

The Repatriation of Jack Letts and other Canadian Citizens Arbitrarily Detained in Northeast Syria/Iraq

Submission concerning Canada's compliance with the International Covenant on Civil and Political Rights, on the Occasion of the United Nations Human Rights Committee's 145th Session

Date of submission: February 2, 2026

This submission can be published on the committee website.

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OVERVIEW

Violations of the International Covenant on Civil and Political Rights (“ICCPR”) and Suggested Committee Recommendations

The Government of Canada's (“Canada”) refusal to take necessary steps to repatriate and thereby end the arbitrary detention of its nine male and five child nationals from northeast Syria (and, likely, Iraq, as renditions to that country are actively occurring at the time of writing); Canada's ongoing reliance on discriminatory policies to prevent repatriation; and Canada's policy of making the repatriation of children contingent upon forced separation from their non-citizen mothers violate the ICCPR Articles 2 (2-1, non-discrimination; 2-3a, remedy for rights violations), 6 (inherent right to life), 7 (non-derogable prohibition on torture and cruel, inhuman and degrading treatment or punishment), 9 (non-derogable prohibition on arbitrary detention), 12(4) (arbitrary deprivation of right to enter one's country), 17.1 (prohibition of arbitrary/unlawful interference with family as well as unlawful attacks on honour and reputation), 23.1 (“The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.”) and 26 (equal protection of the law without discrimination).

Recommendations

- The Government of Canada must take immediate steps to block the refoulement of its citizens detained in northeast Syria to Iraq.
- The Government of Canada must immediately implement the long-established steps to end the arbitrary detention of its nine detained male citizens in northeast Syria (or, if illegal transfers have taken place, from Iraq) and repatriate them in response to long-standing requests of the detaining authorities and the United States.
- The Government of Canada must grant temporary resident permits to the non-Canadian mothers of five Canadian children to enable the repatriation of the children within family units.
- The Government of Canada must end the use of discriminatory policies that create a two-tier standard of citizenship rights for Canadians detained abroad.
- The Government of Canada must initiate an independent investigation into the death in custody of Canadian mother of 6 and former detainee FJ

(Note: The first three of these recommendations are consistent with the January 29, 2026 recommendations of seven UN Special Rapporteurs and two UN Working Groups who expressed alarm at the “rapid, mass rendition of 7,000” detainees from Syria to Iraq “without any publicly known screening or legal process, oversight or protection for human rights,” adding that the “international obligation of non-refoulement precludes transfers where there is a risk of serious harm, including inhumane prison conditions, unfair trial for vague terrorism offences, and the death penalty in Iraq.” The UN Experts also called on “over 50 other countries to urgently repatriate, rehabilitate and reintegrate the thousands of foreign nationals in detention, while ensuring accountability in line with international law.”¹

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BACKGROUND

Mass Arbitrary Detention Including Canadian Citizens Held Under Conditions Akin to Torture

ICCPR violations of Articles 6 (inherent right to life), 7 (non-derogable prohibition on torture and cruel, inhuman and degrading treatment or punishment), 9 (non-derogable prohibition on arbitrary detention), 11(4) (arbitrary deprivation of right to enter one’s country),

Since as far back as May, 2017, Canadian citizen Jack Letts and scores of other Canadian men, women and children have been illegally detained in Northeast Syria. In 2020, Human Rights Watch found that Canada’s lack of assistance to the detainees flouted its international obligations to protect them from “...risks to life, torture and inhuman and degrading treatment”.²

In Rights and Security’s 2021 *Abandoned To Torture* (a report on the violations of detained women and children in northeast Syria), former United Nations Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms while Countering

¹ UN experts urge restoration of peace, human rights and security in North-East Syria, January 29, 2026, <https://www.ohchr.org/en/press-releases/2026/01/un-experts-urge-restoration-peace-human-rights-and-security-north-east-syria>

² *Bring Me Back to Canada*, Human Rights Watch, June 29, 2020, <https://www.hrw.org/report/2020/06/29/bring-me-back-canada/plight-canadians-held-northeast-syria-alleged-isis-links>

Terrorism, Fionnuala Ní Aoláin, wrote (in a comment that, factually and legally, equally applies to the detained men in prisons), that these individuals were “being abandoned by their governments in the face of incontrovertible evidence showing avoidable harm is overwhelming. The legal responsibility of those States is undeniable, and it remains true that human rights-compliant return and repatriation of these women and children is the only international law solution to the existence of these camps and the human rights and humanitarian law violations that define them.”³

On June 8, 2022, a group of United Nations Special Rapporteurs informed the Government of Canada in the cases of Jack Letts and other detained Canadians in northeast Syria that the “urgent, voluntary and human rights compliant repatriation of all the citizens of your Excellency’s Government is the only international law-compliant response to the complex and precarious human rights, humanitarian and security situation faced by those detained in inhumane conditions in overcrowded prisons or other detention centres in North-East Syria, with limited access to food and medical care putting detainees’ lives at increased risk....Given the presence of international coalition forces and other security agencies in North-East Syria, the number of civilian and other delegations that have had access to the camps and the prisons, and the number of successful repatriations including of men that have taken place, the lack or the difficulties of access to the detainees who are nationals of your Excellency’s Government should not be put forward as a reason for not repatriating your nationals.”⁴

The Rapporteurs expressed “serious concern regarding Mr. Letts’ continued detention since 2017 in North-East Syria and his rights to life, security, and physical and mental health due to the dire conditions of detention...[there is] no legal basis, no judicial authorisation, review control, or oversight of his detention which entirely lacks predictability and due process of law.”⁵

They added that they are “extremely concerned” because “it appears that none of the conditions to prevent arbitrary detention – a right so fundamental that it remains applicable even in the most extreme situations – are respected, and that no steps towards terminating or reviewing the legality of the detention have been taken, despite Mr. Letts having been detained for five years, which in practice amounts to the possibility of indefinite detention.”⁶

In January 2023, the Canadian government, in response to Federal Court litigation demanding the repatriation of 23 Canadian men, women and children, agreed on the eve of the court decision to repatriate 19 women and children, but not the four men.⁷ When the Court decided in

³ *Abandoned to Torture: Dehumanising rights violations against children and women in northeast Syria*, Rights and Security International, <https://www.documentcloud.org/documents/24002321-20211001-rsi-report-4494/>, October 2021, p. 3

⁴ Ref.: UA CAN 3/2022, June 8, 2022

<https://spcommreports.ohchr.org/TMResultsBase/DownLoadPublicCommunicationFile?gId=27269>

⁵ Ibid.

⁶ Ibid.

⁷ *Boloh 1(A) v. Canada*, 2023 FC 98, Justice Brown writes: “on January 19, 2023 counsel for all the Canadian women and children discontinued proceedings. While counsel for the women and children did not appraise the Court, it is now public information that Canada has agreed to repatriate these 19 additional Canadians. Unresolved are the claims of the four Canadian male Applicants. The Court encourages and welcomes the resolution effected between the Canadian women and children and the Respondents. In this case the legal principles applicable to the Canadian men are the same as those applicable to the Canadian women and children.” <https://decisions.fct->

favour of repatriation for the men, the Government of Canada appealed, and in May 2023, the Federal Court of Appeal reversed the repatriation order, with the caveat that its reasons for decision "...should not be taken to discourage the Government of Canada from making efforts on its own to bring about that result [of repatriating the men]."⁸ Subsequently, the Supreme Court of Canada twice refused to hear an appeal focused in large measure on the Canadian state's legal obligation to repatriate.

In 2024, Amnesty International found that "the principal partner of the US government in north-east Syria is engaged in the large-scale and systematic violation of the rights of more than 56,000 people in its custody," many of whom "are held in inhumane conditions and have been subjected to torture or other ill-treatment, including severe beating, stress positions, electric shocks and gender-based violence....[All the detainees] are facing systematic violations and dying in large numbers due to inhumane conditions."⁹

Despite the Canadian detainees' repeated requests for repatriation via a well-documented process facilitated by the detaining authority¹⁰ and the United States military (one which Canada itself has engaged on multiple occasions to repatriate 32 Canadian women and children¹¹), Canada has

[cf.gc.ca/fc-cf/decisions/en/item/522819/index.do](https://decisions.fct-cf.gc.ca/fca-caf/decisions/en/item/522819/index.do) **NOTE: There are five additional Canadian men who were not part of this litigation.**

⁸ Canada v. Boloh 1(a), 2023 FCA 120, <https://decisions.fca-caf.gc.ca/fca-caf/decisions/en/item/521186/index.do>, para. 80

⁹ *Aftermath: Injustice, torture and death in detention in north-east Syria*, Amnesty International, April 17, 2024, <https://www.amnesty.org/en/documents/mde24/7752/2024/en/>

¹⁰ That three-step process of Canada writing a letter requesting repatriation, issuing travel documents, and sending a representative to northeast Syria for a sign over ceremony is laid out in further detail in Federal Court decision Boloh 1(A) v. Canada, 2023 FC 98, paras. 143-173, <https://decisions.fct-cf.gc.ca/fc-cf/decisions/en/item/522819/index.do>

¹¹ CBC News, "Canadian orphan in Syrian camp set free, on her way to Canada,"

<https://www.cbc.ca/news/politics/canadian-orphan-in-syrian-camp-set-free-on-her-way-to-canada-1.5750528>.

"Amira's family had filed a lawsuit against the government in July, saying it was violating her rights by refusing to issue her travel documents and engage with authorities to bring her back. "We don't have a plan to do that for others," [Prime Minister Trudeau] said in French at an unrelated news conference Monday, declining to explain why.

CBC News, "Canadian girl, 4, freed from Syrian detention camp," <https://www.cbc.ca/news/politics/isis-detention-camp-child-canada-1.5949996>. "This story was one where the family themselves took the initiative to bring the daughter to Canada. The mother remains in Syria. She's now with, I believe, an aunt or a relative," said Prime Minister Justin Trudeau during a press conference today. "The federal government facilitated the travel documents but this was something that was done by the family involved."

CBC News, <https://www.cbc.ca/news/world/mother-isis-camp-irbil-1.6082900>, Mother of Canadian girl freed from ISIS detention camp in Syria released. "I can confirm that it's true and that, yes, I brought her out," Peter Galbraith told CBC News. "It was a strictly private initiative." Galbraith is known to have good relations with Global Affairs Canada and also has strong relations with the Syrian and Iraqi Kurds.

Canadian Press, Ottawa to allow return of Canadian who spent years in Syrian prison camps, <https://www.abbynews.com/news/ottawa-to-allow-return-of-canadian-who-spent-years-in-syrian-prison-camps-1817930>. "The development comes after the woman asked the Federal Court to compel Ottawa to give her an emergency document so she could return home."

continued to remain complicit in the ICCPR rights violations listed above by consciously acting in a manner that has resulted in the nine Canadian men's continued arbitrary detention under conditions akin to torture¹², while leaving them vulnerable to the refoulement to Iraq that appears to be occurring as this brief is written. It has similarly violated the Canadian children's rights by making their repatriation contingent on forced separation from their mothers.¹³

Ironically, while Canada blocks the repatriation of its own male citizens, it has invested at least \$2.9 million for the repatriation of Iraqi detainees while investing \$3.5 billion into Syrian and Iraqi stability as a member of the Global Coalition against Daesh.¹⁴

Canada has always had de facto control over the Canadian detainees, given the unique circumstances in which the detaining authority has repeatedly requested Canada to repatriate its citizens. In an Australian Court case determining whether to engage in repatriation of its nationals illegally detained in northeast Syria, reference is made to the UK case of *Rahmatullah*, which found that since “illegality of detention is presumed in favour of the applicant, it should not be a defence for the UK to say that it arose from someone else’s actions, if the UK has the practical ability to bring it to an end.”¹⁵

In this instance, there is similarly no question of the illegality of Mr. Letts' and other detainees' detention, and as is explained in further detail below, Canada has always had the “practical ability to bring it to an end” (and indeed, in 32 cases of women and children, *has* exercised that practical ability to bring that detention to an end) but refuses to do so in the case of the nine detained Canadian men and five Canadian children (along with their two mothers).

In September 2025, the UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism wrote: “The political transition in Syria is an opportunity to urgently end the arbitrary, indefinite and inhumane detention of over 40,000 people in North-East Syria, many held for over six years.”¹⁶ In addition, the Rapporteur reminded countries like Canada with nationals detained in northeast Syria that they “should also

Agence France-Presse, Canada Repatriates 14 Women, Children From Syria Camp, <https://www.voanews.com/a/canada-repatriates-14-women-children-from-syria-camp-/7039880.html>
CTV News, “Two Canadian women and three children on way home from detention camps in Syria”, <https://www.ctvnews.ca/politics/two-canadian-women-and-three-children-on-way-home-from-detention-camps-in-syria-1.6469747>

CTV News, Lawyer challenges federal decision to deny help to woman with six children in Syria <https://www.ctvnews.ca/politics/lawyer-challenges-federal-decision-to-deny-help-to-woman-with-six-children-in-syria-1.6577010>

¹²‘Truly desperate’: Bring home Australian women and children in ‘dire’ Syria camps, UN urges, June 22, 2022, <https://www.sbs.com.au/news/article/united-nations-issues-plea-to-new-australian-government-over-women-and-children-facing-dire-syria-camps/x3ltrf9gh>

¹³ Syria camps: Canada accused of cruelty over ‘ultimatum’ to mothers to give up children, Middle East Eye, July 27, 2023, <https://www.middleeasteye.net/news/syria-camps-canada-accused-cruelty-over-ultimatum-mothers-give-children>

¹⁴ Canada’s stabilization projects in Iraq and Syria, March 30, 2021, <https://www.canada.ca/en/global-affairs/news/2021/03/canadas-stabilization-projects-in-iraq-and-syria.html>

¹⁵ Save the Children Australia v Minister for Home Affairs [2023] FCA 1343, November 3, 2023

¹⁶ *Principles on the Human Rights-Based Return, Rehabilitation and Reintegration of Syrian Nationals from Detention in North-East Syria*, Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Ben Saul, September 2025, <https://www.ohchr.org/sites/default/files/documents/issues/terrorism/sr/un-sr-ct-principles-syria-returns.pdf>, p. 1

follow the example of Iraq and Syria in returning their own nationals from detention in North-East Syria. Third country nationals are few in number compared to Syrians and Iraqis, yet many of their States of nationality have failed to fulfil their responsibility to repatriate their nationals and have instead shifted the humanitarian and security burdens onto the people of Syria, with dire human rights impacts on detainees.”¹⁷

The Special Rapporteur concluded that even if individuals are suspected of involvement in criminality and violence – the Federal Court of Canada found that these concerns did not apply to the Canadian male detainees¹⁸ – “Indefinite, mass administrative detention, including on security grounds, should be promptly brought to an end.”¹⁹

While the location of those Canadians indefinitely detained may change at the time of writing via an illegal transfer to Iraq²⁰, the issue of the foreign nationals’ governments’ obligation to end – via the act of repatriation – the ICCPR rights violations they are enduring remains an urgent and, in far too many cases, unaddressed concern.

As former Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism Fionnuala Ní Aoláin wrote in January 2026:

News emerging in recent days that CENTCOM and other States of the coalition against Daesh have agreed (and started) to transfer potentially thousands of detainees from Syria to Iraq. This raises profound human rights concerns. The language used by CENTCOM and other States to describe detainees (“ISIS terrorists”) has been dehumanizing and carries a presumption of guilt. This risks erasure of the rights of individual detainees in the high-security prisons, as not one of these detainees has had any legal process to determine their status or to review the legality of their detention, and bar legally unrecognized SDF processes none have actually been tried and convicted on terrorism charges during their long period of detention.... The obvious point is that mass transfers from one inhumane detention situation without legal process, to a prison system in Iraq that has been the subject of sustained concerns by the U.N. and others on due process and torture grounds is a clear non-refoulement problem. As a corollary of the absolute prohibition of torture, States are forbidden under binding international human rights law, including article 3 of the Convention Against Torture and article 7 of the International Covenant on Civil and Political Rights, from transferring individuals from their jurisdiction, effective control, or authority when there are substantial grounds for believing that the person would be at

¹⁷ Ibid., p. 1

¹⁸ Boloh 1(A) v. Canada, 2023 FC 98, at para. 92, Justice Brown writes: “The [Government of Canada] Respondents filed no evidence identifying the Applicants’ motives for their travel or of their activities in the region. Notably the Respondents do not allege any of the Applicants engaged in or assisted in terrorist activities. The Respondents affirmed this position at the hearing.” At para. 94, Justice Brown writes: “Canadians are entitled to have political opinions, no matter how abhorrent they may be to other Canadians. The limitation is when Canadian opinion holders take actions, whether inside or outside of Canada, that constitute offences against Canadian law including the *Criminal Code* of Canada. However there is no evidence to that effect before this Court.”

¹⁹ Saul, p. 7

²⁰ We Told You So: Now What for Northeast Syria?, Fionnuala Ní Aoláin KC (Hons) and Anne Charbord , <https://www.justsecurity.org/129727/northeast-syria-prisons-camps-security/>, January 27, 2026

risk of irreparable harm upon return or transfer, including persecution, torture, ill-treatment, enforced disappearance, or other serious human right violations.

The apparent acquiescence of States to the transfer of their nationals to Iraq, or the fact that it is carried out by the international coalition, does not solve this human rights problem.”²¹

Canada’s refusal to take the necessary steps to stop these illegal transfers to Iraq by requesting immediate repatriation (which it could undertake via a request to the US officials engaged in the renditions to Iraq)²² exposes the Canadian men to the possibility of further arbitrary detention and the same acts of torture reported in January 2026 by French legal counsel who, upon returning from Iraq to visit some of the 47 French nationals illegally transferred there in July, 2025, reported appalling conditions of detention without charge as well as torture designed to produce false confessions to having been in Iraq under ISIL, and thereby justify Iraqi jurisdiction for potential trials.²³

Canada has long been informed of the human rights and ICCPR violations implicated in the arbitrary detention regime in northeast Syria. In their communication to the Government of Canada dated June 8, 2022, focused on Canadian detainee Jack Letts, a group of Special Rapporteurs²⁴ noted:

we reiterate again that the urgent, voluntary and human rights compliant repatriation of all the citizens of your Excellency’s Government is the only international law-compliant response to the complex and precarious human rights, humanitarian and security situation faced by those detained in inhumane conditions in overcrowded prisons or other detention centres in North-East Syria, with limited access to food and medical care putting detainees’ lives at increased risk. In light of such exposure to extremely dire detention conditions, such as malnutrition and potential infection with diseases without adequate medical care, we wish to emphasize that the right to life, as enshrined in Article 3 of the Universal Declaration of Human Rights (UDHR) and Article 6 ICCPR, constitutes an international customary law and *jus cogens*

²¹ Ibid

²² The United States has consistently called on the countries of foreign nationals to repatriate their citizens and offered assistance to facilitate said repatriations. For example, on December 4, 2025, the US State Department issued a release that declared: “The only durable solution to the humanitarian and security challenges in northeast Syria is for countries of origin to repatriate, rehabilitate, reintegrate, and, where appropriate, ensure their nationals face accountability for past acts.” <https://www.state.gov/releases/office-of-the-spokesperson/2025/12/united-states-applauds-spains-repatriation-of-displaced-persons-from-northeast-syria/>. Earlier in 2025, State. Department spokesperson Tammy Bruce said: “The Trump Administration continues to encourage countries to repatriate their nationals from northeast Syria. As the dynamics in the region change, we cannot allow these challenges to fester.” <https://www.state.gov/united-states-applauds-austrias-repatriation-of-women-and-children-from-northeast-syria>

²³ French ISIL suspects transferred from Syria allege torture in Iraqi prisons, <https://www.aljazeera.com/news/2026/1/29/french-isil-suspects-transferred-from-syria-allege-torture-in-iraqi-prisons>, January 29, 2026. The news report notes: “The abuse – including being slapped, strangled, handcuffed behind their backs “with a pulley system” and threatened with rape with iron bars – was inflicted to ‘make them confess to their presence in Iraq’ during their alleged time in ISIL, which would give the Iraqi justice system jurisdiction to try them for their alleged crimes, the lawyers said. The lawyers were quoted as saying the accused ISIL members ‘assured us that they had not been in Iraq before their arrest in Syria and their transfer to Baghdad.’” *Note that family representatives in Canada have repeatedly shared these concerns with Global Affairs Canada. Letters raising said concerns can be made available to the committee upon request.*

²⁴ 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 and the Special Rapporteur on trafficking in persons, especially women and children

norm from which no derogation may be made by invoking exceptional circumstances such as internal political instability or other public emergency as provided for in Article 4(2) ICCPR. We note that the right to life is accompanied by a positive obligation to ensure access to the basic conditions necessary for the maintenance of life, including access to food and medical care (ICCPR General Comment No. 6, para. 5; ICCPR General Comment No. 36, para. 21). In addition, article 12 of the International Covenant on Economic, Social and Cultural Rights (“ICESCR”), ratified in 1976 by Canada to guarantee the right of all people, including prisoners and detainees, to the highest attainable standard of physical and mental health and article 6(1) ICCPR states that no one shall be arbitrarily deprived of life. Accordingly, States parties must also exercise due diligence to protect the lives of individuals from deprivations caused by persons or entities whose conduct is not attributable to the State. This obligation requires States to take special measures to protect individuals in vulnerable situations whose lives are particularly endangered by specific threats (Human Rights Committee, General Comment No. 36, para. 23). Moreover, we recall that under Article 2 UDHR and Articles 2 and 26 ICCPR, as well as several other United Nations declarations and conventions, everyone is entitled to the protection of the right to life without distinction or discrimination of any kind, and all persons must be guaranteed equal and effective access to remedies for violations of this right.²⁵

The Canadian government’s August 24, 2022 response to the Rapporteurs rejected the finding that Canada had a positive obligation to repatriate, insisting the application of human rights protections for Canadians is “primarily restricted to the sovereign territory of a state and is limited by sovereign rights of the other relevant states.” Thus, Canada claimed Jack Letts and the other arbitrarily detained Canadians “are entirely outside of Canada’s territory and jurisdiction.”²⁶ That response failed to address the Rapporteurs’ assertion that: “Given the presence of international coalition forces and other security agencies in North-East Syria, the number of civilian and other delegations that have had access to the camps and the prisons, and the number of successful repatriations including of men that have taken place, the lack or the difficulties of access to the detainees who are nationals of your Excellency’s Government should not be put forward as a reason for not repatriating your nationals.”

In *Munaf v Romania* (CCPR/C/96/DR/1539/2006) the United Nations Human Rights Committee held that states may be held responsible for violations of the International Covenant on Civil and Political Rights beyond their borders “if they are a link in the causal chain” that enables these violations, and when the risk of violations is a “necessary and foreseeable” result of their conduct. Violations must also be judged by knowledge the State Party had at the time.

In this instance, Canada has for years received extensive information through media coverage, repeated warnings by UN Special Rapporteurs, NGO reports from Human Rights Watch and Amnesty International among others, as well as direct evidence from the families of the detainees themselves that the ongoing violations of arbitrary detention and conditions akin to torture, as well as the likelihood of rendition to torture, were all outcomes that were foreseeable results of their failure to act on repeated repatriation requests by the detaining authorities and the United States. Canada’s opposition to repatriation via vigorous court challenges²⁷ and a

²⁵ Ref.: UA CAN 3/2022, June 8, 2022

<https://spcommreports.ohchr.org/TMResultsBase/DownLoadPublicCommunicationFile?gId=27269>

²⁶ GENEV-8332, Boloh 1(A) v. Canada, 2023 FC 98, para 142,

<https://www.canlii.org/en/ca/fct/doc/2023/2023fc98/2023fc98.html>

²⁷ Canada appeals ruling to repatriate citizens in Syria, BBC, February 10, 2023, <https://www.bbc.com/news/world-us-canada-64605783>; Supreme Court won’t hear case of four Canadian men detained in Syria, November 16, 2023, Canadian Press, <https://www.cbc.ca/news/politics/supreme-court-detained-syria-1.7030215>

discriminatory policy framework²⁸ that aims to block the repatriation of the male detainees²⁹, among other acts and omissions places Canada squarely in the middle of the causal chain that has led to these outcomes. Canada's role as a significant investor in the Global Coalition Against Daesh, its close working relationship with the United States (whose actions clearly indicate jurisdictional control in the region), and its record of repatriation for almost all Canadian children and mothers all place Canada in the causal chain that perpetuates the arbitrary detention and potential rendition to torture of the Canadian men and the arbitrary detention of the Canadian children along with their non-citizen mothers.

Non-Discrimination

Violations of ICCPR Articles 2 (nondiscrimination), 17.1 (prohibition of unlawful attacks on honour and reputation), and 26 (equal protection of the law without discrimination), 11(4) (right to enter one's country)

“No one should be abandoned to torture and death because of a racist, Islamophobic, or gendered stereotype.”³⁰

“The government’s reasons for not helping are specious and are meant to disguise its complete unwillingness to help this specific group of Canadians.... Discretion must not be a cover for discrimination.”³¹

The ICCPR considers the obligations of states under the United Nations Charter to “promote universal respect for, and observance of, human rights and freedoms,” yet in this specific set of circumstances, Canada’s compliance with those obligations has been pointedly selective and discriminatory.

Those ICCPR obligations are to be upheld without distinction of any kind, “such as race, colour, sex, language, religion, political or other opinion, national or social origin,” yet in this instance, most of those grounds appear to be the basis on which Canada refuses legally compliant repatriation. Indeed, those Canadians who remain in prisons are all Muslim men, most of them racialized individuals assumed – without individual assessments but simply by their mere presence in the region – to hold objectionable opinions or pose a security risk.³²

In May 2025, Canadian detainee Jack Letts, along with four other male detainees and seven child detainees, filed Canadian Human Rights Tribunal complaints laying out the case that Canada was discriminating against them due to its refusal to repatriate them on the basis of sex, age, and family status. “The blanket ban on repatriating adult males perpetuates the stereotype that men

²⁸ *Policy Framework to Evaluate the Provision of Extraordinary Measures to Assist Canadian Citizens detained in North-Eastern Syria*, January 2021, <https://freejackletts.com/s/NES-Policy-Framework-FINAL.pdf>

²⁹ Canadian men children held in Syria pursue human rights complaints against Ottawa Canadian Press June 5 2025 <https://www.ctvnews.ca/canada/article/canadian-men-children-held-in-syria-pursue-human-rights-complaints-against-ottawa/>

³⁰ *Abandoned to Torture*, Rights and Security International, p. 7 <https://www.documentcloud.org/documents/24002321-20211001-rsi-report-4494/>

³¹ Ottawa shirking duty to help Canadians stuck abroad, December 12, 2022, <https://www.hilltimes.com/story/2022/01/31/ottawa-shirking-duty-to-help-canadians-stuck-abroad/270155/>. Note the authors are all former Global Affairs Canada officials, including ambassadors and high commissioners.

³² Ibid.

are more dangerous than women and children,” the complaint says, adding that Letts and the other male detainees had twice been denied repatriation following secret government assessments to consider extending consular assistance.³³

“Every Canadian has the right to be treated equally,” lawyer Nicholas Pope said in a statement. “This is a rare situation in which the detaining authority holding Canadians abroad is actually pleading with us to end the detention, but it is Ottawa that is selectively refusing to let some Canadians return home.”³⁴

That selectivity was remarked upon in 2021 by Ottawa human rights lawyer Paul Champ in testimony before a House of Commons committee examining the issue of child detention in northeast Syria:

Here's the tragic point in this: The Syrian defence forces want to release these Canadian children. Their condition: They want Canada to take them back. Unless and until Canada does so, they're going to continue to detain them indefinitely in these appalling and dangerous prison camps.... Where Canada knows that a citizen abroad is at risk of a serious human rights abuse, such as torture or death, Canada can take measures. If it is within its power to diminish or alleviate that risk, the Charter of Rights and Freedoms is triggered. That's the crucial point in this particular humanitarian crisis. When the SDF [Syrian Democratic Forces] says that they will only release these Canadian children if Canada agrees to return them, it is Canada that holds the keys to those prison camps. It is within Canada's power, and therefore Canada's responsibility, to repatriate these Canadian children from prison camps in the conflict-affected area. I'm sure they will never admit it publicly—and I see some members perhaps shaking their head—but I'm sure some Canadian government officials know that I'm right, or believe that I'm right, and that Canada's legal duties in the circumstances include repatriating people at risk of serious human rights abuses. I know this because when faced with a lawsuit from a family with an orphan, Amira, in October, Canada returned her. I'll leave you with this: You can think of this another way. What if China said tomorrow that they would release the two Michaels, but only if Canada would agree to come and retrieve them? Do any of us here doubt that there would be wheels up on a CF [Canadian Forces] plane to China within hours? However, these children have been waiting for years.³⁵

The Two Michaels referenced by Mr. Champ are white Canadians who were arbitrarily detained in China. As a result of their detention, the Government of Canada invested significant efforts to release and repatriate them, and indeed, within 24 hours of their release, arranged for Canadian aircraft to whisk them home.³⁶

As part of efforts to free the Two Michaels, Canada launched the Initiative Against Arbitrary Detention in State-to-State Relations on February 15, 2021.³⁷ In January 2024, Canada established the Independent International Panel on Arbitrary Detention in State-to-

³³ Canadian men, children held in Syria pursue human rights complaints against Ottawa, June 5, 2025, <https://www.ctvnews.ca/canada/canadian-men-children-held-in-syria-pursue-human-rights-complaints-against-ottawa/>

³⁴ Ibid.

³⁵ Standing Committee on Foreign Affairs and International Development, Number 022, Evidence, March 11, 2021, p. 3, https://publications.gc.ca/collections/collection_2021/parl/xc11-1/XC11-1-2-432-22-eng.pdf

³⁶ The two Michaels are back home from China. Here's what we know about how that happened, Global News, September 27, 2021, <https://globalnews.ca/news/8224094/canada-china-two-michaels-tension-detention/>

³⁷ https://www.international.gc.ca/world-monde/issues_development-enseignement_developpement/human_rights-droits_homme/arbitrary_detention-detention_arbitraire.aspx?lang=eng

State Relations “to identify, clarify and address gaps in international legal frameworks related to arbitrary detention for political leverage.”³⁸

Canada’s work on this issue seems purposely designed to avoid responsibility for the issue of arbitrary detention of Canadians by non-state actors. Australian officials, among many others, have had no problem handling state to non-state relations. The Federal Court of Appeal of Australia documents that the October 2022 repatriation of 4 women and 13 children was effected within one month, from the initial written email request from Australia (for which a reply was received within 2 days) to the handover and flight home 30 days later.³⁹

Since Jack Letts and other Canadians were first arbitrarily detained in northeast Syria, the detaining authority’s political arm, the Autonomous Administration of North and East Syria (“AANES,” as it was then called) has requested that the governments of foreign nationals in their custody repatriate their citizens. As reported by Human Rights Watch in 2020:

Moreover, the Canadian government has contacted and even met with representatives of the Autonomous Administration in the past, Dr. Abdulkarim Omar, co-chair of the administration’s foreign relations commission, told Human Rights Watch. Canada was the first country to communicate with the Autonomous Administration about repatriating its citizens, in 2018, Omar said. Canadian and Autonomous Administration officials even agreed to a number of returns during a meeting that year in Suleimaniyah, a district in the neighboring Kurdistan Region of Iraq, he added:

“They sent us application forms and travel document papers. Canadians [detained in northeast Syria] filled out all of it and we sent back scanned versions. We got to the point of them coming to pick up their citizens, then everything stopped. We don’t know why. This was two years ago. ... We would love a meeting with Canada on this issue.”⁴⁰

Kurdish officials have historically pleaded with Canada to take back its citizens. When asked about Canadians in their custody, Syrian Democratic Council co-President Elham Ahmed similarly told Canadian investigative journalism program W5 in October 2024: “It is imperative that these individuals be repatriated. Their presence here is illegal and they have no rights under our laws.”⁴¹

Ms Ahmed is asked by journalist Avery Haines, “What does Canada say to you when you say, ‘Take them back to Canada and try them and deal with them, they’re your problem, not ours.’?”

“Canada has not responded to our request to take back its people. We are unaware of the reasons for this delay,” Ahmed replies,⁴² a clear indication of the de facto control Canada exercises with respect to Letts and the other detainees.

In a December 2024 letter, former Special Rapporteur Fionnuala Ní Aoláin declared “it remains my view that States such as Canada exercise functional jurisdiction in Northeast Syria, following from their ongoing military and technical support to the detaining power which sustains arbitrary

³⁸ https://www.international.gc.ca/world-monde/issues_development-enjeux_developpement/human_rights-droits_homme/arbitrary_detention-detention_arbitraire-biographie.aspx?lang=eng

³⁹ <https://www.judgments.fedcourt.gov.au/judgments/Judgments/fca/full/2024/2024fcafc0081>

⁴⁰ HRW report, <https://www.hrw.org/report/2020/06/29/bring-me-back-canada/plight-canadians-held-northeast-syria-alleged-isis-links>

⁴¹ Full episode: Our Son, the Terror Suspect | W5, at 38:19, https://www.youtube.com/watch?v=HmXad5lnE_Q&t=33s

⁴² Ibid

detention of their nationals via the Global Coalition Against Daesh. Canadian support to a detaining power, which engages in serious human rights violations against its citizens, and Canadian capacity to have influence on the incarcerated lives of its detained nationals via that relationship, underscores the extent to which the ‘arm’s length’ view of the state’s responsibility is inappropriate in this context.”⁴³

But rather than repatriate its citizens, as the AANES and Syrian Democratic Council had requested, in January 2021 Canada developed an unprecedented, secret *Policy Framework to Evaluate the Provision of Extraordinary Measures to Assist Canadian Citizens detained in North-Eastern Syria*. (“Policy Framework”)⁴⁴ whose existence only became known to the families of the detainees 10 months later as a result of litigation in the Federal Court of Canada. The Framework, which creates a multi-step process to even consider whether to assist Canadians detained in Northeast Syria, was developed by Global Affairs Canada and Public Safety Canada, even though the latter government agency’s own internal recommendations regarding so-called “high-risk travelers” (a catch-all term that would include the detainees in northeast Syria) noted: “The Canadian Charter of Rights and Freedoms guarantees Canadian citizens the right to return to Canada. Therefore, even if a Canadian engaged in terrorist activity abroad, *the government of Canada must facilitate their return to Canada.*”⁴⁵ [Emphasis added] In other words, one partner in the Policy Framework did not consider repatriation a matter of discretion, but rather a positive obligation, a viewpoint in line with international human rights law and the repeated assertions of the relevant Special Rapporteurs who have made similar reminders to the Canadian government.

The Policy Framework sets out a multi-step process that seriously complicates what should be a simple matter of requesting repatriation from the detaining authorities seeking to deport Canadian citizens. The initial step lists three threshold criteria (“Threshold Criteria”), at least one of which must be met to proceed to the next step.

The three criteria are:

- 1) The individual is a child who is unaccompanied;
- 2) Extraordinary circumstances make it necessary for a child who is accompanied to be separated from their parent(s) leaving the child in a de facto unaccompanied state; and/or
- 3) The Government of Canada has received credible information indicating that the individual’s situation has changed significantly since the adoption of this Policy Framework.

The second step assesses individual cases against six guiding principles, including “Children will not be separated from their parents, except in extraordinary circumstances.” Subsequently, both government ministers must decide whether, in principle, to extend repatriation assistance, pending the development of a concept of operations and, secondly, whether to approve that concept of operations.

⁴³ Fionnuala Ní Aoláin letter, December 2024, on file with Matthew Behrens of Stop Canadian Involvement in Torture

⁴⁴ *Policy Framework to Evaluate the Provision of Extraordinary Measures to Assist Canadian Citizens detained in North-Eastern Syria*, January 2021, <https://freejackletts.com/s/NES-Policy-Framework-FINAL.pdf>

⁴⁵ <https://freejackletts.com/s/395365824-RCMP-Returnees.pdf>

Once knowledge of the Framework was made public, Human Rights Watch concluded: “In practice, the policy has done nothing to facilitate repatriations since its adoption and suggests discriminatory provision of consular assistance.”⁴⁶

Stop Canadian Involvement in Torture and other Canadian organizations are unaware of any similar policy which has proven an obstacle to the return of Canadians abroad. There is no evidence to suggest a similar policy exists as a barrier to the return of Canadians who have volunteered with Ukrainian forces⁴⁷ implicated in war crimes⁴⁸ and violations of international humanitarian law⁴⁹. Nor is there any evidence of a similar policy to weigh the security risks of returning Canadians who have joined the Israeli Defence Forces⁵⁰, found by the International Court of Justice to be plausibly involved in genocide⁵¹ and by the Prosecutor of the International Criminal Court to be complicit in war crimes, and crimes against humanity⁵².

Federal Court of Canada Justice Brown wrote in his 2023 decision compelling repatriation of the men that he felt “compelled to observe the three threshold criteria for eligibility to be considered under the *Policy Framework* appear drafted to exclude the Canadian men imprisoned in AANES’ prisons.”⁵³ Notably, Justice Brown’s comments stand uncontradicted by the Federal Court of Appeal decision that overturned his repatriation order. Brown added that the Policy Framework was “no substitute for nor does it permit the executive to unilaterally derogate from subsection 6(1)”⁵⁴ of the Canadian Charter of Rights and Freedoms, whose language (“Every citizen of Canada has the right to enter, remain in and leave Canada”⁵⁵ mirrors the language and spirit of the ICCPR’s 12(4) Article (“No one shall be arbitrarily deprived of the right to enter his own country.”

An open letter⁵⁶ signed by 110 Canadian legal professionals, including Allan Rock, former Minister of Justice and Attorney General of Canada, shared the same concern about the Framework’s discriminatory impacts, while the December 9, 2024 letter from former United Nations Special Rapporteur Fionnuala Ní Aoláin comments that the Framework “appears to

⁴⁶ Submission to the Committee on the Rights of the Child Concerning Canada, 90th pre-sessional, 2022, Human Rights Watch, April 13, 2022, <https://www.hrw.org/news/2022/04/13/submitte-right-child-concerning-canada>

⁴⁷ Canadian volunteers to fight for Ukraine: ‘Death is a real possibility here’, Hina Alam and Lee Berthiaume April 16, 2022, <https://globalnews.ca/news/8764365/canadian-volunteer-ukraine-war-defence-legion/>

⁴⁸ Ukraine must investigate alleged war crimes by its forces, Mark Kersten, December 16, 2022, <https://www.aljazeera.com/opinions/2022/12/16/ukraine-must-investigate-alleged-war-crimes-by-its-forces>

⁴⁹ Ukraine: Ukrainian fighting tactics endanger civilians, August 4, 2022, <https://www.amnesty.org/en/latest/news/2022/08/ukraine-ukrainian-fighting-tactics-endanger-civilians/>

⁵⁰ Some Canadians are volunteering for the Israeli army. What motivates them? October 23, 2023, <https://www.cbc.ca/news/canada/ottawa/temima-silver-volunteer-israel-defence-forces-1.7003326>

⁵¹ <https://www.icj-cij.org/node/203454>

⁵² <https://www.icc-cpi.int/news/situation-state-palestine-icc-pre-trial-chamber-i-rejects-state-israels-challenges>

⁵³ Ibid., para. 190

⁵⁴ Boloh 1(A) v. Canada, 2023 FC 98, <https://www.canlii.org/en/ca/fct/doc/2023/2023fc98/2023fc98.html>, para 150

⁵⁵ <https://www.justice.gc.ca/eng/csj-sjc/rfc-dlc/ccrf-ccdl/check/art6.html>

⁵⁶ <https://iclmg.ca/northeast-syria-repatriation-open-letter-to-pm/>

limit repatriation options for male detainees, and may in this regard breach the obligations of non-discrimination to persons detained, including on the basis of gender.”⁵⁷

The Framework hinges on a legally non-compliant foundation that improperly balances the risks posed to a Canadian citizen enduring an arbitrary detention that it is within Canada’s power to end, and the rationale that unspecified, unsubstantiated, unsourced, uncontestable secret security concerns prevent Canada from ending that arbitrary detention and bringing him home. United Nations Special Rapporteurs, led by Fionnuala Ní Aoláin, wrote in June 2022⁵⁸ indicating that, in addressing the indefinite detention of Jack Letts, the prohibition on arbitrary detention (as with the no-exceptions ban on torture) is a peremptory norm of international treaty and customary law from which no one is ever allowed to derogate. Indeed, “arbitrary deprivation of liberty can never be a necessary or proportionate measure,” and no country can ever claim that “illegal, unjust or unpredictable deprivation of liberty is necessary for the protection of a vital security or other interest proportionate to that end.”⁵⁹

Yet the Framework itself rests on a foundation that improperly balances whether it will intervene (even when invited by the detaining authority) to end the arbitrary detention of Letts and the other male detainees against the framework’s “national security considerations,” thereby attacking the honour and reputation of all the detainees by assuming, in the absence of individualized assessments and transparent reasons for decisions, that the men are too dangerous to repatriate.

Indeed, the very framing of this assessment process is rooted in a dangerous assumption, the kind warned against by Canadian Justice Dennis O’Connor when he noted, in the *Report of the Events Relating to Maher Arar* (a Canadian citizen rendered to torture in Syria), that “Written labels, particularly when no caveats are attached, have a way of sticking to an individual and then spreading to others and becoming the accepted fact or wisdom.” O’Connor repeats such cautions throughout his thoroughly documented reports, noting, “Caution is also necessary with respect to the use of potentially emotive or inflammatory phrases. *To say that someone is an ‘Islamic extremist’ or a ‘jihadist’ can open the door to a slipshod and casual process in which guilt is assigned by association.*” [emphasis added]⁶⁰

Letts’ family have long shared their concern that he has unfairly been painted with an extremist brush, which has become the “accepted fact or wisdom,” painting him as guilty by implication or by alleged association. Indeed, this has led high-profile Canadian Members of Parliament (including two successive leaders of the Conservative Party) to smear him as “Jihadi Jack” and an “ISIS fighter”⁶¹ and the then Prime Minister of Canada, in response to a question regarding

⁵⁷ December 9 2024 letter from Fionnuala Ní Aoláin para. 4, page 5, copy on file with Matthew Behrens of Stop Canadian Involvement in Torture

⁵⁸Ref.: UA CAN 3/2022, June 8, 2022

<https://spcommreports.ohchr.org/TMResultsBase/DownLoadPublicCommunicationFile?gId=27269>

⁵⁹ Ibid.

⁶⁰ https://epe.lac-bac.gc.ca/100/206/301/pco-bcp/commissions/maher_arar/07-09-13/www.ararcommission.ca/eng/26.htm

⁶¹ Jack ‘Jihadi Jack’ Letts should remain in prison, says Scheer, Global News, August 20, 2019, <https://globalnews.ca/video/5788543/jack-jihadi-jack-letts-should-remain-in-prison-says-scheer>; Pierre Poilievre

whether or not Letts would be repatriated, to declare, in a direct attack on Letts' honour and reputation, "It is a crime to travel internationally with a goal of supporting terrorism or engaging in terrorism."⁶²

In 2018, then Public Safety Minister Ralph Goodale declared: "When you leave the comfortable confines of Canadian democracy and travel half way around the world to go into a war zone and associate yourself with terrorism, then you need to bear the consequences of that behaviour."⁶³ Mr. Goodale was the Public Safety Minister responsible for drafting the Policy Framework. In response to the January 2023 Federal Court order to repatriate the men, then Prime Minister Trudeau again attacked the reputation of the male detainees by painting them, without evidence, as a security threat: "We're looking at it carefully. Obviously - making sure we're defending Canadians' safety and security is always going to be a priority for us."⁶⁴ In 2024, Global Affairs Minister Mélanie Joly, at the time one of the Ministers overseeing the Policy Framework, was asked about Mr. Letts, and replied with a similar attack on his honour and reputation: "When you decide to join ISIS and you leave the country...you bear the responsibility for your decision."⁶⁵

Problematically, such statements by Ministers responsible for making decisions under the Policy Framework call into question their ability to make independent, impartial decisions when they have already condemned those seeking to exercise their right to return to Canada.

Such public statements also stand in clear contradiction to the long-standing understanding that the detainee population is far more diverse than the black and white assumptions of these Canadian political figures, as well as the uncontradicted findings of the Federal Court of Canada, which noted: "The [Government of Canada] Respondents filed no evidence identifying the Applicants' motives for their travel or of their activities in the region. Notably the Respondents do not allege any of the Applicants engaged in or assisted in terrorist activities. The Respondents affirmed this position at the hearing."⁶⁶

As noted by Human Rights Watch:

The detention of men, women, and children in the camps and prisons in northeast Syria solely on the basis of their suspected ISIS affiliation or their family ties to ISIS, with no judicial review or criminal charge, amounts to guilt by association and collective punishment, which are prohibited under international human rights law as well as the laws of war.⁶⁷

says Conservatives not seeking to bring 'Jihadi Jack' back to Canada, Global News, August 18, 2019, <https://globalnews.ca/video/5780901/pierre-poilievre-says-conservatives-not-seeking-to-bring-jihadi-jack-back-to-canada>

⁶² For Justin Trudeau, Jack Letts is an inconvenient Canadian, *The Globe and Mail*, August 21, 2019, <https://www.theglobeandmail.com/opinion/article-for-justin-trudeau-jack-letts-is-an-inconvenient-canadian>

⁶³ Canada has no legal obligation to repatriate its citizens detained in Syria, Goodale says: *The Globe and Mail*. October 30, 2018, <https://www.theglobeandmail.com/politics/article-canada-has-no-legal-obligation-to-repatriate-its-citizens-detained-in/>

⁶⁴ Repatriating Canadian men from Syria? PM says 'We're looking at it carefully' CTV News January 24 2023 <https://www.ctvnews.ca/canada/article/repatriating-canadian-men-from-syria-pm-says-were-looking-at-it-carefully/>

⁶⁵ <https://www.ctvnews.ca/canada/canada-s-least-wanted-man-a-family-s-long-and-lonely-fight-to-bring-their-son-home-from-syria-1.7122584>

⁶⁶ *Boloh 1(A) v. Canada*, 2023 FC 98, at para. 92.

⁶⁷ Human Rights Watch, 2020

Fionnuala Ní Aoláin addresses this discriminatory pattern in her December 9, 2024 letter, declaring at first with respect to obstacles facing detained children and expanding her conclusions with respect to the adults::

The stigma of detention, notwithstanding that it is arbitrary and capricious, has made the prospect of their return more difficult by circular stigmatizing logic of having been detained, including inadvertently by legal proceedings that define them by association with adults as ISIS-assumed family member. That same stigma has attached to men and women detained by the SDF in Northeast Syria, including those who are victims of terrorism as well as those with diminished capacity to consent to traveling and remaining in Syria.⁶⁸

The Policy Framework’s “Background” section paints all detainees with a singular, damning brush, and demands that they defend themselves against this labeling without having any access to the alleged evidence that may be in the Government of Canada’s hands during assessments. They are not allowed to know what information security officials are relying on to make their decision or why that information is withheld from them, despite the Supreme Court of Canada’s 2014 comment on “the government’s tendency to exaggerate claims of national security confidentiality”⁶⁹

The Framework’s problematic starting point is that the conflict in Syria and Iraq “attracted a high volume of extremists from countries around the world, including Canada,” adding further that “these individuals left their homes to join the Islamic State (also known as Daesh), a listed terrorist entity under section 83.05(1) of the *Criminal Code*.”

The Framework does not appear to consider the possibility that any number of Canadian detainees, including Jack Letts, were not extremists (a term undefined in the Policy Framework and one which, as the Royal Canadian Mounted Police notes⁷⁰, is not defined under the *Criminal Code of Canada*) or members of ISIS (indeed, there is considerable evidence, including as recently as the October 2024 statements he shared with the CTV program *W5*, that Jack Letts was not a member of ISIS, and no public evidence that other male detainees were members either). Nor does it consider the possibility that individuals who were seduced by videos promising a utopian Islamic society arrived in Syria only to immediately reject the reality on the ground, but had no way of escaping⁷¹. As NGO reports shared with the Government of Canada illustrate⁷², there is a wide demographic range in the prisons and detention camps, including many victims and opponents of ISIS.

⁶⁸ December 9, 2024 letter from Fionnuala Ní Aoláin, para. 8

⁶⁹ Canada (Citizenship and Immigration) v. Harkat, [2014] 2 SCR 33, para 63, <https://decisions.scc-csc.ca/scc-csc/scc-csc/en/item/13643/index.do>

⁷⁰ <https://rcmp.ca/en/federal-policing/national-security/terrorism-and-violent-extremism>

⁷¹ The human rights documents are replete with examples of individuals who express regret, see Aftermath: Injustice, Torture and Death in Detention in North-East Syria, April 2024, overview at <https://amnesty.ca/human-rights-news/syria-mass-detention-camps-islamic-state-defeat/>, Full report:

<https://www.amnesty.org/en/documents/mde24/7752/2024/en/>. See also New law paves way for justice for prisoners convicted in flawed trials in north-east Syria, July 23, 2024, <https://amnesty.ca/human-rights-news/justice-prisoners-flawed-trials-north-east-syria/>

⁷² Between two fires: Danger and desperation in Syria’s Al-Hol camp, November 7, 2022 <https://www.msf.org/danger-and-desperation-syria%20%99s-al-hol-camp-report-msf> At page 16: “The ideological demography of the camp’s population is far more diverse than narratives regarding their affiliations with IS suggest. Many of the camp’s population report having been displaced multiple times as a result of conflict. Far

In addition, the ISSUE portion of the Policy Framework again engages in a one-brush-tars-all painting of the detainees as Canadian Extremist Travellers (CETs, a more damning description than the previously employed “High-Risk Travelers”), using as the baseline for assessment the highly inflammatory inference that these individuals have participated in “armed combat, financing or fundraising, radicalizing, recruiting, producing media or propaganda, and other activities that could be terrorism offences, as defined in the *Criminal Code*.” It is then assumed that alleged “training and operational experience” means CETs “could pose a serious threat to national security and public safety if they were to return to Canada.” As noted above, this description could equally apply to Canadians volunteering in Israel or Ukraine, but there appears to be no policy of extraordinary assistance that weighs whether or not they can return to Canada. This is a blatant double standard that is clearly discriminatory and/or racist on any number of grounds, including religious belief, and national or ethnic background.

The unsupported stereotype that any “foreign” Muslim in Syria during the time it was in part controlled by ISIS/Daesh was thereby a member of the terror group or contributed to its atrocities causes significant damage both to the individuals tarred with a singular brush as well as distorts public discourse and policy. As an “extremism expert” shared with the International Crisis Group in 2019, “The problem is that we’ve expended all this effort promoting [what has become] the Western counter-terrorism paradigm and dehumanizing these people to mobilise against the ISIS threat. Now we have to humanize the population to convince countries that they can and should get them home.”⁷³

Continued Arbitrary Detention of Canadian Children and the Death of FJ

All of the ICCPR Articles referenced at the beginning of this documented are implicated in the ongoing detention of five Canadian children in Roj Camp in northeast Syria. The remedy for them – repatriation – has been offered to the children by Canada, but only conditional upon the children enduring an additional rights violation, in this case violations of 17.1 (No one shall be subjected to arbitrary or unlawful interference with his privacy, family,) of 23.1 (“The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.”) as well as the Policy Framework’s own guidance that “Children will not be separated from their parents, except in extraordinary circumstances.” Those extraordinary circumstances

from identifying with IS ideology, many say they were arrested at checkpoints when trying to flee IS-controlled territories. Many report that they were living in areas that later came under the control of IS and were forced to leave their homes on IS orders. They say that if they chose to stay, they risked being bombed by coalition forces or being accused of supporting IS by dint of their location.” See also, When am I Going to Start to Live? The urgent need to repatriate foreign children trapped in Al Hol and Roj Camps,

https://resourcecentre.savethechildren.net/pdf/when_am_i_going_to_start_to_live_final_0.pdf/, At page 5: “Women and children in the camps are often portrayed in the media as monolithic adherents to ISIS ideologies and their children described as “ISIS children.” In reality, the population of the camps is diverse and many of their personal histories are complex. Many of the Syrians and Iraqis living in both Al Hol and Roj camps fled from ISIS and now find themselves living and mixing with people who lived- willingly and unwillingly- under ISIS rule. Amongst the population of Iraqis in Al Hol are potentially hundreds of Yazidi women and children- as many as 400 according to the Office for the Rescue of the Kidnapped Yezidi, who were captured and enslaved by ISIS as part of a genocide against the ethno-religious group. Some women found themselves under ISIS control through ‘misapprehension, circumstance or coercion’, with some following husbands and male family members. Some children and young adults were also victims of grooming and matched with fighters for marriage before reaching a legal age.”

⁷³ *Women and Children First: Repatriating the Westerners Affiliated with ISIS*, International Crisis Group, November 18 2019, p. 11, <https://www.crisisgroup.org/rpt/middle-east-north-africa/syria/208-women-and-children-first-repatriating-westerners-affiliatedisis>

have not been made out by the Canadian government. The repatriation remedy is only a complete remedy if the children’s mothers are granted temporary resident permits to allow them to come to Canada as a family unit. Absent such a remedy, the children continue to be discriminated against based on the birth citizenship of their mothers. All Canadian children with Canadian mothers have been repatriated. These remaining five children have not, as Canada has for three years refused to approve temporary resident permits for their mothers.

Remedy in Death of FJ

In addition, Canada has yet to provide an effective remedy for the children of Canadian mother of six and detainee FJ, a 40-year-old woman who had escaped Roj camp in Northeast Syria, only to wind up dead in Turkish custody. While the best remedy – ensuring the right to life – is no longer available to FJ, her six children are supported by civil society calls for an impartial, independent investigation, as outlined in a letter from Canadian Senator Kim Pate and former Amnesty International Secretary General for Canada Alex Neve.⁷⁴

FJ was the subject of a May 2023 communique to the Government of Canada by several UN Special Rapporteurs that found “an extremely traumatized family in very poor health,”⁷⁵ noting F.J. and the children had undergone a myriad of injuries and health issues, including abscesses, anaemia, calcium deficiencies and recurring bouts of hepatitis.

Both F.J. and the detained children were described as dangerously underweight, with the Rapporteurs noting that three had parasites and worms affecting their digestion. All of the children were experiencing severe separation anxiety, and two of them would wake several times each night for fear that their mother had disappeared.

The Rapporteurs noted that Canada had assessed the children as being eligible for repatriation, but not their mother, leading the rapporteurs to remind Canadian officials that “preventing family separation and preserving family unity are essential components of the child protection system.” Indeed, given “the immense closeness and attachment that they have to their mother as the only element of stability in their lives,” the report continued, separation “would cause these young children irreparable trauma.”

While Canada couched its offer to F.J. as seeking her permission for family separation, the UN Rapporteurs noted consent to such an action in her situation “can never be considered as meaningfully procured” and that considering it as such “could amount to forced and arbitrary separation, a clear violation of international law.”

In addition, a Canadian media outlet discovered that the reasons for preventing FJ’s return were a mixture of unsubstantiated fears about her alleged beliefs as well as the Kafkaesque fear generated by the fact that there was nothing to charge her with, and that “in the absence of a charge package or peace bond, F.J. would have freedom of movement upon return to Canada.”⁷⁶

⁷⁴ <https://www.alexneve.ca/blog/urgent-call-for-independent-investigation-into-the-death-of-canadian-citizen-fj>

⁷⁵ <https://spcommreports.ohchr.org/TMResultsBase/DownLoadPublicCommunicationFile?gId=28066>

⁷⁶ Canada refused to repatriate woman from ISIS camp because she can’t be arrested: internal memo, Global News, April 25, 2024, <https://globalnews.ca/news/10445059/canadian-isis-women-syria-repatriation-memo/>

Her death has generated a call for answers and accountability from government officials who had long failed to bring her back to Canada. Asked about this tragic outcome, Global Affairs Minister Mélanie Joly told reporters, “We absolutely need to shed light on what happened... We owe [her children] the truth and, not only that, we owe them support. And so they can personally count on me to make sure that that is a priority of mine and of my team.”⁷⁷

No such investigation has been launched.

Conclusion

As members of this committee have seen, numerous United Nations Special Rapporteurs, joined by international human rights organizations, have been consumed with ending the multiple human rights crises generated by almost of decade of mass arbitrary detention in northeast Syria by Canadian and US allies in the Global Coalition Against Daesh. The devastating impacts on Canadian citizen detainees (and their families) of long-term arbitrary detention and torture, the discriminatory choices made by the Canadian government, and the refusal of Canada to recognize and act on both its domestic and international obligations to put an end to these violations – Canada *does* hold the key to ending this crisis – and to provide a repatriation remedy that will uphold the right to life of these Canadian men and Canadian children (and their mothers), places Canada in serious breach of its ICCPR obligations.

Even if, as it quite possible, some or all of these Canadians have been illegally rendered to Iraq, Canada is not relieved of its responsibilities, especially when its Iraqi and US allies continue to call for the rapid repatriation of foreign nationals. On January 25, 2026, US Secretary of State and Iraqi Prime Minister Mohammed Shaa al-Sudani, “discussed ongoing diplomatic efforts to ensure countries rapidly repatriate their citizens in Iraq,”⁷⁸ while on the same day, Prime Minister Mohammed Shaa al-Sudani assured that detention in Iraq would be “temporary” awaiting repatriation.⁷⁹

While the latter statement may be more aspirational than factual, the Government of Canada cannot continue to offshore its citizens under another nation’s arbitrary detention and torture.

The practice of Canada and other nations refusing to end lawless detention of their citizens recalls the cautionary words of the U.S. Court of Appeals for the Fourth Circuit, which on April 17, 2025 assessed the US administration’s illegal deportation of Kilmar Abrego Garcia to El Salvador, and concluded that the US was “asserting a right to stash away residents of this country in foreign prisons without the semblance of due process that is the foundation of our constitutional order.

⁷⁷ The feds refused to repatriate a Canadian citizen detained in Syrian prison. Then she died, The Breach, November 8, 2024, <https://breachmedia.ca/the-feds-refused-to-repatriate-a-canadian-citizen-detained-in-syrian-prison-then-she-died/>

⁷⁸ Secretary Rubio’s Call with Iraqi Prime Minister Mohammed Shaa al-Sudani, US State Department Readout, January 25, 2026, <https://www.state.gov/releases/office-of-the-spokesperson/2026/01/secretary-rubios-call-with-iraqi-prime-minister-mohammed-shaa-al-sudani-3>

⁷⁹ Iraqi prime minister calls transfer of ISIS detainees to Iraq ‘temporary’ Anadolu Agency January 25 2026 <https://www.aa.com.tr/en/middle-east/iraqi-prime-minister-calls-transfer-of-isis-detainees-to-iraq-temporary-3810343#>

Further, it claims in essence that because it has rid itself of custody that there is nothing that can be done.”⁸⁰

Canada cannot continue to stash away its citizens in northeast Syria, in Iraq, or anywhere else, and then claim there is nothing that can be done. They have a right under the Canadian Charter of Rights and Freedoms and the ICCPR to come home.

We ask that this Committee strongly adopt the above-mentioned recommendations in its review of Canada, and encourage the immediate resolution of this unending nightmare.

⁸⁰ https://www.ca4.uscourts.gov/docs/pdfs/251404order.pdf?sfvrsn=b404b209_2