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Agenda item 4

Human rights situations that require the Council's attention

Albania^{*}, Andorra, Australia^{*}, Austria, Bahrain^{*}, Belgium, Botswana, Bulgaria^{*}, Canada^{*}, Chile, Costa Rica, Côte d'Ivoire, Croatia^{*}, Cyprus^{*}, Czech Republic, Denmark^{*}, Djibouti, Egypt, Estonia^{*}, Finland^{*}, France^{*}, Georgia^{*}, Germany^{*}, Greece^{*}, Honduras^{*}, Hungary, Iceland^{*}, Ireland^{*}, Israel, Italy, Japan^{*}, Jordan, Kuwait, Latvia^{*}, Liechtenstein^{*}, Lithuania^{*}, Luxembourg^{*}, Maldives, Malta^{*}, Mexico, Monaco^{*}, Montenegro^{*}, Morocco, Netherlands^{*}, New Zealand, Norway, Oman, Palestine, Poland, Portugal^{*}, Qatar, Republic of Korea^{*}, Republic of Moldova, Romania, Saint Kitts and Nevis^{*}, San Marino^{*}, Saudi Arabia, Slovakia^{*}, Slovenia^{*}, Spain, Sweden^{*}, Switzerland, the former Yugoslav Republic of Macedonia, Tunisia, Turkey^{*}, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland^{*}, United States of America: draft resolution

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

The Human Rights Council,

Reaffirming the purposes and principles of the Charter of the United Nations, 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 General Assembly resolutions 66/176 of 19 December 2011 and 66/253 of 16 February 2012, as well as Human Rights Council resolutions S-16/1 of 29 April 2011, S-17/1 of 22 August 2011, S-18/1 of 2 December 2011 and A/HRC/19/L.1/Rev.1 of 1 March 2012,

Deploring the refusal of the Syrian authorities to implement the above-mentioned resolutions, and the lack of cooperation with the commission of inquiry, established by the Human Rights Council in its resolution S-17/1, including the continued denial of access to the country,

Deploring also the escalation of violence that has led to a grave and ongoing human rights crisis and increased human suffering, and the fact that the Syrian authorities have manifestly failed in their responsibility to protect the Syrian population,

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

Appalled at the ongoing and systematic brutal human rights violations by the Syrian authorities against the Syrian people,

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

Welcoming all efforts, decisions and measures of the League of Arab States to address all aspects of the situation in the Syrian Arab Republic, and the steps taken by the League to ensure the implementation of its Plan of Action, including its decisions of 2 November 2011 and 22 January, 12 February and 10 March 2012,

Welcoming also the appointment of the joint special envoy of the United Nations and the League of Arab States on the Syrian crisis, who is providing its good offices aimed at bringing an end to all violence and human rights violations and at promoting a peaceful solution to the Syrian crisis,

Welcoming further the holding of the first meeting of the Group of Friends of the Syrian People on 24 February 2012 in Tunis, and the outcome as reflected in the Chairman's conclusions,

Reaffirming that all involved in the current crisis must show respect for and act in conformity with human rights,

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

1. *Welcomes* both reports of the commission of inquiry established pursuant to Human Rights Council resolution S-17/1¹ and the recommendations made therein, and expresses profound concern about the commission's findings that Government forces have committed widespread, systematic and gross human rights violations that may amount to crimes against humanity with the apparent knowledge and consent of the highest levels of the State;

2. *Condemns in the strongest terms:*

(a) The sharply escalating widespread, systematic and gross violations of human rights and fundamental freedoms perpetrated by the Syrian authorities, such as arbitrary executions, excessive use of force and the killing and persecution of protesters, refugees, human rights defenders and journalists, including recent deaths of Syrian and foreign journalists, arbitrary detention, enforced disappearances, torture and ill-treatment, including of adolescents and children;

(b) The attacks against civilians in cities and villages across the country, including the artillery bombardments of residential areas, the levels of excessive and indiscriminate force used consistently by units of the Syrian armed forces and diverse security forces, and the coordinated nature of these attacks, noting that there is credible and consistent evidence that these actions have been conducted on the orders of the authorities, including high-ranking military officers;

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

¹ A/HRC/S-17/2/Add.1 and A/HRC/19/69.

(d) The sexual violence committed by the Syrian authorities, including against male detainees and children;

(e) The deliberate destruction of hospitals and clinics, the obstruction and denial of medical assistance to the injured and sick, and the raids and killing of wounded protesters in both public and private hospitals;

3. *Strongly urges* the Syrian authorities to put an immediate end to all violence and all human rights violations;

4. *Demands* that the Syrian authorities meet their responsibility to protect their population;

5. *Expresses its grave concern* at the prevailing systemic impunity for human rights violations and its entrenchment in legislation, awarding immunity for State Government officials;

6. *Stresses* that the widespread and systematic use of violence against Syrian civilians is contrary to international criminal law and requires that perpetrators be brought to justice;

7. *Acknowledges and is deeply troubled* by the commission of inquiry's finding that there is a reliable body of evidence that provides reasonable grounds to believe that particular individuals, including commanding officers and officials at the highest levels of Government, bear responsibility for crimes against humanity and other gross human rights violations;

8. *Stresses* the need to conduct an international, transparent, independent and prompt investigation into violations of international law with a view to hold to account those responsible for widespread, systematic and gross human rights violations, including those violations that may amount to crimes against humanity;

9. *Expresses deep concern* at the humanitarian situation and urges the Syrian authorities to ensure timely, safe and unhindered access for all humanitarian actors and to ensure the safe passage of humanitarian and medical supplies into the country;

10. *Invites* all relevant United Nations agencies, in particular the Office of the United Nations High Commissioner for Refugees, to provide support to Syrian refugees and their host countries;

11. *Demands* that the Syrian authorities:

(a) Respect the popular will, aspirations and demands of the Syrian people;

(b) Put an immediate end to all attacks against journalists, fully respect freedom of expression in line with international obligations, allow independent and international media to operate in the Syrian Arab Republic without restrictions, harassment, intimidation or risk to life, and ensure adequate protection for journalists;

(c) Take immediate steps to ensure the safety of foreign nationals in the Syrian Arab Republic, including refugees and diplomatic staff, as well as the protection of their property;

(d) Lift, without delay, the blockade of Homs, Dar'a, Zabadani and all other cities under siege;

12. *Commends and supports* the efforts and measures of the League of Arab States, and calls upon the Syrian authorities to implement the League's Plan of Action of 2 November 2011 in its entirety, as well as its decisions, without further delay;

13. *Demands* that the Government of the Syrian Arab Republic, in accordance with the Plan of Action of the League of Arab States of 2 November and its decisions of 22 January and 12 February 2012, without delay:

- (a) Cease all violence and protect its population;
- (b) Release all persons detained arbitrarily due to the recent incidents;
- (c) Withdraw all Syrian military and armed forces from cities and towns, and return them to their original home barracks;
- (d) Guarantee the freedom of peaceful demonstrations;
- (e) Allow full and unhindered access and movement for all relevant institutions of the League of Arab States and Arab and international media in all parts of the Syrian Arab Republic to determine the truth about the situation on the ground and monitor the incidents taking place;

14. *Decides* to extend the mandate of the commission of inquiry established by the Human Rights Council in its resolution S-17/1, and requests the commission to continue its work, to provide an oral update to the Council at an interactive dialogue at its twentieth session and to present also a written updated report at an interactive dialogue at its twenty-first session;

15. *Requests* the commission of inquiry to conduct and continuously update a mapping exercise of gross violations of human rights since March 2011, including an assessment of casualty figures, and to publish it periodically;

16. *Invites* the Office of the United Nations High Commissioner for Human Rights to facilitate the safe and secure storage of information and evidence, gathered by the commission of inquiry, on violations and abuses of international human rights law in the Syrian Arab Republic since March 2011;

17. *Calls on* the Syrian authorities to cooperate fully with the commission of inquiry, including by granting it unhindered access to the country;

18. *Repeats* its call upon the Syrian authorities to cooperate with the special procedures of the Human Rights Council and with the Office of the High Commissioner, including through the establishment of a field presence with a mandate to protect and promote human rights;

19. *Invites* the Secretary-General to take the measures necessary to support the efforts of the League of Arab States, if requested, to contribute to a peaceful solution to the situation in the Syrian Arab Republic consistent with the Charter of the United Nations and the League's decisions;

20. *Recommends* that the main bodies of the United Nations urgently consider the reports of the commission of inquiry and take appropriate action to address human rights violations, as well as crimes against humanity that may have been committed;

21. *Decides* to transmit the updated reports of the commission of inquiry to all relevant United Nations bodies and the Secretary-General for appropriate action, and requests the Secretary-General to present a report on the implementation of the present resolution to the Human Rights Council at its twentieth and twenty-first sessions;

22. *Also decides* to remain seized of the matter and to consider further appropriate steps to be taken.