

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 Independent expert on the promotion of a democratic and equitable international order; the Special Rapporteur on violence against women and girls, its causes and consequences and the Working Group on discrimination against women and girls

Ref.: UA BIH 2/2025
(Please use this reference in your reply)

7 November 2025

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; Independent expert on the promotion of a democratic and equitable international order; Special Rapporteur on violence against women and girls, its causes and consequences and Working Group on discrimination against women and girls, pursuant to Human Rights Council resolutions 58/14, 60/8, 57/7, 59/20 and 59/14.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **the detention of Ms. Muamera Muhamedagić, a national of Bosnia and Herzegovina detained in Northeast Syria with two of her children.**

We take this opportunity to commend the efforts of the Government of Bosnia and Herzegovina on the repatriation of at least 26 of its nationals who were detained in Northeast Syria. We are aware of the complexity of this type of repatriation. We recall that the former Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism conducted an official country visit to Bosnia and Herzegovina in 2023, with a focus on repatriations. As noted in the report, [A/HRC/55/48/Add.1](#), para. 35, there was a willingness by Bosnia and Herzegovina to repatriate the remainder of its nationals detained in Syria. In this context, we wish to highlight the situation of Ms. Muamera Muhamedagić and two of her children who have been subjected to prolonged and arbitrary detention in al-Roj camp for at least eight years, in conditions amounting to torture and other cruel, inhuman and degrading treatment or punishment.

According to the information received:

Muamera Muhamedagić is a national of Bosnia and Herzegovina born on 2 June 1988. She is currently detained in al-Roj camp, in Northeast Syria, with her two sons, aged 9 and 7, in extremely precarious conditions. According to information received, Ms. Muhamedagić's pre-existing rheumatism has progressed and her health has significantly worsened. Because of her rheumatism and the cold, she has experienced increasingly painful cramps in her hands and feet, causing fear that she may be developing arthritis, and leaving her unable to move around and carry out daily activities.

Background

In 2011, Ms. Muhamedagić married an Austrian national with whom she lived in Austria. Ms. Muhamedagić's husband suffered from a mental illness and was known to the Austrian authorities. He reportedly exercised substantial control over Ms. Muhamedagić and cut her off almost completely from her family in Bosnia and Herzegovina. Ms. Muhamedagić was reportedly never radicalized but was extremely afraid of her husband. They had two children.

In 2013, Ms. Muhamedagić's husband left Austria to join the Islamic State of Iraq and the Levant (ISIL) in Syria, leaving her alone with her two children. Around April 2015, under pressure from her husband, Ms. Muhamedagić left with her two children from Austria to join him in Syria. The same year and subsequent to her arrival, her husband was killed and she was placed in a house with her children, under the control of ISIL. She was forced to live there in dire conditions, alongside some 30 other individuals, with no possibility to leave the house unless she married another man.

In 2016, Ms. Muhamedagić married another man who died the same year. Thereafter, she was placed in the same house, where she lived during heavy nearby bombardment and shelling. With no other choice to leave the house, Ms. Muhamedagić married another man in 2017. She had two other children from these marriages: ██████████, born on ██████████, and ██████████, born on ██████████.

Following her marriage in 2017, Ms. Muhamedagić attempted to escape from ISIL through the desert but was caught and detained by the non-State Syrian Democratic Forces (SDF). Ms. Muhamedagić was detained in prison for 21 days before being moved to al-Roj camp in Northeast Syria. She is reported to have been the first foreign woman to attempt to escape from ISIL and be detained in al-Roj camp. Ms. Muhamedagić has never been charged or convicted with any crime in Syria, Bosnia and Herzegovina or Austria.

On 1 June 2022, the Austrian authorities agreed to repatriate Ms. Muhamedagić's two children from her first marriage, both of whom are Austrian citizens. Given that she had two other children in the camp, Ms. Muhamedagić was not repatriated. She remains detained in al-Roj camp with her two sons, ██████████ (age 9) and ██████████ (age 7), who have no recognized citizenship.

Despite regular communication with several government ministries in Bosnia and Herzegovina, Ms. Muhamedagić's family has not been able to secure her repatriation.

Conditions of detention

Ms. Muhamedagić and her two youngest children have been living in al-Roj camp, in dire conditions, for eight years. As a baby, ██████████ suffered from a seizure and had difficulties recovering in the camp. While the children may be taken to a hospital near the camp in case of need, access to medical care is effectively limited because all medical expenses must be paid for by Ms. Muhamedagić, who has no income. Access to adequate and continuous education is also very limited in the camp.

While we do not wish to prejudge the accuracy of these allegations, we express our deep concern at the deteriorating health of Ms. Muhamedagić and her prolonged, arbitrary, and indefinite detention alongside her two youngest children, ██████ and ██████ in deplorable conditions that may amount to torture or other cruel, inhuman and degrading treatment, in violation of international standards and with disregard for their vulnerability, right to health and status as victims.

Arbitrary and inhuman conditions of detention

We are alarmed at the conditions in which Ms. Muhamedagić and her two sons are held, which may amount to violations of the right to humane and dignified treatment (Geneva Conventions (1949), common article 3, and International Covenant on Civil and Political Rights (ICCPR), article 10), the right to life (ICCPR, article 6), the right to health (International Covenant on Economic, Social and Cultural Rights (ICESCR), article 12), the right to an adequate standard of living, including the right to food and to adequate housing (ICESCR, article 11), the right to the highest attainable standard of physical and mental health (ICESCR, article 12), the right to liberty and security of person and to not be subjected to arbitrary detention (ICCPR, article 9), the right to freedom from torture or cruel, inhuman or degrading treatment or punishment (ICCPR, article 7, and Convention against Torture (CAT), articles 1 and 16), and the relevant rights in articles 3, 9, 16, 19, 20, 24, 34, 37 and 40 of the Convention on the Rights of the Child (CRC). We note that Bosnia and Herzegovina is a party to and bound by all aforementioned conventions since 31 December 1992 (Geneva Conventions (1949)) and 1 September 1993 (ICCPR, ICESCR, CAT, and CRC).

We emphasize that the detention of Ms. Muhamedagić and her two sons in a closed camp, absent any legal basis, judicial authorisation, review, control, oversight, predictability or due process of law, and with no prospect of release, is inherently arbitrary and in violation of article 9 of the ICCPR.

We echo the concerns about detention conditions raised by the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism in her report following her country visit to Bosnia and Herzegovina and in her statement¹ following her technical visit to Northeast Syria. In particular, the Special Rapporteur stressed “with compelling urgency, the absolute and abhorrent conditions in which citizens of Bosnia and Herzegovina and their families are being held, a situation which amount to core crimes under international law, and the urgent need to bring them home” (A/HRC/55/48/Add.1, para. 35). Similar concerns were previously brought to the attention of your Excellency’s Government in [BIH 1/2021](#); we regret having received no reply to date.

Safety concerns and gender-based harms

We are particularly concerned at reports of Ms. Muhamedagić’s deteriorating health due to her pre-existing rheumatism, the lack of adequate health care, and the dire living conditions in al-Roj camp. We refer your Excellency’s Government to articles 2(2) and 12 of the ICESCR, which enshrine the right of all persons, including

¹ <https://www.ohchr.org/sites/default/files/documents/issues/terrorism/sr/statements/EoM-Visit-to-Syria-20230721.pdf>.

those detained, 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) reiterated 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 Committee has further interpreted the “right to health” in general comment No. 14 to include “the underlying determinants of health, such as access to safe and potable water and adequate sanitation, an adequate supply of safe food [and] nutrition” (para. 11).

We further note that the Committee on the Rights of the Child concluded that the physical and mental suffering occasioned by the conditions of detention in camps in Northeast Syria presents an “imminent and foreseeable threat to the lives of the child victims” (*L.H. et al v. France*, communications No. 79/2019 and No. 109/2019, para. 3.5). We emphasise that children who are detained for association with armed groups or the alleged criminality of family members should first and foremost be recognised as victims of grave abuses of human rights and humanitarian law (CRC, article 2(2), and general comment No. 35, para. 16).

We are also concerned for the safety of Ms. Muhamedagić who is at continued risk of sexual and gender-based violence if she is not urgently repatriated. It is our understanding that sexual violence and exploitation perpetrated by camp personnel and other detainees is primarily directed against women and girls from third countries. Following her technical visit to Northeast Syria, the former Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism noted that incidents of violence, including murder, physical harm, intimidation and sexual assault, occur regularly in the camps. There is an absence of measures to protect the life and the physical integrity of the detained population and systems to report harm, investigate claims, prevent the reoccurrence of violence, and provide redress to victims. The significant degree of violence that is perpetrated by, or carried out with the acquiescence of camp guards, further demonstrates that violence against women and children is an institutional practice within the camps. We recall that the Committee on the Elimination of All Forms of Discrimination against Women, in its general recommendations No. 19, 28, 30, and 35, has found that conflict-related violence occurs everywhere, and detention centres are places where women and girls face a significant risk of being exposed to gender-based harms. These acts constitute a violation of the Convention on the Elimination of All Forms of Discrimination against Women, ratified by Bosnia and Herzegovina on 1 September 1993, which sets out the obligation to prevent, investigate, prosecute and punish such acts of gender-based violence.

We further recall the conclusion of the Working Group on discrimination against women and girls that deprivation of liberty puts women and girls at risk of torture, violence and abuse, and further marginalization (A/HRC/41/33, para. 74), and that the authorities have an obligation to exercise due diligence to prevent acts of violence against women in accordance with national legislation, and to investigate, prosecute and punish such acts of gender-based violence under article 4 of the United Nations Declaration on the Elimination of Violence Against Women. 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 wellbeing, and constitutes a violation of their human rights.

Duty to repatriate nationals at serious risk

It is our view that States have positive obligations to take reasonable steps to intervene in order to prevent serious violations of international law committed against their nationals. This obligation extends to acts or threats of violence and ill-treatment perpetrated by armed groups and other private actors or individuals, and in our assessment, applies in the context of the detention of Ms. Muhamedagić, ██████████ and ██████████ in al-Roj camp. In this regard, we draw your attention to the decision of the Committee against Torture in *P.D. v France*,² which likewise concerned the prolonged detention of mothers and children and the conditions of detention, in particular the lack of health care, food, safe drinking water and sanitation facilities. In its decision, the Committee found that such treatment and detention conditions amounted to inhuman and degrading treatment, prohibited by article 6 of the Convention against Torture. The State concerned had the capacity and power to prevent the victim from being subjected to ill-treatment by taking steps to repatriate her, provide her with the care she requires, and institute other consular measures on her behalf, since the State had previously repatriated nationals from Northeast Syria and the *de facto* authorities had indicated their cooperation in repatriations. The Committee found that States have a positive obligation to take all necessary and possible measures to protect nationals from the violation of their right not to be subjected to acts of cruel, inhuman or degrading treatment or punishment, including through repatriation and ensuring access to necessary medical care. Similarly, the Committee on the Rights of the Child concluded that a State that is aware of the prolonged detention of children in a life-threatening situation and that is capable of taking action, has a positive obligation to protect those children from the imminent risk of the violation of their right to life and the actual violation of the right to not be subjected to cruel, inhuman, or degrading treatment (views in communications Nos. 77/2019, 79/2019 and 109/2019, para. 6.9).

We are particularly concerned that if the family is not repatriated, Ms. Muhamedagić's sons, particularly her eldest, ██████████ are at risk of forced transfer to a rehabilitation centre as they approach adolescence. The separation policy is based on a speculative security risk that male children pose upon reaching adolescence. The removal of children from al-Roj Camp brings the attendant risks of enforced disappearance, exploitation, being subject to sale, detention in male prisons, torture, and inhuman, cruel, and degrading treatment. It is our understanding that the forced separation of adolescent boys is primarily directed at third country nationals, and thus, presents a higher risk to Ms. Muhamedagić's sons. We reiterate that the "cradle-to-grave" and "camp-to-prison" detention of adolescent boys on the basis of crimes allegedly committed by their family members constitutes an egregious violation of the CRC. In particular, the separation of children from their mother is in direct violation of article 9 of the CRC, which provides that children should not be separated from their parents against their will, except where competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that in exceptional circumstances such separation is necessary for the best interests of the child.

² <https://documents.un.org/doc/undoc/gen/g24/014/62/pdf/g2401462.pdf>.

We emphasize that: no “best interests of the child” assessment was adequately conducted to decide on the children’s detention; no legal process was undertaken to determine the appropriate care, responsibility rights or needs of these children; physical and psychological violence to young boys has no remedy in this situation; and health and education are profoundly compromised by sub-human standards of indefinite detention, in violation of articles 3, 9, 16, 19, 20, 24, 34, 37 and 40 of the CRC. Additionally, the punishment of children based on the “status, activities, expressed opinions, or beliefs” of their parents is in violation of the principle of non-discrimination under article 2(2) of the CRC. Children who are detained for association with armed groups should be first and foremost recognised as victims of grave abuses of human rights and humanitarian law, and their best interests should be taken into consideration in all decisions that concern them. It is imperative that State responses do not perpetuate or contribute further harm to those who have already experienced profound violence and trauma.³

Preservation of the family unit

We note that ██████ and ██████ have no officially recognized citizenship. While both children were born in Syria, their mother is a national of Bosnia and Herzegovina which entitles both minors to citizenship by origin under Bosnian domestic law. We remind your Excellency’s Government that it is essential that children are not placed in a situation of *de facto* or risk of statelessness. As noted by the United Nations Secretary-General, States should ensure access to nationality for all children born abroad to one of their nationals who would otherwise be stateless (A/HRC/25/28, para. 43). Boys born in Syria who are not recognized by their parents’ home countries subsist in a legal limbo with no meaningful access to the “right to have rights”.⁴ We recall that article 24(3) of the ICCPR guarantees every child the right to acquire a nationality.

We encourage your Excellency’s Government to give due consideration to the child’s “best interest” in all cases of repatriation by maintaining the family unit. We stress that preventing family separation and preserving family unity are key components of the child protection system. Separation from parents should not occur unless it is considered to be in the best interest of the child, subject to judicial review, and in accordance with applicable law and procedures (article 9(1), CRC). We further recall that the ICCPR prohibits arbitrary or unlawful interference with the family under article 17(1) and entitles the family to protection under article 23. The European Convention on Human Rights, binding on Bosnia and Herzegovina, also recognizes this aspect within the right to family life under article 8 as supported by jurisprudence of the European Court of Human Rights.⁵

³ 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).

⁴ Position of the United Nations Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism on the human rights of adolescents/juveniles being detained in North-East Syria, May 2021, p. 11, https://www.ohchr.org/sites/default/files/Documents/Issues/Terrorism/SR/UNSRCT_Position_human-rights-of-boys-adolescents-2021_final.pdf.

⁵ See e.g. *Elsholz v. Germany* (Application no. 25735/94), Judgement, 13 July 2000; *K.A. v. Finland* (Application No. 27751/95), Judgement, 14 January 2003.

Finally, we note that on 7 April 2025, Special Procedures mandate holders stated that “[t]he political transition in Syria is a valuable opportunity to end the arbitrary, inhumane and indefinite detention of around 52,000 people in relation to the conflict with *[sic]* Islamic State in Iraq and the Levant (ISIL).”⁶ In the current context of transition in Syria, and amidst substantial aid cuts which risk further deteriorating the conditions of detention of individuals detained in Northeast Syria, Syrian authorities and non-State actors cannot be left to indefinitely bear the burden of housing thousands of foreign detainees. The successful repatriation by your Excellency’s Government of many of its nationals, including men, and their subsequent rehabilitation into society illustrates the feasibility and benefit of such approach and serves as an example for other countries.

We underscore that an effective counter-terrorism strategy requires sustained effort to address the conditions conducive to terrorism, including human rights violations, in line with pillar I of the United Nations Global Counter-terrorism Strategy. We recall that effective measures to counter terrorism and violent extremism conducive to terrorism and respect for human rights, fundamental freedoms, and the rule of law are complementary and mutually reinforcing.⁷

In view of the above, we urge your Excellency’s Government to proceed with the prompt repatriation of Ms. Muhamedagić alongside her two minor boys, and of all its remaining nationals detained in camps and detention centres in Syria. We also urge your Excellency’s Government to immediately recognise the citizenship of ██████ and ██████ and not to allow procedural formalities, such as the provision of birth and marriage certificates, to impede the conferral of citizenship, given the obvious difficulties in obtaining such documents during the armed conflict that prevailed in Syria. We stand ready to provide your Excellency’s Government with any technical advice it may require in this process.

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 as soon as possible on the initial steps taken by your Excellency’s Government to safeguard the rights of the above-mentioned person 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 also 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 details on the domestic mechanism(s) in place in Bosnia and Herzegovina to repatriate all nationals and review all requests for repatriation. In addition, please outline the measures taken to avoid

⁶ <https://www.ohchr.org/en/press-releases/2025/04/un-experts-urge-end-isil-related-arbitrary-detention-north-east-syria-and#:~:text=GENEVA%20%E2%80%93%20The%20political%20transition%20in,%2C%20UN%20experts%20said%20today.>

⁷ See e.g., UN Security Council Resolution 2617 (2021).

arbitrary or discriminatory decision-making.

3. Please provide information on the measures taken by your Excellency's Government to protect the physical and mental integrity and health of Ms. Muhamedagić and her two minor children, [REDACTED] and [REDACTED] as well as the boys' right to education and rights as victims, particularly in light of the aforementioned medical and safety concerns.
4. Please provide details on steps taken or foreseen to repatriate Ms. Muhamedagić and her two sons, as well as all other nationals including men, women, and children, who are arbitrarily detained and subjected to torture and other ill-treatment in Northeast Syria. Please explain how these are compatible with the obligations of your Excellency's Government under international human rights law to take all necessary and possible measures to protect its nationals from the violation of their right not to be subjected to acts of cruel, inhuman or degrading treatment or punishment.
5. Please provide information on the measures taken by your Excellency's Government in view of the risk of future forcible separation of Ms. Muhamedagić from her sons, which risks leading to further serious violations of their human rights, including psychological ill-treatment.
6. Please indicate the steps that your Excellency's Government has taken, or is considering taking, to ensure access to an effective remedy, including through domestic judicial mechanisms, for your nationals being held in detention camps in Northeast Syria who may be victims of human rights abuses.

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.

Further, 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 present communication and the regular procedure.

Please be informed that a copy of this letter has been sent to the Permanent Mission of Austria and Permanent Mission of the Syrian Arab Republic.

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

Ben Saul

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

George Katrougalos
Independent expert on the promotion of a democratic and equitable international order

Reem Alsalem
Special Rapporteur on violence against women and girls, its causes and consequences

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