

HOUSE OF COMMONS OF CANADA

Standing Committee on Foreign Affairs and International Development

Study on the Vulnerabilities Created and Exacerbated by COVID-19 in Crisis or Conflict Areas

Brief submitted by

Stéphane Handfield, Lawyer

Mathieu Paiement, Producer

December 1, 2020

ABOUT THE AUTHORS

Stéphane Handfield has been a member of the Quebec Bar since 1992. He has worked as a member of the Immigration and Refugee Board for 11 years. From 2012 to 2015, Mr. Handfield was a lecturer at Saint-Laurent Cegep, teaching in its immigration advisory program. He is a member of the Quebec Immigration Lawyers' Association and the Montreal Defence Lawyers Association. Mr. Handfield mainly practises immigration law at Handfield et Associés, Avocats, but also works as an inspector for the professional inspection service of the Quebec Bar. In addition, he co-authored the book *Démantèlement Tranquille*, published by Éditions Québec Amérique in 2018, and wrote an article entitled "L'immigration au Québec" for the magazine *Oui je le veux!* in 2019. Lastly, Mr. Handfield is the author of *Immigration et criminalité au Canada: quand l'expulsion devient inévitable*, a book published by Éditions Wilson & Lafleur in 2020.

Mathieu Paiement has been a documentary filmmaker since 2010. He studied history at the University of Quebec at Montreal and wrote *Quia iterum citati*, a dissertation on justice in the late Middle Ages, under the supervision of Michel Hébert, Fellow of the Royal Society of Canada. Mr. Paiement holds a master's degree with honours. He has produced several hours of documentary content broadcast on major networks, including RDI, Télé-Québec and TV5. Mr. Paiement produced *T'es où, Youssef?* (2017), a film about Islamist radicalization that won four Gemini awards, and its sequel, *Les poussières de Daech* (2020), which focuses on the repatriation of children born under ISIS.

OVERVIEW

In recent years, the Islamic State armed group (ISIS) has welcomed supporters from around the world, including dozens of Canadians who left home to travel to Syria and Iraq. Some married and had children there. Since the end of the fighting between ISIS and the international coalition in February 2019, the women and children who survived the war and were taken prisoner in Baghouz were transported to detention camps in northeastern Syria, a territory under Kurdish control.

Approximately 65,000 women and children are being detained in the al-Hol camp alone. In a June 2020 report, Human Rights Watch identified 13 Canadian women and 26 Canadian children at al-Hol, half of whom were under the age of 6.¹

The Kurdish authorities overseeing the detention camps in northeastern Syria do not have the financial or human resources needed to maintain minimum health standards. The camps are overcrowded, and

¹ Human Rights Watch, "Bring me back to Canada, Plight of Canadians Held in Northeast Syria for Alleged ISIS Links," June 2020.

residents are held in tents, lack clean water, have barely enough food to survive and do not have access to basic medical care. Conditions in the camps are unfit and inhumane.

In addition, conflicts break out every day in this war-torn micro-society. In a September 14, 2020, article, Radio-Canada reported that violence, inadequate sanitation and famine were rampant in these camps, where 26 Canadian children are being held.² Writing in *La Presse*, journalist Gabrielle Duchaine reported that camp residents are victims of serious abuse, torture and inhumane and degrading treatment.³

Drinking water is often contaminated or in short supply. Latrines are overflowing, wild dogs scavenge mounds of garbage littering the grounds, and illnesses including viral infections are rampant. Medical care is grossly inadequate.⁴

According to the Kurdish Red Crescent, 517 people, including 371 children, died in 2019 in the camps, mostly from disease. Given the circumstances, it is not surprising that the Kurdish authorities have urged countries to repatriate their citizens.

For more than a year and a half now, Canada has been ignoring its obligations by failing to adequately help its citizens abroad, who face lethal detention conditions and are victims of cruel, inhumane, degrading and abusive treatment.

The pandemic has made life significantly worse for Canadians detained in camps in northeastern Syria, the majority of whom are minors.

COVID-19 causes life-threatening complications, spreads quickly in overcrowded areas and thrives where sanitation is poor. The al-Hol camp is an ideal breeding ground for the virus, considering the following:

- It is impossible to observe physical distancing, a basic health measure, in an overcrowded area (65,000 people crammed into a 1.5-square-kilometre camp).
- There is a lack of running water, and obviously sanitizer, which makes regular hand washing, another basic health recommendation, difficult and even potentially dangerous.

² “Ottawa pressé de venir en aide aux enfants prisonniers dans des camps en Syrie,” Radio-Canada, September 14, 2020. [French only]

³ “Des voix s’élèvent pour le rapatriement des enfants canadiens en Syrie,” *La Presse*, September 14, 2020. [French only]

⁴ Human Rights Watch, “Bring me back to Canada, Plight of Canadians Held in Northeast Syria for Alleged ISIS Links,” June 2020.

- Masks to prevent the transmission of the virus, as well as drugs, respirators and other medical equipment to treat it, are unavailable.

This is how COVID-19 entered and spread in the camps where Canadian children are being detained.

In August 2020, Kurdish authorities reported 54 COVID-19 cases, with testing being far from systematic. **In just one week** of that month, **seven children under the age of five died in the camp**. In addition, three health care workers at al-Hol contracted COVID-19, further degrading the already woefully inadequate medical care. Of the 24 small clinics at al-Hol, only 5 remain operational.

In addition to the diseases related to unsafe drinking water, the famine and the violence in the camps, COVID-19 poses a new threat. If governments are struggling to control the pandemic in Western countries, is there truly any hope of doing so in the detention camps in Syria? Many fear a catastrophe that would directly affect the Canadian children held there in already inhumane conditions.

While filming *Les poussières de Daech*, director Gabriel Allard Gagnon visited al-Hol and noted the following:

Upon setting foot in the camp, I noted that there were no basic health logistics whatsoever. Inside the camp, bodily waste and trash were strewn in the corners of walls near the facilities where children gather to play.

My team and I met dirty, malnourished children, a number of whom had injuries that were inadequately treated.⁵

Leïla Sakhr, whose niece is currently being held at al-Hol, went to the camp for the filming of *Les poussières de Daech*. As regards the detention conditions, she observed the following:

Obviously, in addition to all these problems, my niece, like the other children in the camp, does not receive enough food to foster her development. She is, of course, deprived of all forms of education and the motor and intellectual stimulation that a child her age should receive. Countries around the world are focusing on hygiene measures—masks, hand washing and social distancing—but I cannot imagine how these detention camps could possibly implement them. The tents are crammed together, germs are transmitted easily from one child to the next, and the lack of hygiene measures is simply unspeakable. Any action whatsoever in that regard would

⁵ Letter of Gabriel Allard Gagnon, Director, dated November 28, 2020.

mark progress. The risk of COVID-19 spreading in the current living conditions in these camps is enormous and extremely worrying.⁶

Note that Canada repatriated or facilitated the return of close to 40,000 citizens and permanent residents from 100 or so countries in the weeks following the announcement of the COVID-19 pandemic. Of this number, 29 were from Syria. In this unprecedented wave of repatriations, none of the 47 Canadian citizens, including 26 children, detained in the camps in northeastern Syria received any assistance from Ottawa.

The federal government should give priority to the Canadian children detained in inhumane conditions and threatened by COVID-19 in its repatriations and recognize them as victims of ISIS.

Repatriation would also fulfil Canada's duty to make all necessary and feasible efforts to protect its citizens from torture or other inhuman or degrading treatment, and risks to life, and to help children fulfil their right to a nationality.⁷

On November 21, 2020, a petition for the repatriation of Canadian children was submitted to the House of Commons.

At the time of writing, on Friday evening, the petition to repatriate 25 Canadian children under the age of six from Syria has gathered just over the 500 signatures required for it to be tabled in Parliament.⁸ [translation]

The petition in fact has over 900 signatures.

Meanwhile, more than 10 countries have repatriated children detained in the camps in northeastern Syria, including Norway, Finland, Germany, England, Belgium, France and the United States under the presidency of Donald Trump.

On Tuesday, November 24, the National Assembly of Quebec unanimously adopted a motion presented by Catherine Fournier, MNA for Marie-Victorin, calling on the federal government to repatriate Canadian children detained in refugee camps in Syria as soon as possible:

That the National Assembly deplore the imprisonment of 25 Canadian children under the age of 6, including a number of Quebecers, in refugee camps in Syria; and

⁶ Letter of Leïla Sakhr, dated November 29, 2020.

⁷ Human Rights Watch, "Bring me back to Canada, Plight of Canadians Held in Northeast Syria for Alleged ISIS Links," June 2020.

⁸ Lisa-Marie Gervais, "Plaidoyer pour rapatrier les enfants canadiens de Daech," *Le Devoir*, November 21, 2020. [French only]

That it call on the federal government to repatriate these children as soon as possible.
[translation]

CONCLUSION

COVID-19 threatens the health and lives of Canadian citizens detained in camps in northeastern Syria whom the Canadian government should have repatriated a long time ago.

As a result, it is more urgent than ever to repatriate the Canadian children as soon as possible.

Thank you for your attention.

[SIGNED]

Stéphane Handfield
Lawyer
Handfield et Associés, Avocats

[SIGNED]

Mathieu Paiement
Filmmaker

[unofficial translation]

EXCERPT FROM THE JOURNAL OF DEBATES OF THE NATIONAL ASSEMBLY

FINAL VERSION – 42nd Legislature, 1st Session

Tuesday, November 24, 2020 – Vol. 45, No. 145

**Calling on the federal government to repatriate Canadian children detained in refugee camps in Syria
as soon as possible**

Ms. Fournier: Yes, Mr. President. I am seeking the Assembly's consent to move, jointly with the member for Laurier-Dorion, the following motion:

“That the National Assembly deplore the imprisonment of 25 Canadian children under the age of 6, including a number of Quebeckers, in refugee camps in Syria; and

That it call on the federal government to repatriate these children as soon as possible.”

The President: Is there consent to debate this motion?

Mr. Jolin-Barrette: Yes, Mr. President. Consent, without debate.

Voting

The President: Consent, without debate. Your respective votes, please. The member for Marie-Victorin?

Ms. Fournier: Yea.

The President: The Government House Leader?

Mr. Jolin-Barrette: Yea.

The President: The House Leader of the Official Opposition?

Mr. Fortin: Yea.

The President: The House Leader of the Second Opposition Group?

Mr. Nadeau-Dubois: Yea.

The President: The House Leader of the Third Opposition Group?

Mr. Ouellet: Yea.

The President: The member for Chomedey?

Mr. Ouellette: Yea.

The President: The motion is carried. The member for Marie-Victorin.

Ms. Fournier: Mr. President, I would like a copy of this motion to be sent to the Prime Minister and to the Minister of Foreign Affairs of Canada.

The President: That will be done as well.

Montreal, November 28, 2020

Dear Members of the Standing Committee on Foreign Affairs and International Development:

My name is Gabriel Allard Gagnon, and I have been a documentary filmmaker for about 15 years. I directed the films *T'es où Youssef?* (2017), which won four Gemini awards, and *Les poussières de daech* (2020), which is about the repatriation of children born under ISIS.

During filming, I travelled to Syrian Kurdistan twice (December 2019 and February 2020) to visit prisons overcrowded with former ISIS fighters, but more importantly the al-Hol detention camp, where the majority of Canadian children born under ISIS are currently being held.

Upon setting foot in the camp, I noted that there were no basic health logistics whatsoever. Inside the camp, bodily waste and trash were strewn in the corners of walls near the facilities where children gather to play.

My team and I met dirty, malnourished children, a number of whom had injuries that were inadequately treated.

Despite their lack of energy resulting from obvious nutritional deficiencies, the children gave us a warm welcome.

We were only able to see a very small part of the camp. The area we visited was surrounded by 100 or so tents that appeared to house several families. When we arrived, one of these tents was on fire.

Several sources told us that disease-carrying rodents are rampant in the tents.

I did not see any access to drinking water. That said, I heard from residents and NGOs on site that multiple water tanks were installed—albeit often under direct sunlight—in the camps. They are, however, rarely washed and often contaminated by parasites.

When we visited, the Turkish army had just attacked northeastern Syria. The camp authorities told us that the bombings had hit a major water treatment plant in the region, further endangering the water supply to the refugee camps in Syrian Kurdistan.

After I returned from my trip, I was fortunate enough to stay in contact with some of the mothers of the children detained at al-Hol. One of them reportedly received several thousand dollars through social

media to hire smugglers to help her and her children flee the camp. I have good reason to believe that this money came from ISIS sympathizers.

Several hundred women and children managed to escape in the same way, which is currently their only hope of getting out of al-Hol.

I am relaying this information to remind you that, in addition to the dangers they face as a result of COVID-19, these women and children are in the crosshairs of the remaining religious fundamentalists in the region. I believe that countries should immediately repatriate their citizens to keep them from falling into the clutches of ISIS once again.

For more information, do not hesitate to contact me.

I hope this letter will inform your recommendations going forward.

Yours sincerely,

[SIGNED]

Gabriel Allard Gagnon

Director

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To whom it may concern:

My name is Leïla Sakhir, and I'm a Quebecker of Moroccan origin. More than 19 years ago, my parents, my two brothers and I left our country of origin to settle in Quebec. Like many immigrant families, we took all sorts of steps when we arrived to become accustomed to Canada, including looking for an apartment and jobs, understanding Quebec's school system and its cultural and linguistic norms, and discovering the joy of Canadian winters. I have always believed that my family, especially my brothers and I, fit in quite well. We integrated into the school system, quickly found our bearings and made Montreal our new home. I had no worries about our future. All three of us graduated from Quebec universities, fit in very well from a social and professional standpoint and increasingly embodied North American culture. At least, that's what I thought until my brother did the unthinkable and shattered all my preconceived notions of our successful integration.

In June 2014, Youssef, the youngest and in our view the most brilliant Sakhir sibling, left Quebec to join ISIS in Syria. He travelled with his girlfriend, whom he married once he arrived there. They lived together for four years before Youssef died in the bombing of Baghouz in January 2019. Four months before my brother's death, he and his wife had a baby girl, [REDACTED] Sakhir, who was born on September 5, 2018. From the moment he arrived in Syria until the day he died, I was in regular contact with Youssef and his wife through applications like WhatsApp and Telegram. That is how I learned about the birth of my niece and the death of my brother.

Today, almost two years after Youssef's death, my niece is still being held in Syria. She lives with her mother in the Kurd-run detention camp of al-Hol next to the city of Al-Hasakah. This overcrowded camp has more than 70,000 people, and, having visited it myself, I can guarantee that its living conditions are absolutely dreadful, even for adults. Imagine what they must be like for a two-year-old. And with each passing season, new challenges arise. The tents they live in do next to nothing to protect them from the cold evenings of the Syrian desert, and in the summer, the heat is suffocating. Drinking water is hard to find and seldom regularly accessible. The lack of hygiene and sanitation measures is unimaginable, even degrading. The camp also poses several security risks for women detainees, including violence, both from groups created by other women in the camp and from guards who sometimes barge into their tents in the middle of the night and pillage the few belongings they have been able to scrape together. Imagine the scene. An infant is asleep with his mother in these already uncomfortable tents. Suddenly, he is woken up in the middle of the night by screams and the arrival of armed guards and doesn't understand the situation

at all. I challenge you to try running this scenario with your children; I can guarantee that they will not fall back to sleep. This happened more than once to my niece when she was just 14 months old. Obviously, in addition to all these problems, my niece, like the other children in the camp, does not receive enough food to foster her development. She is, of course, deprived of all forms of education and the motor and intellectual stimulation that a child her age should receive. Countries around the world are focusing on hygiene measures—masks, hand washing and social distancing—but I cannot imagine how these detention camps could possibly implement them. The tents are crammed together, germs are transmitted easily from one child to the next, and the lack of hygiene measures is simply unspeakable. Any action whatsoever in that regard would mark progress. The risk of COVID-19 spreading in the current living conditions in these camps is enormous and extremely worrying, especially since there is no way to treat or care for patients owing to a lack of medical personnel, equipment and facilities. A COVID-19 outbreak in the camp would be truly devastating. Repatriating my family is all the more urgent given the current situation.

I want my niece to have the life that a child of her age deserves: I wish she could have the food she needs, be safe and have access to health care and education. I want her to have every opportunity to be part of our society and build a safe future for herself. I want her to know that she is loved and protected, but most of all, that she is innocent and that the beginning of her life is nothing but the sad result of an unfortunate accident. She was born in the wrong place at the wrong time. She was dealt a terrible hand, and I truly hope she can secure her future before it is too late. I want her to be able to live out her childhood fully. I want her to be as healthy, happy and fulfilled as my children, your children and all other Canadian children, because she should be entitled to that.

The current pandemic is not an obstacle to her repatriation—quite the contrary! It should sound the alarm about the urgency of repatriation.

Yours sincerely,

Leïla Sakhir