



# General Assembly

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## Human Rights Council

### Twenty-first session

Agenda item 4

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

#### Resolution adopted by the Human Rights Council\*

#### 21/26.

#### Situation of human rights in the Syrian Arab Republic

*The Human Rights Council,*

*Recalling* General Assembly resolutions 66/176 of 19 December 2011, 66/253A of 16 February 2012 and 66/253B of 3 August 2012, Human Rights Council resolutions S-16/1 of 29 April 2011, S-17/1 of 23 August 2011, S-18/1 of 2 December 2011, 19/1 of 1 March 2012, 19/22 of 23 March 2012, S-19/1 of 1 June 2012 and 20/22 of 6 July 2012, and Security Council resolutions 2042 (2012) of 14 April 2012 and 2043 (2012) of 21 April 2012,

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

*Recalling further* all resolutions of the League of Arab States relating to the situation in the Syrian Arab Republic, in particular its resolution 7523 of 5 September 2012, in which the League expressed its strong condemnation of the continuing violence, murder and heinous crimes committed by the Syrian authorities and its affiliated militias *Shabbiha* against Syrian civilians and the use of heavy weapons, including tanks, artillery and warplanes in its bombardment of populated neighbourhoods and villages, as well as arbitrary executions and enforced disappearances, in flagrant violation of human rights and fundamental freedoms, and called upon the Government of the Syrian Arab Republic to cease immediately and completely all forms of killing and violence against the Syrian people,

*Recalling* resolution 2/4-EX (IS) of the Organization of Islamic Cooperation of 15 August 2012 on the situation in the Syrian Arab Republic, in which the Organization called for the immediate implementation of the transitional plan and the development of a peaceful mechanism that would allow the building of a new Syrian State based on pluralism and a democratic and civilian system, where there would be equality on the basis of law, citizenship and fundamental freedoms,

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\* The resolutions and decisions adopted by the Human Rights Council will be contained in the report of the Council on its twenty-first session (A/HRC/21/2), chap. I.

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

*Expressing grave concern* at the escalation of violence in the Syrian Arab Republic and at the growing number of refugees and internally displaced persons fleeing the violence, and welcoming the efforts by neighbouring countries to host Syrian refugees,

*Expressing its deep concern* at the failure to implement the six-point plan of the former joint special envoy Kofi Annan, and welcoming the appointment of Lakhdar Brahimi as the new joint special representative of the United Nations and the League of Arab States on the Syrian crisis,

*Recalling* the statements made by the United Nations High Commissioner for Human Rights before the Human Rights Council and the Security 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,<sup>1</sup> submitted pursuant to Human Rights Council resolution 19/22 and the recommendations contained therein;

2. *Regrets* the non-cooperation of the Government of the Syrian Arab Republic with the commission of inquiry;

3. *Condemns* all violence, irrespective of where it comes from, including terrorist acts;

4. *Strongly condemns* the continued widespread and systematic gross violations of human rights and fundamental freedoms by the Syrian authorities and the Government-controlled militia *Shabbiha*, such as the use of heavy weapons and force against civilians, massacres, arbitrary executions, extrajudicial killings, the killing and persecution of protestors, human rights defenders and journalists, arbitrary detention, enforced disappearances, interference with access to medical treatment, torture, sexual violence and ill-treatment, including against children, as well as any human rights abuses by armed opposition groups;

5. *Condemns in the strongest terms* the massacre of the village of Al-Houla near Homs, where the forces of the Government of the Syrian Arab Republic and members of the *Shabbiha* were found by the commission of inquiry to be the perpetrators of outrageous and heinous crimes, and stresses the need to hold those responsible to account;

6. *Calls upon* all parties to put an end to all forms of violence;

7. *Also calls upon* all parties to respect fully international law applicable to the rights and protection of women and girls, and to take special measures to protect women and girls from gender-based violence, particularly rape and other forms of sexual abuse, and also calls for the involvement of women at decision-making levels in conflict resolution and peace processes;

8. *Urges* the Syrian authorities to release immediately all persons arbitrarily detained, to publish a list of all detention facilities, to ensure that conditions of detention comply with applicable international law and to allow immediately access of independent monitors to all detention facilities;

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<sup>1</sup> A/HRC/21/50.

9. *Reiterates its call* upon the Syrian authorities to meet its responsibility to protect the Syrian population;
10. *Stresses the need* to follow up on the report of the commission of inquiry and to conduct an international, transparent, independent and prompt investigation into abuses and violations of international law, 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, and 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, which may amount to war crimes or crimes against humanity, and notes in this regard the potential relevance of international justice, while underscoring the importance of the recommendation of the commission of inquiry 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 reconciliation, truth and accountability for gross violations, as well as reparations and effective remedies for victims;
11. *Stresses its support* for the aspirations of the Syrian people for a peaceful, democratic and pluralistic society, in which there is no room for sectarianism or discrimination on ethnic, religious, linguistic or any other grounds, based on the promotion of universal respect for and observance of human rights and fundamental freedoms;
12. *Underlines* the responsibility of all States Members of the Human Rights Council and the international community as a whole to be mindful of the dire situation in the Syrian Arab Republic;
13. *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;
14. *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 more support to Syrian refugees and their host countries;
15. *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;
16. *Reiterates its call* upon the Syrian authorities to allow and facilitate immediate, unimpeded and full access of humanitarian organizations to all areas of the Syrian Arab Republic in order to allow them to provide relief and humanitarian assistance, and calls on all sides to respect the safety of humanitarian workers and United Nations personnel;
17. *Decides* to extend the mandate of the independent international commission of inquiry on the Syrian Arab Republic established by the Human Rights Council in its resolution S-17/1, and requests the commission to continue its work and to present a written report on the situation of human rights in the Syrian Arab Republic at an interactive dialogue during the twenty-second session of the Council;
18. *Requests* the commission of inquiry to continue to update its mapping exercise of gross violations of human rights in the Syrian Arab Republic since March 2011, including the assessment of casualty figures, and to publish it periodically;
19. *Condemns in the strongest terms* the increasing number of massacres taking place in the Syrian Arab Republic, and requests the commission of inquiry to investigate all massacres;

20. *Requests* the Secretary-General to provide additional resources, including staffing, to the commission of inquiry in order to allow it to fulfil completely its mandate in the light of the increasingly deteriorating situation of human rights in the Syrian Arab Republic;

21. *Reiterates its call* upon the Syrian authorities to cooperate fully with the commission of inquiry, including by granting it immediate, full and unfettered access throughout the Syrian Arab Republic;

22. *Decides* to transmit all reports and oral updates of the commission of inquiry to all relevant bodies of the United Nations and the Secretary-General for appropriate action;

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

*38th meeting  
28 September 2012*

[Adopted by a recorded vote of 41 to 3, with 3 abstentions. The voting was as follows:

*In favour:*

Angola, Austria, Bangladesh, Belgium, Benin, Botswana, Burkina Faso, Cameroon, Chile, Congo, Costa Rica, Czech Republic, Djibouti, Ecuador, Guatemala, Hungary, Indonesia, Italy, Jordan, Kuwait, Kyrgyzstan, Libya, Malaysia, Maldives, Mauritania, Mauritius, Mexico, Nigeria, Norway, Peru, Poland, Qatar, Republic of Moldova, Romania, Saudi Arabia, Senegal, Spain, Switzerland, Thailand, United States of America, Uruguay

*Against:*

China, Cuba, Russian Federation

*Abstaining:*

India, Philippines, Uganda]

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