



# General Assembly

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## Human Rights Council

### Forty-fourth session

30 June–17 July 2020

Agenda item 4

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

**Albania,\* Australia, Austria, Bulgaria, Canada,\* Croatia,\* Czechia, Denmark, Estonia,\* Finland,\* France,\* Georgia,\* Germany, Iceland,\* Ireland,\* Italy, Jordan,\* Kuwait,\* Latvia,\* Liechtenstein,\* Lithuania,\* Luxembourg,\* Malta,\* Monaco,\* Montenegro,\* Morocco,\* Netherlands, New Zealand,\* North Macedonia,\* Norway,\* Qatar, Romania,\* San Marino,\* Spain, Sweden,\* Turkey,\* Ukraine and United Kingdom of Great Britain and Northern Ireland\*: draft resolution**

### 44/...Situation of human rights in the Syrian Arab Republic

*The Human Rights Council,*

*Guided by the principles and purposes of the Charter of the United Nations,*

*Reaffirming its previous resolutions on the Syrian Arab Republic,*

*Condemning the grave situation of human rights across the Syrian Arab Republic, and demanding that the Syrian authorities meet their responsibility to protect the Syrian population and to respect, protect and fulfil the human rights of all persons within its jurisdiction,*

*Recognizing that persons who are unlawfully or arbitrarily deprived of their liberty are vulnerable to extrajudicial killings, torture and other cruel, inhuman or degrading treatment or punishment, enforced disappearance, and to other human rights violations and abuses,*

*Noting that, under applicable international law, and in line with Security Council resolution 2474 (2019) of 11 June 2019, parties to armed conflict bear the primary responsibility to take all feasible measures to account for persons reported missing as a result of hostilities, and to provide their family members with any information the parties have on their fate, and noting also that the Council in its resolution 2474 (2019) called upon parties to the conflict to take steps to prevent people going missing in armed conflict,*

1. *Deplores the human rights situation in the Syrian Arab Republic and the fact that the ongoing conflict continues to have a devastating impact on the civilian population, including consistent patterns of gross violations and abuses of international human rights law and international humanitarian law;*

2. *Strongly condemns all violations and abuses of international human rights law and all violations of international humanitarian law, demands in this respect that all parties to the conflict immediately comply with their respective obligations, and emphasizes the need to ensure that all those responsible for such violations and abuses are held to account,*

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\* State not a member of the Human Rights Council.



reaffirms the importance of establishing appropriate processes and mechanisms to achieve justice, reconciliation, truth and accountability for such crimes, and reparations and effective remedies for victims, and welcomes the significant endeavours of the International Independent Commission of Inquiry on the Syrian Arab Republic and the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011, while noting the important role that the International Criminal Court can play in this regard, and also the prerequisite role that accountability can play in any effort to bring about a sustainable, inclusive and peaceful conclusion to the conflict;

3. *Welcomes* the call made by the Secretary-General for a global ceasefire and that of the Special Envoy of the Secretary-General for Syria for a complete, immediate and nationwide ceasefire throughout the Syrian Arab Republic, and urges all parties to the conflict to direct their efforts to enact it, and also urges all parties, particularly the Syrian authorities, to engage meaningfully in the political process under the auspices of the Special Envoy and his office in Geneva, in accordance with Security Council resolution 2254 (2015) of 18 December 2015, and including with the equal voice and full and meaningful participation and representation of women in all efforts and decision-making, and also welcomes in this regard the announcement by the Special Envoy of his readiness to convene and facilitate a third session of the Syrian-led and Syrian-owned constitutional committee in Geneva by the end of August 2020;

4. *Deplores* the military offensive that began in Idlib province and surrounding areas in December 2019 and caused large-scale injuries, deaths, displacement and suffering in the civilian population and devastating damage to civilian infrastructure, recalls the findings of the United Nations Headquarters Board of Inquiry established by the Secretary-General in this regard, also notes with grave concern the recent findings of the Commission of Inquiry that there are reasonable grounds to believe that war crimes and crimes against humanity were committed during the said offensive, also notes the Commission's comments on the gendered impact of the military offensive,<sup>1</sup> and remains extremely concerned about the situation;

5. *Demands* that the Syrian authorities and their State and non-State allies facilitate, and all other parties to the conflict do not hinder, full, timely, immediate, unrestricted and safe humanitarian access, and calls for the continuation of cross-border humanitarian support beyond July 2020;

6. *Strongly condemns* the continued practice of enforced disappearance and arbitrary detention, notably widespread in areas where the Syrian regime has retaken control, which undermines the potential for genuine progress towards a political solution and that, according to the Commission of Inquiry, represents an urgent and large-scale crisis of human rights protection, and welcomes the priority given by the Special Envoy to this issue, and his intention to actively pursue efforts to scale up action in this regard in his engagement with all concerned;

7. *Demands* in this respect the immediate release of all persons arbitrarily detained, notes in particular the additional, potentially life-threatening risks to health created by the coronavirus disease (COVID-19) pandemic and the potential it has to exacerbate the already dire situation of detainees, and notes in this regard the statements made by the United Nations High Commissioner for Human Rights, the Special Envoy and the Commission of Inquiry;

8. *Strongly condemns* the use of sexual and gender-based violence, torture and ill-treatment, particularly in detention facilities run by the Syrian authorities, highlights in this respect the particular vulnerabilities of children in detention, and urges those responsible to take immediately all appropriate measures to protect the lives and rights of all persons currently detained;

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<sup>1</sup> See A/HRC/44/61.

9. *Urges* all parties, but particularly the Syrian authorities, to grant immediate access without undue restriction, to detainees and detention facilities to appropriate international monitoring bodies and medical services, and to provide information on those whom they have detained to their families, and notes the importance of ensuring justice for those arbitrarily detained;

10. *Requests* the Commission of Inquiry to prepare a report on arbitrary imprisonment and detention in the Syrian Arab Republic, taking note of the concerns expressed in the present resolution, and to present the report to the Human Rights Council at its forty-sixth session.

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