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Agenda item 4

Human rights situations that require the Council's attention

Kuwait, Qatar, Saudi Arabia*, Turkey*, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland*, United States of America: draft resolution

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,

Guided by the Charter of the United Nations,

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

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

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,

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

Recalling all the 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 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 organize 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 State, where all citizens are equal regardless of gender, religion and ethnicity, and demands in this regard that all Syrian parties work with the Joint Special Representative to implement rapidly the transition plan set forth in the final communiqué issued by the Action Group for Syria on 30 June 2012,

* Non-member State of the Human Rights Council.

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 22/24 of 22 March 2013;¹

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 the Syrian Arab Republic;

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 on 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 the Syrian Arab Republic;

6. *Condemns* all violence, especially against civilians, irrespective of where it comes from, including terrorist acts and acts of violence that 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, while 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 the Syrian Arab Republic, including those fighting on behalf of the regime and in particular Hizbullah, and expresses deep concern that their involvement further exacerbates the deteriorating human rights and humanitarian situation, which has a serious negative impact on the region;

¹ A/HRC/23/58.

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, and 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, while underlining the relevance of referrals to the appropriate international criminal justice mechanism under appropriate circumstances;

13. *Demands* that 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 made 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,² and invites the Special Rapporteur to present that report to the Council at its twenty-fourth 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 organizations to all people in need through the most efficient routes, including by providing authorization for cross-border humanitarian operations as an urgent priority, 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

² General Assembly resolution 67/262, para. 21.

United Nations personnel, as well as to protect medical personnel, facilities and transport consistent with applicable international law;

21. *Decides* to remain seized of the matter.
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