

C.32 from Morocco. Qatar - Jordan  
difye - Saudi Arabia - Tunisia, Kuwait  
Item 4

8/11

Draft resolution on the Human rights situation in Syria

*The Human Rights Council,*

*Guided by the UN Charter;*

*Recalling* General Assembly resolutions 66/253B of 3 August 2012, 66/176 of 19 December 2011 and 66/253A of 16 February 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 and 20/22 of 6 July 2012, and Security Council resolutions 2042 (2012) of 14 April 2012 and 2043 (2012) of 21 April 2012;

*Recalling* further Human Rights Council resolution 5/1 and 5/2;

*Recalling* all League of Arab States resolutions related to the situation in the Syrian Arab Republic, in particular its resolution 7523 of 5 September 2012 which expresses strong condemnation of the continuing violence, murder and heinous crimes committed by the Syrian authorities, and its affiliated militias "Shabbiha", against Syrian civilians and the use of heavy weapons including tanks, artillery and warplanes in its bombardment of populated neighborhoods and villages, as well as arbitrary executions and enforced disappearances in flagrant violations of human rights and fundamental freedoms, and calls upon the Syrian government for an immediate and complete cessation of all forms of killings and violence against the Syrian people;

*Recalling* the OIC resolution 2/4-EX (IS) of 15 August 2012 on the situation in Syria which called for the commencement of immediate implementation of the transitional phase plan and the development of a peaceful mechanism that would allow building a new Syrian State based on pluralism, democratic and civilian system where there would be an equality on the basis of law, citizenship and fundamental freedoms;

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

*Expressing grave concern* at the escalation of violence in the Syrian Arab Republic as well as the growing number of refugees and IDP's fleeing these violence and welcoming the efforts by neighboring countries in hosting the Syrian refugees;

*Expressing its deep concern* over the failure to implement the six-point plan of the former joint special envoy in Syria Kofi Annan, and welcoming the appointment of Lakhdar Brahimi as a new joint special representative of the United Nations and the League of Arab States on the Syrian crisis;

*Recalling* the statements made by the United Nations High Commissioner for Human Rights before the Human Rights Council, as well as the Security Council that crimes against humanity are likely to have been committed in the Syrian Arab Republic, and noting her repeated encouragement 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 (A/HRC/21/50) pursuant to HRC resolution 19/22 and the recommendations contained therein;
2. *Regrets* the non cooperation of the Syrian government with the COI;
3. *Condemns* all violence, irrespective of where it comes from, including terrorist acts;

10/11

4. *Strongly condemns* the continued widespread and systematic gross violations of human rights and fundamental freedoms by the Syrian authorities and pro-Government militias "Shabbiha", such as the use of heavy weapons and force against civilians, massacres, arbitrary executions, the extrajudicial killings, the killing and persecution of protestors, human rights defenders and journalists, arbitrary detention, enforced disappearances, interference with access to medical treatment, torture, sexual violence, and ill-treatment, including against children, as well as any human rights abuses by armed opposition groups;
5. *Condemns in the strongest terms* the massacre of the village of El-Houleh near Homs, where the Syrian government forces and members of the Government-controlled militia Shabbiha were found by the commission of inquiry to be the perpetrators of outrageous and heinous crimes and *stresses* the need to hold those responsible to account;
6. *Calls upon* all parties to put an end to all forms of violence;
7. *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;
8. *Urges* the Syrian authorities to release immediately all persons arbitrarily detained, publish a list of all detention facilities, ensure that conditions of detention comply with applicable international law and immediately allow access of independent monitors to all detention facilities;
9. *Reiterates* its call upon the Syrian authorities to meet its responsibility to protect the Syrian population;
10. *Stresses* the need to follow up on the report of the Commission of Inquiry and to conduct an international, transparent, independent and prompt investigation into abuses and violations of international law, with a view to hold to account those responsible for violations and abuses, including for those that may amount to crimes against humanity and war crimes, and 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, and notes in this regard the potential relevance of international justice, while underscoring the importance of the recommendation of the commission of inquiry 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 the victims;
11. *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;
12. *Underlines* the responsibility of all members of HRC and the international community as a whole to be mindful of the dire situation in Syria;
13. *Urges* the international community to provide urgent financial support to the host countries to enable them to respond to the growing humanitarian needs of the Syrian refugees, while emphasizing the principle of burden sharing;

11/11

14. *Also urges* all relevant United Nations agencies, in particular the Office of the United Nations High Commissioner for Refugees and other donors, to provide urgent and more support to the Syrian refugees and their host countries;
15. *Urges further* all donors to expeditiously provide financial support to OCHA and international humanitarian organizations as requested in the humanitarian appeal on Syria so that they can perform more actively in carrying out Humanitarian response plan inside the country;
16. *Reiterates its call upon* the Syrian authorities to allow and facilitate an 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 UN personnel;
17. *Decides* to extend the mandate of the independent international commission of inquiry on the Syrian Arab Republic established by the HRC in its resolution S-17/1, and request the commission to continue its work and to present a written report on the human rights situation in Syria at an interactive dialogue during the HRC 22<sup>nd</sup> session;
18. *Requests* the Commission of inquiry to continue updating its mapping exercise of gross violations of human rights in Syria since March 2011, including the assessment of casualty figures, and to publish it periodically;
19. *Condemns* in the strongest terms the increasing number of massacres taking place in Syria and *requests* the Commission of Inquiry to investigate all massacres;
20. *Also requests* the UNSG to provide additional resources, including staffing, to the commission of inquiry in order to allow it to completely fulfill its mandate in light of the increasingly deteriorating human rights situation in the Syrian Arab Republic;
21. *Reiterates its 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;
22. *Decides* to transmit all reports and oral updates by the commission of inquiry to all relevant bodies of the United Nations and the Secretary-General for appropriate action;
23. *Decides* to remain seized of the matter.