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Draft on Syria

**Human Rights Council**

Twenty-third session

Agenda item 4

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**Human rights situations that require the Council's attention**

**23/...The deterioration of the situation of human rights in the Syrian Arab Republic and the need to grant immediate access to the Commission of Inquiry**

*The Human Rights Council,*

*PP1 Guided by the Charter of the United Nations,*

*PP2 Recalling Human Rights Council resolutions 5/1 and 5/2 of 18 June 2007,*

*PP3 Recalling all relevant General Assembly, Security Council and Human Rights Council resolutions on the situation in the Syrian Arab Republic,*

*PP4 Recalling further all relevant resolutions of the League of Arab States and the Organization of Islamic Cooperation relating to the situation in the Syrian Arab Republic,*

*PP5 Reaffirming its strong commitment to the sovereignty, independence, unity and territorial integrity of the Syrian Arab Republic,*

*PP5 bis. Recalling all the meetings of the Group of Friends of the Syrian People, in particular the 4<sup>th</sup> 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,*

*PP9 Reaffirming its support for the mission of the Joint Special Representative of the United Nations and the League of Arab States, Lakhdar Brahimi, and welcoming the international efforts to hold an international Conference aimed at finding a political solution to the Syrian crisis that meets the legitimate aspirations of the Syrian people for a civil, democratic and pluralistic Syria where all citizens are equal regardless of gender, religion and ethnicity, and demands in this regard that all Syrian parties work with M Brahimi to implement rapidly the transition plan set forth in the final communiqué issued by the Action Group for Syria on 30 June 2012,*

*PP9 bis 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 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 submitted pursuant to Human Rights Council resolution 22/24;

2. *Condemns* 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. *Notes with concern* that the lack of access by the Commission of Inquiry to the Syrian Arab Republic continues to hamper the Commission's ability to fulfil its mandate and stresses in this regard the need to collect evidence directly from all of Syria;

4. *Demands* that the Syrian authorities cooperate fully with the commission of inquiry, including by granting it immediate, full and unfettered access throughout the Syrian Arab Republic and responding promptly to its communications and requests;

5. *Welcomes* the statement of the Syrian Opposition Coalition of 3 June 2013 about access to Opposition-controlled areas and calls on the opposition to cooperate with the Commission to assist it in exercising its mission and fulfilling its mandate in Syria;

6. *Condemns* all violence, especially against civilians, irrespective of where it comes from, including terrorist acts, and acts of violence which may foment sectarian tensions; and demands that all parties put an immediate end to all forms of violence and comply strictly with their obligations under international law, including international humanitarian law;

7. *Strongly condemns* the continued widespread and systematic gross violations of human rights and fundamental freedoms and all violations of international humanitarian law by the Syrian authorities and

the government affiliated shabbiha militias, as well as any human rights abuses and violations of international humanitarian law by armed oppositions groups, whilst noting that the commission of inquiry stated in its report that abuses and violations committed by anti-Government armed groups did not reach the intensity and scale of the violations committed by government forces and its associated militia;

8. *Condemns in the strongest terms* all massacres taking place in the Syrian Arab Republic, most recently in Al-Qusayr, and stresses the need to hold those responsible to account;

9. *Strongly Condemns* the intervention of all foreign combatants in Syria, including those fighting on behalf of the regime and in particular Hezbollah, and expresses deep concern that their involvement further exacerbates the deteriorating human rights and humanitarian situation, which has a serious negative impact on its region;

10. 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, committed by all parties, 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;

11. 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 that may amount to war crimes or crimes against humanity;

12. Reaffirms 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 justice, reconciliation, truth and accountability for gross violations, as well as reparations and effective remedies for victims, whilst underlining the relevance of referrals to the appropriate international criminal justice mechanism, under appropriate circumstances;

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

14. *Deplores* the further deterioration of the humanitarian situation and the failure to ensure the safe and timely provision of humanitarian assistance to all areas affected by the fighting,

15. *Expresses deep concern* at the growing number of refugees and internally displaced persons fleeing the violence, and welcomes 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;

16. *Notes* the request by the General Assembly to the Special Rapporteur on the human rights of internally displaced persons to submit a written report on the very dire situation of internally displaced persons in the Syrian Arab Republic, and invites the Special Rapporteur to present this report to the Council at its 24<sup>th</sup> session;

17. *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;

18. *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;

19. *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;

20. *Demands* that the Syrian authorities facilitate the access of humanitarian organisations to all people in need through the most efficient routes, including by providing authorisation for cross-border humanitarian operations as an urgent priority, and encourages all parties in the Syrian Arab Republic to facilitate the delivery of assistance in areas under their control, including across conflict lines, in order to implement fully the humanitarian response plan, and calls on all sides to respect the safety of humanitarian workers and United Nations personnel, as well as to protect medical personnel, facilities and transport consistent with applicable international law;

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