



# General Assembly

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## Human Rights Council

### Eighteenth special session

2 December 2011

#### Poland: draft resolution

#### S-18/... The human rights situation in the Syrian Arab Republic

*The Human Rights Council,*

*Reaffirming* the purposes and principles of the Charter, the Universal Declaration of Human Rights and relevant international human rights treaties, including the International Covenant on Civil and Political Rights, and that all States are bound to promote and protect human rights and fundamental freedoms,

*Recalling* also General Assembly resolutions 60/251 of 15 March and 65/281 of 17 June 2011,

*Recalling* further Human Rights Council resolutions S-16/1 of 29 April 2011, S-17/1 of 22 August 2011 and L.57 of the Third Committee of the General Assembly of 22 November 2011,

*Deploing* the Government of Syria's refusal to fully implement Council resolution S-16/1 and S-17/1 and its continued non-cooperation with the independent Commission of Inquiry, in particular the continued lack of access to the Syrian Arab Republic afforded to the Commission,

*Deeply* concerned by the ongoing grave human rights violations by the Syrian authorities against their population,

*Reiterating* the importance of accountability and the need to end impunity and hold to account those responsible for human rights violations, including those that may amount to crimes against humanity,

*Welcoming* all efforts and measures by the League of Arab States to address all aspects of the situation in the Syrian Arab Republic, and the steps undertaken by the League of Arab States to ensure the implementation of its Plan of Action, including those aimed at ending all human rights violations and all acts of violence,

*Expressing* concern about the continued lack of commitment by the Syrian authorities to fully and immediately implement the Plan of Action of the League of Arab States of 2 November 2011,

*Welcoming* the statement of the Secretary-General of the League of Arab States of 16 October 2011, and welcoming also the decisions on the situation in the Syrian Arab Republic of the League of Arab States of 12, 16, 24 and 27 November,

1. *Welcomes* the report of the Commission of Inquiry established pursuant Human Rights Council resolution S-17/1 and its recommendations and *expresses* profound concern about the report's findings, including in particular that crimes against humanity have been committed in different locations in the Syrian Arab Republic since March 2011,

2. *Strongly condemns*:

(a) the continued widespread, systematic and gross violations of human rights and fundamental freedoms by the Syrian authorities, such as arbitrary executions, excessive use of force and the killing and persecution of protesters, human rights defenders and journalists, arbitrary detention, enforced disappearances, reprisals, torture and ill-treatment, including children;

(b) attacks against civilians in cities and villages across the country, their repetitive nature, the levels of excessive force used consistently by units of the Syrian armed forces and diverse security forces, the coordinated nature of these attacks and the facts that they were conducted on the orders of high-ranking military officers;

(c) the extensive violations of children's rights committed by the Syrian authorities, including killings of children during demonstrations and widespread practices of arbitrary detention, torture and ill-treatment;

(d) all sexual violence against civilians by the Syrian authorities, in particular against male detainees and children;

(e) the obstruction and denial of medical assistance to the injured and sick, the raids and track-downs of wounded protesters in both public and private hospitals.

3. *Urges* the Syrian government to implement without delay the recommendations addressed to it by the Commission of Inquiry, in particular to:

(a) meet its responsibility to protect its population, to immediately put an end to all human rights violations, to stop any attacks against civilians, and to comply fully with its obligations under international human rights law;

(b) release immediately all prisoners of conscience and arbitrarily detained persons, and grant an access for independent international monitors to all places of detention;

(c) initiate prompt, independent and impartial investigations under both domestic and international law to end impunity, ensure accountability and bring perpetrators to justice;

(d) suspend from the military and the security forces all alleged perpetrators of serious human rights violations;

(e) establish a mechanism to investigate cases of disappearances by allowing relatives of disappeared persons to report the details of their cases, and to ensure appropriate investigation;

(f) guarantee unhindered access to care without any discrimination or control and not to intervene in hospitals to arrest or abduct any wounded protestors;

(g) allow independent and international media to operate in Syria without restrictions, harassment or intimidation; allow access to the internet and telecommunications network and to lift censorship on reporting;

(h) ensure timely, safe and unhindered access for all humanitarian actors and ensure the safe passage of humanitarian and medical supplies into the country;

(i) facilitate the voluntary return of Syrian refugees and internally displaced persons.

4. *Expresses* its grave concern over the prevailing systemic impunity for human rights violations and its entrenchment in legislation awarding immunity for State officials, in contravention of the State's international legal obligations,

5. *Recommends*, given the nature of the crimes occurred, that the General Assembly and the Security Council consider the report of the Commission of Inquiry and take appropriate action,

6. *Invites* the High Commissioner to consider the establishment of a field presence in the Syrian Arab Republic with a protection and promotion mandate,

7. *Establishes* the mandate of a Special Rapporteur on the situation of human rights in the Syrian Arab Republic to follow up on the work of the Commission of Inquiry once the Commission's mandate ends,

8. *Commends and supports* the efforts and measures by the Arab League and calls upon the Syrian authorities to implement the League of Arab States' Plan of Action in its entirety without further delay;

9. *Recommends* that the UN Member States and regional organisations, particularly the League of Arab States:

(a) support efforts to protect the population of the Syrian Arab Republic and to bring an immediate end to gross human rights violations;

(b) assist the Syrian Arab Republic in addressing serious institutional weaknesses by strengthening the independence of its judiciary and reforming its security sector through bilateral and multilateral development cooperation;

(c) provide Syrian nationals seeking protection with refuge in accordance with the provisions of the international law governing asylum.

10. *Encourages* relevant thematic special procedures mandate holders, in particular the special rapporteurs on the promotion and protection of the right to freedom of opinion and expression, on the situation of human rights defenders, on the independence of judges and lawyers, on torture and other cruel, inhuman or degrading treatment or punishment, on the rights to freedom of peaceful assembly and of association, the Working Group on Enforced or Involuntary Disappearances as well as the Working Group on Arbitrary Detention, within their respective mandates, to pay particular attention to the human rights situation in the Syrian Arab Republic and to include their observations in their annual reports to the Council and urges the Syrian Arab Republic to cooperate with those all mandate holders, including by allowing country visits,

11. *Calls upon* the Syrian authorities to fully cooperate with the Commission of Inquiry and with the Office of the High Commissioner and Human Rights Council mechanisms, including through granting an access to the country,

12. *Invites* the Secretary-General of the United Nations, in accordance with his functions, to take the necessary measures according to the UN Charter to support the efforts of the League of Arab States regarding the situation in the Syrian Arab Republic, if requested, consistently with the League of Arab States' decisions of 12,16, 24 and 27 November 2011,

13. *Decides* to transmit the Commission of Inquiry report to the UN Secretary General for appropriate action and transmission to all UN relevant bodies and requests the Secretary General to present a report on the implementation of the resolution to the Human Rights Council at its 19<sup>th</sup> session,

14. *Decides* to remain seized of the matter and to consider further appropriate steps to be taken at its 19th session.

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