention, in Roj camp, in the Northeast of the Syrian Arab Republic. In particular, we have serious concerns regarding the deteriorating health conditions of the members of these two British families, who are held in inhumane conditions with irregular and inadequate medical treatment, and the increased risk of separation from their mother of two boys, who have reached the ages of 14 and 11 years old, which is subjecting them to extreme psychological pain and suffering and, if separated, to further psychological trauma, additional arbitrary detention and disappearance.

This information has been corroborated through first-hand information gathered by the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism during her recent technical visit to the closed camps and detention facilities in Northeast Syria, which took place from 15 to 20 July 2023, and where she was able to monitor the human rights situation in this extremely complex setting and interview individuals held there.<sup>2</sup> The confirmed systematic separation of boys upon reaching adolescence, by the detaining authorities, without legal or security justification, in addition to the associated intentional extreme psychological harm amount to torture and other cruel, inhuman or degrading treatment

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<sup>1</sup> The Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering found that all of sites and procedures of detention in the Northeast of Syria to be mass, arbitrary and indefinite in nature and therefore engage serious and systematic breaches of international law.

<sup>2</sup> Please see end of mission statement here: hereafter the EoM statement:  
<https://www.ohchr.org/sites/default/files/documents/issues/terrorism/sr/statements/EoM-Visit-to-Syria-20230721.pdf>

or punishment. The Special Rapporteur interviewed one of the mothers, who is suffering from a physical disability and whose health is rapidly deteriorating without adequate treatment, which is putting her life at risk, and has traumatising effects on her 6-year-old boy-child.

The Special Procedures mandate holders have repeatedly stressed on the obligation of States to urgently repatriate their nationals from conflict zones, in conformity with international human rights law, as the only international law-compliant response to the increasingly complex and precarious human rights, humanitarian and security situation in different detention locations in the Northeast of the Syrian Arab Republic. Following the technical visit by the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, and in view of her findings, *inter alia*, of mass arbitrary detention including for children, incommunicado detention, disappearances, structural and systematic discrimination for detained persons on the basis of age and nationality, torture, cruel, inhuman and degrading treatment as well as the deprivation of the underlying determinants to live a dignified life including access to water, food, healthcare and education, which undermine the right to life, this return is an absolute imperative. In addition, the repatriation of nationals is a comprehensive response that amounts to a positive implementation of Security Council resolutions 2178 (2014) and 2396 (2017) and is considerate of a State's long-term security interests.<sup>3</sup>

We have previously addressed communications to your Excellency's Government on 26 January 2021, GBR 2/2021, raising concern about the inhuman conditions of detention in Al-Hol and Roj Camps in Northeast Syria, where your nationals, primarily women and children, are arbitrarily detained; on 1 February 2022, GBR 1/2022, on the situation of British men and boys held in various detention facilities in the Northeast of Syria in inhumane conditions and absent legal process or safeguards; and on 26 October 2022, GBR 13/2022, concerning the British mother and her child further addressed in this present communication based on the in-person interview by the Special Rapporteur at Roj Camp, raising concern about the mother's deteriorating health. We would like to thank your Excellency's Governments for the responses, dated 16 April 2021, 27 April 2022, and 19 April 2023, respectively. In this regard, we remain concerned about the British policy on repatriation limiting the possibility of return to unaccompanied minors and orphans, conditioned to "national security" concerns, and on a case-by-case basis. We continue to encourage your Excellency's Government to review the position regarding the State responsibility towards the protection of the human rights of its nationals detained in the Northeast of Syria, in compliance with international law and human rights' obligations, and to positively consider the repatriation of men, women and children detained in Northeast Syria, and where appropriate prosecute, in fair trials, individuals where there is substantiated evidence of their having committed crimes, including core international crimes.

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<sup>3</sup> <https://www.ohchr.org/Documents/Issues/Terrorism/PositionSRreturnsFFsOct2019.pdf>

According to the information received:

*Cases of ██████████ and her ██████████*

██████████ was born on ██████████ in the United Kingdom. In 2015, she was coerced by her husband to travel to Syria. ██████████ has a boy-child, ██████████, born on ██████████. He is also a British citizen.

In 2017, ██████████ and her son were arrested and detained by the Syrian Democratic Forces (SDF) in the Northeast of the Syrian Arab Republic. They were taken to Al-Hol camp and later transferred to Roj Camp, where they are currently detained.

Prior to her arrest, ██████████ was seriously injured following a bomb blast. As a result of injuries sustained, mainly by two pieces of shrapnel lodged in her neck, ██████████ is physically disabled, and suffers from severe physical and neurological health conditions. ██████████ sustains neurological issues potentially caused by; i) cerebral haemorrhage ii) subdural haematoma; iii) shrapnel damage to the left carotid artery producing a left cerebral stroke; in addition to having suffered an epileptic seizure; three broken ribs, and a colon infection. These health conditions have been identified through remote medical assessments carried out by eminent British medical professionals, who advised that ██████████ condition requires access to a wheelchair, neurorehabilitation assessment, and regular physiotherapy.

██████████ son, ██████████, who is seven years old, is growing up in dire conditions deprived of sufficient food or water, adequate education or play time. In addition, he observes his mother's health critically deteriorating, witnessing her seizures, which is causing him extreme distress and trauma. Despite his very young age, his mother depends on him for a range of daily tasks, such as collecting food and water, or simply to move outside of her tent.

During the visit of the Special Rapporteur on Counterterrorism and Human Rights to Roj Camp, ██████████ looked extremely frail, exhausted, and she struggled to walk with her worn crutches, as the rubber tips were ripped off making it slippery on the tiled floor. Despite her obvious struggle and illness, ██████████ did not receive any help from the Camp administration and was left to lean on her seven years old boy for support.

██████████ right arm and leg are paralysed, thus she has very limited mobility and can only walk with crutches. She speaks very slowly and has difficulty finding her words. She confirmed having seizures, three broken ribs, and suffering from hydronephrosis, as well as a colon infection. Despite her severe health conditions, she lacks adequate access to healthcare, and merely receives sporadic and inadequate treatment.

In Roj Camp, ██████████ does not have access to acceptable quality health services or treatment. She is often required to buy her own medication from the Camp's market. She mentioned having irregular access to the doctor. During the visit of the Special Rapporteur on Counterterrorism and Human Rights to Roj Camp, there was no doctor on site and the clinic's door was locked. When ██████████ is allowed medical visits, she has difficulties communicating with the doctors to explain her complex medical condition, given that she does not speak Arabic and no interpretation is provided. Her physical disability requires regular medical follow-up, which is not granted in the camp. ██████████ has no access to physiotherapy, and sometimes had to see a nurse in the absence of the doctor. In these circumstances, ██████████ health is rapidly deteriorating, and may be putting her life at risk.

██████████ is similarly suffering from lack of adequate healthcare. He had to wait for weeks for a dentist appointment, while the camp's administration claimed that the dentist chair needed to be fixed. Furthermore, ██████████ and other children in the camp have been suffering from respiratory problems due to the inhalation of dust from nearby oilfields.

██████████ and his mother also have inadequate access to the underlying determinants to health. They are suffering from lack of sufficient food and clean water, with only one tap per section for water procurement. In addition, ██████████ does not receive proper education for his age. ██████████ and her son both looked desperate, extremely powerless and vulnerable, due to the absence of any prospect to leave the camp and live a normal life. Their current situation appeared to be clearly having a detrimental impact on their mental health, in addition to their ongoing and untreated physical health conditions.

██████████ had to once again lean on her ██████████ and her crutches to go back to her faraway tent, in a striking 50-degree Celsius temperature, without any help or assistance from the camp administration, which reflects her daily struggle in the Camp.

Repeated requests have been made to your Excellency's Government to repatriate ██████████ and her ██████████ on humanitarian grounds.

*Cases of ██████████ and her four ██████████*

██████████ is a British national, born on ██████████. She has four children, two adolescent-boys, ██████████, born on ██████████ in London, and ██████████ born on ██████████, in London, in addition to two children born in Syria, a boy-child, ██████████, born on ██████████ and a girl-child, ██████████, born on ██████████

██████████ was reportedly a victim of domestic violence, which is believed to have contributed to her vulnerability and victimisation. She was reportedly

trafficked to Syria with her two eldest sons, aged six and two years old, at the time. Her family was not informed about their travel. In 2014, after one week without hearing from ██████████, her family reported her missing to the police. Some of ██████████ friends later reportedly informed the family that she may have travelled to Syria.

In Syria, ██████████ gave birth to her girl-child, ██████████, and boy-child, ██████████. There is no information about the identity or nationality of their father.

In September 2017, as the fighting intensified, ██████████ attempted to escape with her four children, aged eight, five, three, and two months respectively. As she entered the area under the control of the Kurdish Syrian Democratic Forces (SDF), in October 2017, she was arrested and taken with her four children to a prison in Qamishli, where they were detained for one month.

Upon arrival at the prison, ██████████ was separated from her children, including her two-month-old baby. She was reportedly held with other women in an unsanitary cell, denied access to food, clean water, or to the toilet or showers, and subjected to various forms of abuse. ██████████ was reportedly frequently taken to an interrogation room, blindfolded, where she was beaten, and threatened by guards.

One month later, on 1<sup>st</sup> November 2017, ██████████ and her four children were transferred to Roj Camp, where they continue to be held today. In the Camp, ██████████ and her children fear for their safety due to the reported violence by the guards, who allegedly scream at, and beat children walking in the camp during curfew hours. They also reportedly conduct frequent tent searches in the middle of the night stealing phones and valuable possessions. It is also reported that women who are seen using phones are temporarily transferred to prison as a form of punishment. Guards have reportedly often made racist comments against children from ██████████ and humiliated them.

██████████ and her four children have been suffering from the lack of basic needs such as clean water, sufficient food, adequate healthcare and education for children, who are now aged ██████████, and ██████████. They have developed several health conditions, including asthma, skin rashes, anaemia, severe dental problems, joint pain, and eye irritation. Her youngest child, her daughter ██████████ suffers from severe gingivitis causing her gums to bleed daily, apparently from the poor-quality toothpaste received in aid kits. Her eight years old son, ██████████, spends sleepless nights crying from the pain, caused by tooth infection and cavities. ██████████, the eldest son, has been having an eye irritation for one year, without proper medical treatment. It is reported that the dental office was closed for more than a month as the dentist chair was allegedly broken. Discriminatory and stigmatising attitudes from medical professionals have also been reported. The dentist who brutally pulled out the tooth of ██████████ son, reportedly told him “You should feel the pain for what you’ve done.”

According to the information received, the camp administration is denying ██████ any financial support from her family in the United Kingdom. This has been affecting her ability to purchase food and medication for her children and is putting them in a precarious situation, increasing their suffering and vulnerability.

Around six or seven months ago, the Kurdish detaining authorities ordered ██████ and other women to prepare their adolescent boys' bags as they will be taking them away from their mothers. ██████ was compelled to hide her eldest boy, ██████, in the tent of a friend, to shield him from the painful separation from his mother and siblings. She described feelings of panic and fear of mothers and adolescent boys, who are old enough to understand the danger.

Although ██████ eldest son could escape brutal separation from his mother, he could witness with his mother and younger siblings armed guards raiding tents, violently taking away boys, dragging them by the legs, while they were crying and holding onto their mothers. Furthermore, mothers who refused to give away their boys were beaten up. This experience, in addition to ██████ awareness that he could be next, is subjecting him, his mother and siblings, to extreme levels of trauma, anxiety and mental suffering.

A fire that erupted in Roj Camp recently, burning several tents, increased the feelings of fear and insecurity. ██████ and ██████ who risk being removed from the Camp to a detention facility are particularly worried about their fate and that of their mother and younger siblings if left alone in the camp.

We are deeply concerned by this information indicating the prolonged and arbitrary detention of ██████ and her son, as well as ██████ and her four children, and by their treatment and conditions of internment that amount to torture and other cruel, inhuman and degrading treatment, in blatant violation of international human rights, humanitarian, and customary law, and in complete discard to their particular vulnerability, right to health, health conditions, and the status of children as victims. We are seriously alarmed that the reported arbitrary detention of women and children in the closed camp lacks legal basis, judicial authorisation, review, control or oversight, predictability and due process of law.

We are particularly concerned that ██████, who is suffering from physical and neurological disabilities and has the sole responsibility of care for her boy-child, is extremely vulnerable and is not getting adequate access to necessary and specialized medical care, causing rapid deterioration of her health with life-threatening consequences. The risk of irreparable harm to ██████ health, without proper medical treatment, and the associated poor conditions of detention for her and her boy-child, amount to cruel, inhuman or degrading treatment or punishment, and if intentional, would amount to torture under international law. Her boy-child, ██████, is deeply traumatized, primarily due to his mother's illness and the fear of losing her, as

his sole source of security. In this regard, we remind your Excellency's Government of your obligation to protect the life of your nationals, including to ameliorate their health situation by providing access to essential and life-saving medications. (EoM statement para. 12). The risk to [REDACTED] life, due to her deteriorating health condition and the lack of access to adequate medical treatment, makes her repatriation, and that of her child an urgent necessity and obligation.

We raise similar concerns with regard to the conditions of detention of [REDACTED] and her four minor children in the camp, which is coupled with a continuous increasing fear for their safety, and extreme anxiety about removing her two adolescent boys, causing them severe mental pain and suffering absolutely prohibited under international human rights and customary law, and as a *jus cogens* norm. We are appalled by what appears to be a pattern of forced and arbitrary separation of adolescent boys from their families, primarily mothers, absent any legal procedure, in what can only be qualified as summary separation based on an unproven security risk that male children pose upon reaching adolescence. It appears that such practices are primarily directed at third country nationals raising profound questions about the knowledge or acquiescence of their governments in these processes. Such separation clearly violates article 9 of the Convention on the Rights of the Child, ratified by your Excellency's Government on 16 December 1991 (EoM statement para. 9). We are deeply disturbed by the reported extreme stress and anxiety endured [REDACTED] two adolescent boys due to the extreme fear of their imminent removal from the camp and separation from their mother. The intensity of the mental pain and suffering coupled with their extreme vulnerability due to their age, victimization, and indefinite arbitrary detention, amount to torture and other cruel, inhuman, or degrading treatment or punishment and triggers an extraterritorial responsibility of the State of nationality to undertake positive measures to stop serious violations of the human rights of their nationals under non-derogable and *jus cogens* norms of international law.

We stress that preventing family separation and preserving family unity are key components of the child protection system. Separation from parents should not happen unless such separation is considered to be in the best interests of the child, subject to judicial review and in accordance with applicable law and respect for fundamental procedural guarantees (Convention on the rights of the child, article 9(1)). According to the Committee on the Rights of the Child, separation from parents in general and from mothers in particular have potentially serious implications on children, including on their right to development. It is especially so for young children, who are especially vulnerable to adverse consequences because of their physical dependence on and attachment to these individuals. Their limited ability to comprehend the circumstances of any separation also increases their vulnerability. Given the gravity of the impact on the child of separation from their parents, such separation should only occur as a last resort, when there are no less intrusive measures to protect the child (general comments No. 7 (2005) para. 36 and No. 14 (2013), paras 60 and 61).

With regard to the precarious living conditions of [REDACTED] and her son, as well as [REDACTED] and her four children, having restricted access to basic needs to live

a dignified life, such as water, food, healthcare and education, undermine their right to life, and expose them to cruel, inhuman and degrading treatment.

The profound concerns for the extremity and uniqueness of the material situation in the camps have been addressed by the European Court of Human Rights in the case of *H.F. and Others v France* as constituting “a real and immediate threat to [women and children’s] lives and physical well-being, on account both of the living conditions and safety concerns in the camps, which were regarded as incompatible with respect for human dignity, and of the health of those family members and the extreme vulnerability of the children, in particular, in view of their age.”

The technical visit of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism to Syria further confirmed the severity of living conditions in Roj Camp, including housing, access to water, food, education and health care. We are deeply concerned that none of the women suffering from serious health conditions, such as ██████████, was referred to specialised doctors, in addition to the widespread ill-health of the children, including ██████████ children, particularly extensive asthma, related to the inhalation of dust from nearby oilfields. We would like to bring to the attention of your Excellency’s Government article 12, coupled with article 2.2, of the International Covenant on Economic, Social and Cultural Rights (ICESCR), ratified on 20 May 1976 by your Excellency’s Government, which enshrines the right of everyone, including people prisoners and detainees, to the enjoyment of the highest attainable standard of physical and mental health. In its General Comment No. 14, the Committee on Economic, Social and Cultural Rights (CESCR) reiterates that “States are obliged to respect the right to health by, *inter alia*, refraining from denying or limiting equal access for all persons, including prisoners or detainees, to preventive, curative and palliative health services.” The CESCR interprets the right to health as “an inclusive right extending not only to timely and appropriate health care but also to the underlying determinants of health, such as access to safe and potable water and adequate sanitation, an adequate supply of safe food [and] nutrition” *inter alia* (CESCR, General Comment No. 14, para. 11).

The former Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health makes reference to the fact that “[i]n contexts of confinement and deprivation of liberty, violations of the right to health interfere with fair trial guarantees, the prohibition of arbitrary detention and of torture and other forms of cruel, inhuman or degrading treatment, and the enjoyment of the right to life” and that violations of the right to health emerge as both causes and consequences of confinement and deprivation of liberty”. The Rapporteur also stressed that “[t]he suffering experienced by women who are imprisoned or involuntarily confined and the related negative impact on the enjoyment of their right to health is understood to be significantly greater than that experienced by men.”<sup>4</sup>

The Working Group on Discrimination against Women and Girls emphasizes in its report on Women Deprived of Liberty (A/HRC/41/33) that women’s deprivation of

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<sup>4</sup> Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, A/HRC/38/36, paras 18 and 71.

liberty is a significant concern around the world and severely infringes their human rights. In the context of addressing conflict, crisis, terrorism and national security, the Working Group recommended States to include women's rights focus and do not instrumentalise women's deprivation of liberty for the purposes of pursuing government aims. As highlighted in its thematic report on health and safety (A/HRC/32/44), the Working Group stresses that women's safety should be addressed as an integral aspect of women's health. Women's exposure to gender-based violence in both the public and private spheres, including conflict situations, is a major component of women's physical and mental ill health and the destruction of their well-being, and constitutes a violation of their human rights.

We are further disturbed by the reported violence by the camp guards, including sexual violence, which appear to be targeted primarily against women and girls from third countries. We would like to bring to your Excellency's attention article 1 of the United Nations Declaration on the Elimination of Violence against Women which provides that the term "violence against women" means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life. In this context, we would also like to recall that article 4 (c & d) of the Declaration notes the responsibility of States to exercise due diligence to prevent, investigate and punish acts of violence against women in accordance with national legislation, whether those acts are perpetrated by the State or by private persons.

It is our view that States, including your Excellency's Government have positive obligations to take necessary and reasonable steps to intervene in favour of their nationals abroad, in particular where there are reasonable grounds to believe that they are subjected to treatment in serious violation of fundamental international human rights law and amounting to jus cogens or non-derogable customary law norms. This duty to act with due diligence to ensure that the lives of your nationals are protected from irreparable harm to their life or to their physical integrity also applies where acts of violence and ill-treatment are committed by state actors or armed groups, and in our view apply in this extreme context. We note that in the above-mentioned case, the European Court of Human Rights has requested Council of Europe Member States to ensure robust procedural safeguards are in place to avoid arbitrariness when it comes to examining repatriation requests and that where minors are involved, the Court insists that "due account" must be given to the children's best interests, together with their particular vulnerability and specific needs. Sustained reporting and investigation on the situation in the camps have been provided by human rights experts including from UN bodies, such as the International Independent Commission of Inquiry on the Syrian Arab Republic, the Office of the High Commissioner for Human Rights and UN Special Procedures, demonstrating the profound and sustained risks to the mental and physical integrity to women and children detained without any legal process in Al Roj camp.

We urge, once more, your Excellency's Government to repatriate [REDACTED] and her son to the United Kingdom for life-saving medical treatment on a humanitarian basis, and the return of her child to be reunited with his British family and to be provided

with all the safeguards and protections so abjectly absent for him in Al Roj detention camp. We further call on your Excellency's Government to repatriate [REDACTED] and her four children, as a family, and uphold the State obligation to prevent forced separation of her two adolescent-boys, leading to further arbitrary detention, possible disappearance, and torture.

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 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 and first-hand information.
2. Please provide details on the domestic mechanism in place in the United Kingdom to review requests for repatriation, including its powers to weigh the rights of persons to return in compliance with international law and its ability to enforce such decisions.
3. Please provide information on what steps have been taken to address [REDACTED] deteriorating health conditions and access to treatment, including securing urgent interim medical assistance, medicine and a wheelchair to Al Roj camp.
4. Please provide information on steps taken or are envisaged to provide necessary medical care to the children of [REDACTED].
5. Please provide details on steps that may have been taken to protect the physical and mental integrity of [REDACTED] son and to ensure his safe repatriation, together with his mother.
6. Please provide details on steps taken or foreseen to repatriate [REDACTED] and her four minor children, in view of the imminent risk of forcibly separating her two adolescent boys leading to further serious violations of their human rights, including psychological torture.
7. Please provide detailed information on technical assistance provided to the de facto detaining authorities in the northeast of Syria and explain how this assistance is compliant with the United Kingdom's obligations to prevent serious violations of human rights, in particular article 2 of the UN Convention against Torture.

We would also like to inform your Excellency's Government that having transmitted an allegation letter to the Government, the Working Group on Arbitrary Detention may also transmit a case through its regular procedure in order to render an opinion on whether the deprivation of liberty is 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 allegation letter 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.

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

Matthew Gillett

Vice-Chair on Communications of the Working Group on Arbitrary Detention

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

Siobhán Mullally

Special Rapporteur on trafficking in persons, especially women and children

Dorothy Estrada-Tanck

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