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**To the Foreign Ministers of Denmark, Finland, Norway, and Sweden:
Comments and Questions Regarding Nordic Nationals Arbitrarily Held
in Northeast Syria**

Your Excellency,

Human Rights Watch writes to call on the governments of Denmark, Finland, Norway, and Sweden to bring home or help repatriate, as a matter of urgent priority, the estimated 164 nationals of Nordic countries who remain arbitrarily and indefinitely held in locked camps and makeshift prisons in northeast Syria (NES) as Islamic State (ISIS) suspects and family members.

Human Rights Watch appreciates that your governments have to date repatriated or helped bring home 25 nationals from NES—[2 from Denmark](#), [8 from Finland](#), [8 from Norway](#), and [7 from Sweden](#), upholding law and principle despite [political opposition](#) from [some quarters](#).

However, as many as [30 Danes](#), [22 Finns](#), [37 Norwegians](#), and [65 to 75 Swedes](#) remain detained in NES in conditions that Human Rights Watch has [documented](#) as deeply degrading and often inhuman and life-threatening. Media reports and civil society groups estimate that most of these Nordic nationals – up to 114 – are children, a majority of them under age 6. Up to 36 are women, most of them mothers. None has been brought before a judge to determine the legality and necessity of their detention. Hundreds of detainees [have died in these detention centers](#) including [dozens](#) this year alone.

Nordic governments have resisted bringing home children from NES unless they are orphaned, even in some cases when they are [severely ill](#),

and thus far have repatriated only three women—[two Finns](#) and [one Norwegian](#) – and no men. While we commend Denmark for [committing](#) on May 18, 2021 to changing that stance and bringing home 14 children along with their three mothers, we are concerned that it has yet to [acknowledge a time frame](#) for these repatriations. We are equally concerned by the Danish authorities’ [insistence](#) that it will only bring home 5 other Danish children held in NES if their mothers, whom it has [stripped of citizenship](#) in controversial administrative proceedings, stay behind.

Indefinite and arbitrary detention without judicial review is a violation of international law. As there is no indication that your nationals, including persons who have had their citizenship stripped, are to be promptly brought before a judge in the region and as warranted, investigated and prosecuted for crimes in accordance with international standards, we urge your governments to bring them home or help repatriate them as swiftly as possible, prioritizing particularly vulnerable detainees including those requiring urgent medical assistance and children, who should be accompanied by their adult guardians. The right to family unity is a pillar of the [Convention on the Rights of the Child \(CRC\)](#) and the right to family life is enshrined in the [European Convention on Human Rights](#).

As we note in our [report](#) in March on the foreigners detained in NES, governments that substantively contribute to their abusive confinement there may be complicit in their unlawful detention and collective punishment of their nationals.

We also appeal to your governments to immediately increase consular assistance to your citizens and humanitarian aid to the camps and prisons in NES to complement prompt repatriations. As part of that effort, we seek your assistance in pressing the United Nations Security Council, where Norway currently [leads](#) on the humanitarian crisis in Syria and chairs the council’s working group on children and armed conflict, to reopen [vital border crossings](#) into northern Syria to increase supplies of vital aid.

[UN Security Council Resolution 2396](#) of 2017, which is binding on member states, stresses the importance of assisting women and children associated with groups such as ISIS who may [themselves](#) be [victims of terrorism](#), including through rehabilitation and reintegration. It also calls on member states to investigate and prosecute suspects for involvement with foreign terrorist groups if appropriate.

The remaining Nordic citizens are among about 45,000 foreign detainees from nearly 60 countries who have been detained since at least March 2019 by the armed forces of Kurdish-led NES.

In January, UN Secretary-General António Guterres [called repatriations](#) by home countries, particularly of children, “an urgent and strategic counter-terrorism imperative.” Repatriation, followed by rehabilitation, reintegration, and monitoring or prosecutions of adults as warranted in line with international standards, comports with your government’s positive legal obligations toward your citizens trapped in NES.

This approach is also the best available option from a security standpoint. Men imprisoned as ISIS suspects in NES have [repeatedly rioted](#) and more than 100 have escaped; some may attempt to join or [rejoin ISIS](#). [Hundreds of women](#) and their children including [several](#) from Nordic countries have reportedly escaped, often by [paying smugglers](#). Not only does this [place them at risk](#) of sexual violence or other abuse at the hands of their smugglers, it also allows them to be recruited by or [rejoin ISIS](#), or to return home in any case. In contrast, bringing these detainees home allows Nordic governments to control the process and hold to account those who have committed serious crimes as ISIS members. Given the absence of any fair trial proceedings for foreigners detained in NES, investigations by home countries remain the only viable option at this time to provide redress to victims for any serious crimes committed by these detainees.

Nordic countries including Sweden, which has [been a European leader](#) in prosecuting war crimes in Syria, have supported proposals for international or local trials for ISIS suspects in NES or elsewhere in the region. However, neither Sweden nor other countries with nationals detained in NES have contributed funding for any such courts, despite repeated appeals for assistance by the regional authority known as the Autonomous Administration of Northeast Syria, which has made clear it lacks sufficient funding and expertise.

Instead, the defense minister of Sweden [told the regional authority](#) in April that he supports building new detention centers and improving existing ones in NES. While ending the [inhuman conditions in the prisons holding about 2,000 foreign males including at least 300 boys is imperative](#), it will not change the fact that arbitrary and indefinite detention without judicial review is unlawful. The [CRC](#) holds that the detention of children should be an exceptional measure of last resort for the shortest appropriate duration. Expanding prisons and locked rehabilitation centers to warehouse children who never even chose to live under ISIS, as [reportedly](#) proposed by the International Coalition against ISIS, is unconscionable.

In addition to Secretary-General Guterres, UN authorities including the [UN human rights commissioner](#), the [UN counterterrorism chief](#), and 22 UN specialized [human rights experts](#) have called on home countries to repatriate their nationals. The European Parliament has

[appealed](#) to member states to repatriate all children, taking into account the best interests of the child.

The human rights experts' letter, drafted by the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, noted that the “violence, exploitation, abuse and deprivation” suffered by foreign detainees in NES have resulted in deaths and “may well amount to torture or other cruel, inhuman or degrading treatment or punishment under international law,” with no effective remedy. Human Rights Watch's [research](#) on conditions in these camps and prisons in NES support those findings.

All countries have a responsibility to take steps to protect their citizens when they face serious human rights violations including loss of life and torture. As the UN specialized experts note in their letter, that obligation extends to vulnerable individuals extra-territorially in cases where their governments' actions or omissions can protect these individuals' human rights.

Commendably, in their responses to the UN experts' letter, Denmark and Sweden agreed that that under international treaties to which they are parties – including the [International Covenant on Civil and Political Rights](#) and the [CRC](#) (both Art. 2) and the [European Convention on Human Rights](#) (Art. 1) – these extra-territorial obligations extend to individuals within their jurisdiction, notably where the state exercises effective control.

However, we join the 22 UN experts in respectfully disagreeing with Denmark's and Sweden's arguments that their jurisdiction does not extend to their nationals in the NES camps and prisons on grounds that they do not exercise effective control. Finland, in its [response](#) to the UN experts, agreed that its extraterritorial obligations extended to the children in the NES camps when feasible. But Human Rights Watch also disagrees with the responses of all three countries that their ability to exercise effective control over their nationals is hampered by a lack of official consular relations with the NES authorities. (Norway has not responded to the UN experts' letter.)

In fact, all four Nordic countries have the ability to end the arbitrary and indefinite detention of their citizens detained in NES. The Autonomous Administration has repeatedly called on all countries to repatriate their nationals from northeast Syria, as Human Rights Watch has [reported](#). Regional authorities have communications with all four Nordic countries. A Danish government delegation [met with the Autonomous Administration](#) in NES this very month (May 2021), as did a Swedish delegation in October 2020 and a Norwegian delegation in 2019. A ranking Autonomous Administration official,

in turn, [visited Finland](#) in 2020. The Syrian Democratic Forces, the armed force for NES which is guarding the foreign detainees, is a partner of the International Coalition Against ISIS, of which all four Nordic countries are members. Furthermore the United States, which leads the coalition against ISIS, has repeatedly [offered](#) to help its allies repatriate their nationals from NES.

Finland's arguments in its responses to the UN experts that the position of the regional authorities in NES "is to hand over only orphans and special humanitarian cases for repatriation" is belied by the [statements](#) of the Autonomous Administration and the fact that four of the 25 countries that have facilitated or carried out repatriations – Kazakhstan, Kosovo, Russia, and Uzbekistan – have together brought home more than 1,000 [citizens, many of whom were neither orphans nor in immediate need of life-saving care.](#)

Human Rights Watch is further troubled by Denmark's response to the UN experts that it has no obligation to consider the opinions of UN treaty body committees, in this case [communications](#) by the Committee on the Rights of the Child (CRC Committee) in November 2020 and February 2021 on France's jurisdiction over French children held in NES, because they "are not legally binding." The views and recommendations of the CRC Committee are considered [authoritative](#). According to the CRC's [Optional Protocol 3](#) on communications, to which Denmark and Finland are parties, the state party must give the committee's views and recommendations "due consideration" (Art. 11).

Notably, the CRC Committee found that France "[does exercise jurisdiction](#)" over the French children held in the NES camps because it has the "power and capability" to protect their rights. The communications related to the [issue of admissibility](#); the committee's decision on the merits of complainants' claim of French jurisdiction is pending.

Our research and advocacy with Nordic countries is part of a broader Human Rights Watch effort to press governments around the world to uphold the rights of their citizens held as ISIS suspects and family members in NES, Iraq, Libya, and Turkey, and to do their utmost to end their arbitrary detention. We believe that the Nordic countries can be a model for the safe and orderly returns of foreign ISIS suspects and their families. Conversely, if Nordic countries fail to help their nationals held in NES they can lower the bar for human rights at home and abroad.

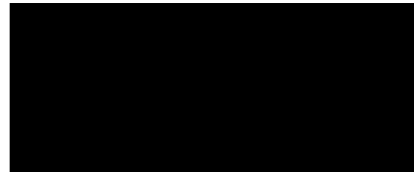
As a Swedish coalition of non-governmental organizations [wrote in April](#) in urging Sweden to repatriate, if the government excludes these detained nationals from the rights protections it champions in domestic law and the international conventions to which it is party, what group will be next?

We thank you for your attention to this urgent matter. In addition, we request information from your governments regarding these detained nationals, and the actions that the authorities in Denmark, Finland, Norway, and Sweden have taken on their behalf. Our list of questions is attached to this letter. We request the kindness of a reply by June 25, 2021.

Sincerely,





Måns Molander
Nordic Director



Lama Fakhri
Crisis and Conflict Division Director

Questions to the Governments of Denmark, Finland, Norway, and Sweden from Human Rights Watch regarding nationals of Nordic countries detained in northeast Syria (NES)

Please be so kind as to reply with information on your country by June 25, 2021 to Måns Molander, Nordic Director at Human Rights Watch, 
or at 

1. How many (a) men (b) women and (c) children who are or may be nationals of your country are held in the camps and prisons in northeast Syria (NES)? For the children, please provide what information you have on the number below age 6, from age 6 to 12, and from age 13 to 17.
2. How many boys (males age 18 and under) who are or may be nationals of your country are detained in prisons or “rehabilitation centers” rather than camps? Are these boys able to communicate with family members in the camps or elsewhere and if so, how often and by what means (phone, video, in person)? Please also provide what information you have on the ages of these boys.
3. Based on current available information, how many nationals of your country held in NES are considered high security threats?
4. What specific steps, if any, is the government taking to repatriate or otherwise help bring home its nationals held in camps and prisons in NES, and when?
5. Has the government revoked the citizenship of any of its nationals specifically for traveling to Syria allegedly to join ISIS? If so, how many? What are the grounds for doing so? Were any of those affected made stateless as a result?

6. What specific steps has the government taken to offer or provide consular assistance to its nationals held in northeast Syrian camps and prisons?
7. What specific steps has the government taken to facilitate proof of identity for its nationals detained in NES, including recognition of citizenship for children born in Syria to its nationals?
8. What specific requests, if any, has the government made to the authorities in effective control of the prisons and camps in NES, such as the Kurdish-led Autonomous Administration and the affiliated Syrian Democratic Forces (SDF), regarding its citizens held in these prisons and camps?
9. Has the government asked the Autonomous Administration and/or the SDF to bar nationals of your country held in NES from either leaving the camps or prisons or crossing into the Kurdistan Region of Iraq or into Turkey to receive consular assistance?
10. Has the government called on the Autonomous Administration and/or the SDF to immediately end the detention of its nationals, given that these detentions are arbitrary and definite, and the conditions in the places of detention are life-threatening, inhuman or degrading?
11. What assistance, if any, does the government provide to construct or expand prisons and camps in NES for foreign detainees held as ISIS suspects and family members?
12. What assistance, if any, does your government provide to support judicial review and, as warranted, prosecutions for its nationals indefinitely and arbitrarily detained in NES?
13. What humanitarian assistance, if any, does the government provide to its nationals detained in northeast Syria camps and prisons? Please specify whether aid is earmarked for a specific purpose, for example, fresh food, medical supplies, clothing, shelter, or education.