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NEWS RELEASE

Urgent Call for Canada and International Community to Act to Uphold Human Rights in Northeast Syria

FOR IMMEDIATE RELEASE

August 31, 2023 (Ottawa)—We, the Canadian civil society delegation who have just returned from Northeast Syria, call on the Canadian government to immediately take the following action:

- Provide full consular support, including through in person visits, to all Canadians detained in camps and prisons in Northeast Syria.
- Engage with officials of the Autonomous Administration of North and East of Syria (AANES) to repatriate all Canadians detained in camps and prisons in Northeast Syria, who wish to return to Canada.
- Issue Temporary Residence Permits to ensure that non-Canadian mothers and siblings of Canadian children detained in camps in Northeast Syria are able to travel to Canada.
- In collaboration with the international community, and AANES, provide resources, technical assistance and all other necessary support to strengthen the justice response in Northeast Syria, including the capacity to carry out trials of individuals suspected of terrorism-related crimes in a manner that meets international human rights standards.
- In collaboration with the international community, and AANES, substantially increase support for meeting the humanitarian needs of the people in Northeast Syria, including but not limited to such areas as infrastructure, healthcare, education, and food and water.

“Nothing in my working life could have prepared me for the experiences of this past week. Like many Canadians I have long prided myself on being a citizen of a country that upholds human rights and promotes the rule of law, nationally and internationally. We are doing neither in Northeast Syria.

“Canada needs to be at the forefront of determined efforts to provide resources and assist in building the institutions for delivering justice and upholding human rights in Northeast Syria. Our approach to date has undermined, not advanced those goals.

“It is not too late, but the change needs to happen now. Building and fortifying prisons and keeping people locked up indefinitely, some of whom may be completely innocent and others of whom may have committed terrible atrocities whether voluntarily or under duress, only deepens injustice and fosters greater insecurity,” said Senator Kim Pate.

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Urgent Call for Canada and International Community to Act to Uphold Human Rights in Northeast Syria

BACKGROUNDER

A four-person Canadian civil society delegation, recently returned from a five-day mission to Northeast Syria, today called on the Canadian government to take urgent action to ensure immediate consular assistance to Canadian citizens who remain imprisoned and stranded in camps and detention centres in the region; and to prioritize the repatriation of all citizens wishing to return to Canada.

The delegation is deeply concerned about the serious failure of human rights and the grave implications for security in the region, reflected by the current policy of the international community, including Canada, which has been to essentially warehouse thousands of foreign nationals, more than half of whom are children, in prisons and what are effectively detention camps in Northeast Syria for years, with no end in sight.

The delegation called on Canada to substantially boost its financial, technical and other assistance to the Autonomous Administration of North and East of Syria, particularly with respect to measures to strengthen the capacity of the region's justice system.

Women and children abandoned

The delegation interviewed one Canadian woman, and three non-Canadian women, who among them are the mothers of thirteen Canadian children, all of whom are presently detained in Roj Camp.

Currently the women, including the one woman who is a Canadian citizen, have been informed by the Canadian government that they will not be allowed to travel to Canada, but that their children can go without them.

They shared with the delegation a range of challenges they face in the camp, including schooling for their children, and a number of serious security and health concerns. They all requested repatriation to Canada, and that non-Canadian mothers and siblings of Canadian children be allowed to accompany them. They also urgently reiterated this request to the delegation. The non-Canadian mothers have

been told that since they are not Canadian citizens, they are ineligible to travel to Canada along with their children.

“The disgraceful position that the Canadian government has thus far taken with respect to these cases is a chilling echo of past travesties in our own history. Surely we now recognize the impact of wrenching children from their mothers and forcibly separating families,” said Senator Kim Pate. “The only acceptable and lawful path forward is for the Canadian government to take immediate steps—not within weeks or months, but within days—to ensure that all of these women and all of their children, are able to travel to safety in Canada. Canadian policy must focus on keeping mothers and children together, not tearing them apart.”

“In these grave circumstances, it is wholly unacceptable for immigration formalities to be relied on as an excuse for failing to keep children safe and for allowing families to be split up,” said Hadayt Nazami. “The government knows very well that there are measures within Canadian immigration law, such as the issuance of Temporary Residence Permits, that are designed for exactly these types of situations, to ensure that people without status in Canada can be brought to the country when such circumstances as the best interests of children and the imperative of family unity are at stake. Those documents could be issued this very afternoon, and should be.”

Men warehoused in arbitrary and unlawful detention

The delegation was able to visit two Canadian men, Muhammad Ali and Jack Letts. They are imprisoned in two different detention centres in the region. They have both been detained for more than five years and have had no consular visit or direct support from Canadian officials during that time.

Both men indicated to the delegation that they have serious health concerns. Muhammad Ali was not willing to provide full details about his health during the interview, which was by necessity conducted in the presence of prison officials. They were both additionally very concerned and asked questions about their families, with whom they have not had any contact or communication for years.

Muhammad Ali and Jack Letts both made explicit requests for consular assistance and to be repatriated to Canada. They made it clear that they are prepared and would welcome an opportunity to respond to any accusations that they have committed terrorism-related acts or face any other criminal charges, through fair proceedings in the Canadian legal system.

Both men have been interrogated or interviewed on multiple occasions by US intelligence officers or police, who they believe were primarily the FBI. One of the men has also been interviewed by intelligence officials from two other countries. To their knowledge neither man has ever been interviewed by Canadian intelligence officials or police.

Jack Letts told the delegation that he has not in any way yet been able to fully and truthfully provide the explanation for how and why he came to be in Northeast Syria and that comments he has made previously, including through social media, have been made under duress. He specified that the duress was not from prison officials but in the context of the delegation's interview, with prison officials present, he was not able to freely indicate the source of that duress. He looks forward to being able to do so safely when he is in Canada.

The delegation appreciated being able to visit these two men but was very troubled and deeply disappointed that they were not granted access to other prisoners they asked to see. It is unclear to the delegation why full access was not provided and which officials, including from which country, were responsible for that denial. The delegation had requested visits with seven other Canadian men believed to be imprisoned in Northeast Syria and are concerned that there may also be other Canadians held in detention centres in the region.

"The indefinite, extralegal and unaccountable warehousing of thousands of foreign nationals, including numbers of Canadians, in detention centres throughout Northeast Syria, funded and orchestrated by the United States and other states, is an outrageous flouting of fundamental, universal human rights obligations," said Alex Neve. "Canada should be doing everything possible to bring this affront to basic precepts of the rule of law to an end, not countenancing it by allowing Canadian citizens to remain trapped within a labyrinth of injustice, seemingly without end. The right thing for the Canadian government to do, immediately, is to facilitate the repatriation of every Canadian held in the prisons of Northeast Syria, and ensure that any accusations of involvement in terrorism-related or any other criminal acts are thoroughly and fairly addressed through our justice system."

Profound failure of consular support

While prompt steps must be taken to carry out the repatriation of all Canadians, and to allow the non-Canadian mothers and siblings of Canadian children to accompany them, immediate consular visits and support must be arranged on an urgent basis. It was clear for instance to the delegation that there is a pressing need for assistance with respect to health concerns, that should be addressed through consular support.

“It is disappointing that so many Canadians, including such a substantial number of children, have not had the consular support they require and is their right, for so many years,” said Scott Heatherington. “Of course this is a unique and challenging situation and many Canadians may be tempted to conclude that these individuals are authors of their own misfortune. But what was clear to us is that there is no one common storyline as to how or why any of these individuals ended up in Northeast Syria at the time that the region was in the cruel grip of ISIS control, and many are now trapped in troubling and compelling circumstances. The bottom line is that they urgently need Canadian consular assistance. Our visit makes it clear that on the ground access and attention is possible, including in prisons. We expect to see Canadian consular officials follow suit, with no further delays.”

Shocking failure of international support

The delegation was warmly received by officials with the Autonomous Administration of North and East of Syria (AANES) and had informative and open discussions about a wide range of challenges related to humanitarian, justice, security, infrastructure and other needs. Delegation members also had moving opportunities to hear directly from families who have lost loved ones, often many members of the same family, during the fierce fighting to defeat ISIS forces in the region; and, more recently as a result of military operations, including drone attacks, launched by Turkish forces.

It is abundantly clear to the delegation that the people of Northeast Syria have made enormous sacrifices and suffered tremendous loss in recent years, being at the forefront of the vital global imperative to defeat ISIS. Equally clear is that beyond military and prison assistance, they are not receiving anywhere near the level of comprehensive support now needed to recover and rebuild, including in the legal and justice sector.

From many officials, in a number of meetings, the delegation heard clear and principled determination to ensure that both Syrian nationals and foreign nationals currently detained in the camps and prisons in the region are dealt with through a justice system that meets international standards, through local trials and/or an international tribunal. However, repeated requests made by AANES to the international community for support to do so have been rebuffed and ignored. They are instead now preparing to launch trials of foreign nationals, a caseload of between 4,000 – 5,000 prisoners conducted by a complement of approximately 30 terrorism court judges.

The delegation was impressed with the strong commitment to the importance of delivering justice in this context but was also acutely aware that the task is clearly an impossible one and will inevitably give rise to ongoing human rights concerns. All of this is occurring in a wide context of considerable ongoing insecurity in a volatile region.

The daily reality for the people of Northeast Syria is a backdrop of instability, fearfulness and frequent attacks and violence conducted by the Turkish military and by suspected ISIS cells. There were recent examples of both, either just before or while the delegation was in the region.

“How is it that the regional administration in Northeast Syria understands how important it is to pursue a rights-based approach to delivering justice in the wake of the terrible atrocities committed during ISIS’ occupation of Northeast Syria, but the international community has essentially walked away from living up to both its responsibility and ability to help make that happen,” said Alex Neve. “From the outset, as soon as ISIS was defeated, Canada and other governments should have worked with AANES to craft a comprehensive three-part justice and accountability agenda involving repatriation, local trials and an international tribunal. The failure to do so makes a mockery of Canada’s professed stature as a champion of international justice. That must change; immediately.”

“It was shocking to see and experience the reality on the ground in Northeast Syria and it is therefore hard not to feel cynical about the level and nature of the support provided by the international community, including Canada. It is not lost on any of us that the people of Northeast Syria could count on full international support when it was convenient and when it was in the immediate, short-term interests of Canada and other states involved in the Global Coalition against Daesh. The reality that

international support for rebuilding and ensuring justice and the rule of law now and in the future seems to have evaporated is appalling,” said Senator Pate.

Members of the Delegation:

The members of the delegation were Senator Kim Pate; Alex Neve, Senior Fellow, Graduate School of Public and International Affairs, University of Ottawa; Scott Heatherington, retired Canadian diplomat; and Hadayt Nazami, Canadian immigration and human rights lawyer. They were on the ground in Northeast Syria between August 24 – 28, 2023.