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Promotion and protection of human rights: human rights situations and reports of special rapporteurs and representatives

Australia, Belgium, Canada, Egypt, Estonia, France, Germany, Iceland, Italy, Japan, Jordan, Kuwait, Libya, Luxembourg, Micronesia (Federated States of), Morocco, Netherlands, Palau, Qatar, Republic of Korea, Saudi Arabia, Slovakia, Slovenia, Spain, Turkey, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

Situation of human rights in the Syrian Arab Republic

The General Assembly,

Guided by the Charter of the United Nations,

Reaffirming the purposes and principles of the Charter, the Universal Declaration of Human Rights¹ and relevant international human rights treaties, including the International Covenants on Human Rights,²

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

Recalling its resolutions 66/176 of 19 December 2011, 66/253 A of 16 February 2012, 66/253 B of 3 August 2012, 67/183 of 20 December 2012 and 67/262 of 15 May 2013, Human Rights Council resolutions S-16/1 of 29 April 2011,³ S-17/1 of 23 August 2011,³ S-18/1 of 2 December 2011,⁴ 19/1 of 1 March 2012,⁵ 19/22 of 23 March 2012,⁵ S-19/1 of 1 June 2012,⁶ 20/22 of 6 July 2012,⁷

¹ Resolution 217 A (III).

² Resolution 2200 A (XXI), annex.

³ See *Official Records of the General Assembly, Sixty-sixth Session, Supplement No. 53 (A/66/53)*, chap. I.

⁴ *Ibid.*, *Supplement No. 53B* and corrigendum (A/66/53/Add.2 and Corr.1), chap. II.

⁵ *Ibid.*, *Sixty-seventh Session, Supplement No. 53* and corrigendum (A/67/53 and Corr.1), chap. III, sect. A.

⁶ *Ibid.*, chap. V.

⁷ *Ibid.*, chap. IV, sect. A.



21/26 of 28 September 2012,⁸ 22/24 of 22 March 2013, 23/1 of 29 May 2013, 23/26 of 14 June 2013 and 24/22 of 27 September 2013, and Security Council resolutions 2042 (2012) of 14 April 2012, 2043 (2012) of 21 April 2012 and 2118 (2013) of 27 September 2013 and presidential statement 2013/15 of 2 October 2013,

Expressing outrage at the continuing escalation of violence in the Syrian Arab Republic, which has caused over 100,000 casualties, mostly by conventional weapons, and in particular at the continued widespread and systematic gross violations, as well as abuses, of human rights and violations of international humanitarian law, including those involving the continued use of heavy weapons and aerial bombardments, such as the indiscriminate use of ballistic missiles and cluster munitions, by the Syrian authorities against the Syrian population,

Expressing alarm at the failure of the Government of the Syrian Arab Republic to protect its population and to implement the relevant resolutions and decisions of United Nations bodies,

Expressing grave concern at the spread of extremism and extremist groups, and strongly condemning all human rights abuses and violations of international humanitarian law in the Syrian Arab Republic,

Strongly condemning the large-scale use of chemical weapons on 21 August 2013 in the Ghouta area of Damascus, as concluded in the report of the United Nations Mission to Investigate Allegations of the Use of Chemical Weapons in the Syrian Arab Republic,⁹ condemning the killing of civilians that resulted from it, affirming that the use of chemical weapons constitutes a serious violation of international law, and stressing that those responsible for any use of chemical weapons must be held accountable,

Recalling that the League of Arab States, in its resolution 7667 adopted by the Ministerial Council of the League at its 140th ordinary session on 1 September 2013, and the Organization of Islamic Cooperation, in the final communiqué of its Annual Coordination Meeting of the Ministers of Foreign Affairs of 27 September 2013, have held the Syrian Government fully responsible for the chemical attacks against the Syrian people, which took place in the Ghouta area of Damascus,

Also recalling the statements made by the Secretary-General and the United Nations High Commissioner for Human Rights that crimes against humanity are likely to have been committed in the Syrian Arab Republic, stressing that the Syrian authorities have failed to prosecute such serious violations, and noting the repeated encouragement by the High Commissioner that the Security Council refer the situation to the International Criminal Court,

Strongly condemning the continued border violations from the Syrian Arab Republic into neighbouring countries, which have led to casualties among and injuries to the civilians of those countries, including Syrian refugees, and underlining that such incidents have violated international law and highlighted the grave impact of the crisis in the Syrian Arab Republic on the security of its neighbours and on regional peace and stability,

⁸ Ibid., *Supplement No. 53A* (A/67/53/Add.1), chap. III.

⁹ A/67/997-S/2013/553.

Deploring the further deterioration of the humanitarian situation and the failure of the Government of the Syrian Arab Republic to ensure the immediate, safe and unimpeded provision of humanitarian assistance to all areas affected by the fighting,

Expressing deep concern at the more than 2.2 million refugees, including more than one million children, and the millions of internally displaced persons fleeing as a result of the extreme violence in the Syrian Arab Republic, and at the escalating violence causing an influx of Syrian refugees into neighbouring countries and other countries in the region,

Welcoming the hosting by the Government of Kuwait, on 30 January 2013, of the pledging conference for the United Nations joint appeal, and also welcoming with appreciation the hosting by the Government of Kuwait of a second international humanitarian pledging conference for Syria in January 2014,

Expressing its deep appreciation for the significant efforts that have been made by neighbouring countries and other countries in the region to accommodate Syrian refugees, while acknowledging the increasing political, socioeconomic and financial impact of the presence of large-scale refugee populations in these countries, notably in Lebanon, Jordan, Turkey, Iraq, Egypt and Libya,

Welcoming the efforts of the United Nations, the League of Arab States and the Joint Special Representative of the United Nations and the League of Arab States for Syria to achieve a solution to the Syrian crisis,

1. *Strongly condemns* the use of chemical weapons in the Syrian Arab Republic, which is prohibited under international law, amounts to a serious crime and has a devastating impact on civilians, and in particular the massacre in the Ghouta area of Damascus, and notes in this regard the report of 16 September 2013⁹ prepared by the United Nations Mission to Investigate Allegations of the Use of Chemical Weapons in the Syrian Arab Republic, which provides clear evidence that surface-to-surface rockets were fired on 21 August from Government-held territory into opposition areas, using professionally made munitions containing Sarin, which strongly points to use by the Syrian Government;

2. *Also 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, including those involving the use of heavy weapons, aerial bombardments, cluster munitions, ballistic missiles and other force against civilians, attacks on schools, hospitals and places of worship, massacres, arbitrary executions, extrajudicial killings, the killing and persecution of protestors, human rights defenders and journalists, arbitrary detention, enforced disappearances, violations of women's rights, unlawful interference with access to medical treatment, failure to respect and protect medical personnel, torture, systemic sexual and gender-based violence, including rape in detention, and ill-treatment, and strongly condemns all human rights abuses or violations of international humanitarian law by armed extremists, as well as any human rights abuses or violations of international humanitarian law by armed anti-Government groups;

3. *Condemns* all grave violations and abuses committed against children in contravention of applicable international law, such as their recruitment and use, killing and maiming, rape and all other forms of sexual violence, attacks on schools

and hospitals, as well as arbitrary arrest, detention, torture, ill-treatment and their use as human shields;

4. *Also condemns* all violence, irrespective of where it comes from, and calls upon all parties to immediately put an end to all forms of violence, including terrorist acts and acts of violence or intimidation that may foment sectarian tensions, and to comply strictly with their obligations under international law, including international humanitarian law;

5. *Demands* that all parties immediately put an end to all violations and abuses of international human rights law and international humanitarian law, and recalls, in particular, the obligation under international humanitarian law to distinguish between civilian populations and combatants, the prohibition against indiscriminate and disproportionate attacks and all attacks against civilians and civilian objects, also demands that all parties to the conflict take all appropriate steps to protect civilians, including by desisting from attacks directed against civilian objects, such as medical centres, schools and water stations, immediately demilitarize such facilities, avoid establishing military positions in populated areas and enable the evacuation of the wounded and all civilians who wish to do so from besieged areas, and recalls in this regard that the Syrian authorities bear primary responsibility for protecting its population;

6. *Strongly condemns* the intervention of all foreign combatants in the Syrian Arab Republic, including those fighting on behalf of the Syrian authorities, 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;

7. *Demands* that the Syrian authorities immediately release all persons arbitrarily detained, including the members of the Syrian Centre for Media and Freedom of Expression, publish a list of all detention facilities, ensure that conditions of detention comply with applicable international law and immediately allow access of independent monitors to all detention facilities;

8. *Also demands* that the Syrian authorities fully cooperate with the independent international commission of inquiry on the Syrian Arab Republic and provide it and individuals working on its behalf with immediate, full and unfettered entry and access to all areas of the country, and further demands that all parties cooperate fully with the commission in the performance of its mandate;

9. *Stresses* the importance of ensuring accountability and the need to end impunity and hold to account those responsible for violations of international humanitarian law and violations and abuses of human rights, including those violations that may amount to crimes against humanity, notably in the Ghouta area of Damascus on 21 August 2013, and encourages the Security Council to consider appropriate measures to ensure accountability in the Syrian Arab Republic, and stresses the important role that international criminal justice could play in this regard;

10. *Underlines* the importance that the Syrian people, on the basis of broad, inclusive and credible consultations, should determine, within the framework provided by international law and based upon the complementarity principle, the domestic process and mechanisms to achieve reconciliation, truth and accountability for gross violations, as well as reparations and effective remedies for the victims;

11. *Reminds* the Security Council of its primary responsibility for the maintenance of international peace and security and to take measures to put an end to all serious violations of international humanitarian law and all serious violations and abuses of international human rights law committed in the Syrian Arab Republic;

12. *Strongly condemns* all attacks by the Syrian authorities or any other party against medical facilities, personnel and vehicles as well as the use of medical and civilian facilities, including hospitals, for armed purposes, recalls that under international humanitarian law the wounded and sick must receive, to the fullest extent practicable, and with the least possible delay, the medical care and attention required by their condition, and urges that free passage for medical personnel and supplies, including surgical items and medicine be provided to all areas in the Syrian Arab Republic;

13. *Stresses* that the magnitude of the humanitarian tragedy caused by the conflict in the Syrian Arab Republic requires immediate action to facilitate the safe and unimpeded delivery of humanitarian assistance throughout the entire country, in particular in areas and districts where humanitarian needs are especially urgent, condemns all cases of arbitrary denial of humanitarian access, and recalls that depriving civilians of objects indispensable to their survival, including wilfully impeding relief supply and access, can constitute a violation of international humanitarian law;

14. *Demands* that the Syrian authorities take immediate steps to facilitate the expansion of humanitarian relief operations and lift bureaucratic impediments and other obstacles, including through immediately facilitating safe and unimpeded access to people in need, through the most effective ways, including across conflict lines and across borders, and urges all parties to take all appropriate steps to facilitate the efforts of the United Nations, its specialized agencies and all humanitarian actors engaged in humanitarian relief activities to provide immediate humanitarian assistance to the affected people in the Syrian Arab Republic and to nominate empowered interlocutors who can work with humanitarian agencies to resolve difficulties in gaining such access, in order to fully implement the humanitarian response plan;

15. *Expresses grave concern* at the increasing numbers of refugees and internally displaced persons as a result of the ongoing violence, reiterates its appreciation for the significant efforts that have been made by neighbouring countries and countries of the region to assist those who have fled across the borders of the Syrian Arab Republic as a consequence of the violence, urges all relevant United Nations agencies, in particular the Office of the United Nations High Commissioner for Refugees, and other donors to provide urgent and coordinated support to Syrian refugees and their host countries, and calls upon Member States, based on burden-sharing principles, to host the Syrian refugees in coordination with the Office of the High Commissioner;

16. *Demands* that the Syrian Government implement the relevant resolutions and decisions of United Nations bodies and the Organization for the Prohibition of Chemical Weapons;

17. *Stresses* its support for the aspirations of the Syrian people for a peaceful, democratic and pluralistic society, with the full and effective participation of

women, in which there is no room for sectarianism or discrimination on ethnic, religious, linguistic, gender or any other grounds, based on the promotion of universal respect for and observance of human rights and fundamental freedoms;

18. *Reaffirms* its support for the Geneva communiqué of 30 June 2012, and demands in this regard that all Syrian parties to the conflict rapidly implement the transition plan set forth in the final communiqué in a way that assures the safety of all in an atmosphere of stability and calm, provides for clear and irreversible steps in the transition according to a fixed time frame and establishes a consensus transitional governing body with full executive powers to which all functions of the presidency and Government are transferred, including those pertaining to military, security, and intelligence issues, as well as a review of the constitution on the basis of an inclusive national dialogue and free and fair multiparty elections held in the framework of this new constitutional order, and calls for the convening as soon as possible of the international conference on the Syrian Arab Republic to implement the Geneva communiqué.
