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Agenda item 4

Human rights situations that require the Council's attention

Australia^{*}, Cape Verde^{*}, Georgia^{*}, Iceland^{*}, Jordan^{*}, Kuwait, Morocco^{*}, Qatar, Saudi Arabia^{*}, Tunisia^{*}, Turkey^{*}, United Arab Emirates: draft resolution

22/... Situation of human rights in the Syrian Arab Republic

The Human Rights Council,

Guided by the Charter of the United Nations,

Recalling General Assembly resolutions 66/176 of 19 December 2011, 66/253A of 16 February 2012, 66/253B of 3 August 2012 and 67/183 of 20 December 2012, Human Rights Council resolutions S-16/1 of 29 April 2011, S-17/1 of 23 August 2011, S-18/1 of 2 December 2011, 19/1 of 1 March 2012, 19/22 of 23 March 2012, S-19/1 of 1 June 2012, 20/22 of 6 July 2012 and 21/26 of 28 September 2012, and Security Council resolutions 2042 (2012) of 14 April 2012 and 2043 (2012) of 21 April 2012,

Recalling also Human Rights Council resolutions 5/1 and 5/2 of 18 June 2007,

Recalling further all resolutions of the League of Arab States relating to the situation in the Syrian Arab Republic, in particular its resolution 7595 of 6 March 2013, in which the League reviewed the very serious situation in the Syrian Arab Republic due to the escalating violence and killings in most of the Syrian territory, and the continuation of grave violations of human rights by the Syrian regime using heavy weapons, warplanes and Scud missiles to bomb neighbourhoods and populated areas, which has seriously increased the number of victims, caused human displacement inside the Syrian Arab Republic and an influx of thousands of Syrians to the neighbouring countries fleeing violence, which targets even children and women who have been subjected to frightful massacres, threatening thus to lead to the collapse the Syrian State, and endangers the security, peace and stability of the region,

Recalling the outcome on the Syrian Arab Republic of the twelfth session of the Islamic Summit Conference, held in Cairo from 2 to 7 February 2013, where the Organization of Islamic Cooperation strongly condemned the ongoing bloodshed in the Syrian Arab Republic, underlined the primary responsibility of the Government of the Syrian Arab Republic for the continued violence and destruction of property, and expressed

^{*} Non-Member State of the Human Rights Council.

grave concern over the deteriorating situation, the increasing frequency of killings, which claim the lives of thousands of unarmed civilians, and the perpetration of massacres in towns and villages by the Syrian authorities,

Recalling also all meetings of the Group of Friends of the Syrian People, in particular the fourth Ministerial Meeting held in Marrakech on 12 December 2012, where the participants acknowledged the National Coalition for Syrian Revolutionary and Opposition Forces as the legitimate representative of the Syrian people,

Reaffirming its strong commitment to the sovereignty, independence, unity and territorial integrity of the Syrian Arab Republic and to the principles of the Charter,

Expressing grave concern at the continuing escalation of violence in the Syrian Arab Republic,

Expressing deep concern at the growing number of refugees and internally displaced persons fleeing the violence, and welcoming the efforts by neighbouring countries to host Syrian refugees while acknowledging the socioeconomic consequences of the presence of large-scale refugee populations in these countries, and also welcoming the valuable contribution of other countries in facing this humanitarian challenge,

Strongly condemning the shelling as well as the shooting by the Syrian armed forces into neighbouring countries, which led to casualties and injuries of the civilians of those countries as well as of Syrian refugees, and underlining that such incidents violated international law and highlighted the grave impact of the crisis in the Syrian Arab Republic on the security of its neighbours and on regional peace and stability,

Reaffirming its support for the mission of the Joint Special Representative of the United Nations and the League of Arab States, Lakhdar Brahimi, and expressing its full support for his efforts towards the peaceful transition to a pluralistic, democratic civil State with equality in citizenship and freedoms and full respect for human rights,

Recalling the statements made by the United Nations High Commissioner for Human Rights before the Human Rights Council and the Security Council, and by the special procedures of the Human Rights Council that crimes against humanity are likely to have been committed in the Syrian Arab Republic, and noting the repeated encouragement by the High Commissioner to the Security Council to refer the situation to the International Criminal Court,

1. *Welcomes* the report of the independent international commission of inquiry on the Syrian Arab Republic submitted pursuant to Human Rights Council resolution 21/26;¹

2. *Deeply regrets* the lack of cooperation of the Government of the Syrian Arab Republic with the commission of inquiry, in particular the persistent denial of access to members of the commission to the Syrian Arab Republic;

3. *Condemns* all violence, especially against civilians, irrespective of where it comes from, including terrorist acts and sectarian violence;

4. *Strongly condemns* the continued widespread and systematic gross violations of human rights and fundamental freedoms by the Syrian authorities and the government-affiliated militia, such as those including the shelling of populated areas with ballistic missiles, the use of heavy weapons and force against civilians, unlawful killings, extrajudicial executions, arbitrary arrest and detentions, massacres, enforced

¹ A/HRC/22/59.

disappearances, widespread and systematic attack against a civilian population, the use of torture and other forms of ill-treatment, sexual violence against women, men and children, indiscriminate shelling and aerial bombardment on civilian gatherings, and mass killings, as well as any human rights abuses by armed opposition groups, while noting that abuses committed by anti-Government armed groups did not reach the intensity and scale of the violations committed by government forces and its affiliated militia;

5. *Condemns in the strongest terms* all massacres taking place in the Syrian Arab Republic, and stresses the need to hold those responsible to account;

6. *Strongly condemns* intentional and repeated attacks against medical facilities, personnel and vehicles, as well as the use of medical civilian facilities, including hospitals, for armed purposes;

7. *Calls for* all medical facilities to be free of weapons, including heavy weapons, in accordance with applicable international law;

8. *Urges* all parties to protect medical personnel, facilities and transport, as well as to allow the provision of medical care on a non-discriminatory basis;

9. *Strongly condemns* all threats and acts of violence against humanitarian personnel and United Nations and associated personnel;

10. *Notes with grave concern* that violations of the rights of the child are being committed in the Syrian Arab Republic, in violation of the Convention on the Rights of the Child and the Optional Protocol thereto on the involvement of children in armed conflict, to which the Syrian Arab Republic is a party, and urgently calls for refraining from recruiting and involving children in the conduct of hostility;

11. *Condemns* the widespread sexual violence committed against women, men and especially children, which constitutes an attack against human dignity, and underlines that perpetrators must be held accountable;

12. *Expresses deep concern* at the ongoing destruction of the diverse cultural heritage of the Syrian Arab Republic;

13. *Calls upon* all parties to put an end to all forms of violence;

14. *Also calls upon* all parties to respect fully international law applicable to the rights and protection of women and girls, and to take special measures to protect women and girls from gender-based violence, particularly rape and other forms of sexual abuse, and also calls for the involvement of women at decision-making levels in conflict resolution and peace processes;

15. *Urges* the Syrian authorities to release immediately all persons arbitrarily detained, including the members of the Syrian Centre for Media and Freedom of Expression, to publish a list of all detention facilities, to ensure that conditions of detention comply with applicable international law, and to allow immediately access of independent monitors to all detention facilities;

16. *Reiterates its call* upon the Syrian authorities to meet its responsibility to protect the Syrian population;

17. *Stresses* the imperative need to follow up on the report of the commission of inquiry and to conduct an international, transparent, independent and prompt investigation into all abuses and all violations of international law, with a view to hold to account those responsible for violations and abuses, including those that may amount to crimes against humanity and war crimes;

18. *Encourages* members of the international community to ensure that there is no impunity for such violations or abuses, stressing that the Syrian authorities have failed to prosecute alleged perpetrators of serious violations or abuses, which may amount to war crimes or crimes against humanity;

19. *Notes in that regard* the relevance of potential referrals to criminal justice at the national and international levels, reaffirming that the Syrian people, on the basis of broad, inclusive and credible consultations, should determine, within the framework provided by international law, the process and mechanisms to achieve reconciliation, truth and accountability for gross violations, as well as reparations and effective remedies for victims;

20. *Stresses* its support for the aspirations of the Syrian people for a peaceful, democratic and pluralistic society, in which there is no room for sectarianism or discrimination on ethnic, religious, linguistic or any other grounds, based on the promotion of universal respect for and observance of human rights and fundamental freedoms;

21. *Underlines* the responsibility of all States Members of the Human Rights Council and the international community as a whole to be mindful of the dire situation in the Syrian Arab Republic;

22. *Welcomes* the unprecedented outcome of the International Humanitarian Pledging Conference for Syria, held in Kuwait on 30 January 2013, and urges donor States and organizations to rapidly provide the pledged funds to meet the dire needs of the Syrian people;

23. *Urges* the international community to provide urgent financial support to the host countries to enable them to respond to the growing humanitarian needs of Syrian refugees, while emphasizing the principle of burden-sharing;

24. *Urges* all relevant United Nations agencies, in particular the Office of the United Nations High Commissioner for Refugees, and other international organizations and donor States to provide urgent and more support to Syrian refugees and their host countries;

25. *Urges* all donors to provide expeditiously financial support to the Office for the Coordination of Humanitarian Affairs and international humanitarian organizations, as requested in the humanitarian appeal on the Syrian Arab Republic, so that they can implement more actively the humanitarian response plan inside the country;

26. *Reiterates its call* upon the Syrian authorities to allow and facilitate immediate, unimpeded and full access of humanitarian organizations to all areas of the Syrian Arab Republic in order to allow them to provide relief and humanitarian assistance, and calls on all sides to respect the safety of humanitarian workers and United Nations personnel;

27. *Decides* to extend the mandate of the independent international commission of inquiry on the Syrian Arab Republic established by the Human Rights Council in its resolution S-17/1 to investigate all alleged violations of international human rights law since March 2011 in the Syrian Arab Republic, including massacres, to establish the facts and circumstances that may amount to such violations and of the crimes perpetrated and, where possible, to identify those responsible with a view of ensuring that perpetrators of violations, including those that may constitute crimes against humanity, are held accountable, and requests the commission to continue its work and to present a written report on the situation of human rights in the Syrian Arab Republic at an interactive dialogue during the twenty-third session of the Council;

28. *Requests* the commission of inquiry to continue to update its mapping exercise of gross violations of human rights in the Syrian Arab Republic since March 2011, including the assessment of casualty figures, and to publish it periodically;

29. *Requests* the Secretary-General to provide the necessary resources, including staffing, to the commission of inquiry in order to allow it to fulfil completely its mandate in the light of the increasingly deteriorating situation of human rights in the Syrian Arab Republic;

30. *Reiterates its repeated call* upon the Syrian authorities to cooperate fully with the commission of inquiry, including by granting it immediate, full and unfettered access throughout the Syrian Arab Republic;

31. *Decides* to transmit all reports and oral updates of the commission of inquiry to all relevant bodies of the United Nations and to the Secretary-General for appropriate action;

32. *Also decides* to remain seized of the matter.
