

**Human Rights Council****Forty-third session**

24 February–13 March and 15–23 June 2020

Agenda item 4

Human rights situations that require the Council's attention**Resolution adopted by the Human Rights Council
on 22 June 2020****43/28. 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,**Reaffirming also its strong commitment to the full respect of the sovereignty, independence, unity and territorial integrity of 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,**Condemning also any indiscriminate or deliberate targeting of civilians in violation of international humanitarian law, in particular by the Syrian authorities, and recalling the obligation of all parties to the conflict to take all feasible precautions to avoid, and in any event minimize, harm to civilians and civilian objects, such as medical facilities and schools, including by ceasing their use for military purposes, and the prohibition on attacking, removing, destroying or rendering useless objects or areas indispensable to the survival of the civilian population, including drinking water installations, supplies, irrigation works and agricultural areas for the production of foodstuffs and crops,**Expressing deep concern at the situation of women, children, older persons and persons with disabilities, especially those who are internally displaced, who remain among the most vulnerable to violence and abuse, and noting in this regard relevant Security Council resolutions on the protection of civilians, including Council resolution 2475 (2019) of 20 June 2019,**Expressing deep concern also that the human rights of women continue to be violated, in particular through sexual and gender-based violence and systematic discrimination against women and girls, and that women, in particular those belonging to certain religious and ethnic communities, have been disproportionately affected by the conflict,**Reiterating that the only sustainable solution to the current conflict in the Syrian Arab Republic is through an inclusive, Syrian-led and Syrian-owned political process under the auspices of the United Nations, including with the equal voice and full and meaningful participation of women in all efforts and decision-making, as outlined by the Security Council*

in its resolution 1325 (2000) of 31 October 2000 and associated resolutions, and in accordance with the Geneva communiqué of 30 June 2012 and Council resolutions 2118 (2013) of 27 September 2013 and 2254 (2015) of 18 December 2015, with a view to establishing credible, inclusive and non-sectarian governance, and supporting the Special Envoy of the Secretary-General for Syria in his efforts towards this end,

Welcoming the work of the Special Envoy to facilitate the work of the Constitutional Committee, and strongly urges all relevant parties to engage meaningfully and substantively on this issue, and expressing deep concern at the negative impact that the violence in the north-west could have on this process, and welcomes the Special Envoy's efforts to facilitate the implementation of all the provisions of Security Council resolution 2254 (2015) of 18 December 2015;

Recalling Security Council resolution 2336 (2016) of 31 December 2016, acknowledging the signing by Turkey and the Russian Federation of the memorandum on the stabilization of the situation in the Idlib de-escalation area on 17 September 2018 and the additional protocol thereto on 5 March 2020, and stressing the urgent need for the Syrian authorities and their State and non-State allies to cease any military offensive in Idlib and surrounding areas, and for all relevant parties to implement a complete ceasefire in Idlib in order to prevent further death, injury and displacement among civilians and to allow for immediate and unhindered humanitarian access, while emphasizing the need to establish an effective and lasting nationwide ceasefire in the Syrian Arab Republic,

Reaffirming that States must ensure that any measure taken to counter terrorism complies with any relevant rules of international law, in particular international human rights law and international humanitarian law,

Recalling that, consistent with international humanitarian law and pursuant to relevant Security Council resolutions, including resolutions 2165 (2014) of 14 July 2014, 2268 (2016) of 26 February 2016 and 2401 (2018) of 24 February 2018, all parties to the conflict are to enable the immediate and unhindered delivery of humanitarian assistance, and stressing that the arbitrary denial of humanitarian access, depriving civilians of objects and assistance indispensable to their survival, including wilfully impeding relief supplies, such as food aid and life-saving medical supplies, may constitute a violation of international humanitarian law,

Recalling also Security Council resolution 2417 (2018) of 24 May 2018, in which the Council underlined that using starvation of civilians as a method of warfare may constitute a war crime,

Recalling further that deliberate attacks on civilians and civilian objects, such as schools and educational facilities, cultural heritage and places of worship, as well as on medical facilities, patients and personnel and on humanitarian personnel, may also amount to war crimes,

Recalling the statements made by the Secretary-General and the United Nations High Commissioner for Human Rights that crimes against humanity and war crimes are likely to have been committed in the Syrian Arab Republic,

Reaffirming that the use of chemical weapons constitutes a serious violation of international law, reiterating that all those responsible for any such use must be held accountable, regretting that the mandate of the Organisation for the Prohibition of Chemical Weapons-United Nations Joint Investigative Mechanism was not renewed, and welcoming the establishment by the Organisation for the Prohibition of Chemical Weapons of the Investigation and Identification Team pursuant to the decision made at the Fourth Special Session of the Conference of State Parties to identify the perpetrators of the use of chemical weapons in the Syrian Arab Republic,

Welcoming the work of 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, including on instances of the use of chemical weapons, and taking note of the decision made

by the General Assembly to include funding of the Mechanism in the regular budget of the United Nations,¹

Expressing its deepest concern at the findings of the Independent International Commission of Inquiry on the Syrian Arab Republic, including in its most recent report,² and deploring the lack of cooperation by the Syrian authorities with the Commission of Inquiry,

Bearing in mind that the illicit transfer, destabilizing accumulation and misuse of small arms and light weapons fuel conflict and affect negatively the enjoyment of human rights,

Acknowledging the ongoing efforts of human rights defenders, journalists and media workers active in the Syrian Arab Republic to document violations and abuses of international human rights law and violations of international humanitarian law, despite grave risks,

1. *Deplores* the fact that the conflict in the Syrian Arab Republic continues into its tenth year with its devastating impact on the civilian population, including the consistent patterns of gross violations and abuses of international human rights law and violations of international humanitarian law across the country, and urges all parties to the conflict to abstain immediately from any actions that may contribute to the further deterioration of the human rights, security and humanitarian situations;

2. *Calls upon* all parties to the conflict and Member States, especially members of the International Syria Support Group, to renew their efforts to create conditions, including a comprehensive nationwide ceasefire, that support meaningful negotiations for a political solution to the Syrian conflict, under the auspices of the Special Envoy of the Secretary-General for Syria and his office in Geneva, as only a durable and inclusive political solution to the conflict can bring an end to the systematic, widespread and gross violations and abuses of international human rights law and violations of international humanitarian law;

3. *Welcomes* the work and the important role played by the Independent International Commission of Inquiry on the Syrian Arab Republic, established by the Human Rights Council in its resolution S-17/1 of 23 August 2011, in supporting essential accountability efforts by investigating all alleged violations and abuses of international human rights law since March 2011 in the Syrian Arab Republic, to establish the facts and circumstances and to support efforts to ensure that all perpetrators of abuses and violations, including those who may be responsible for crimes against humanity, are identified and held accountable;

4. *Demands* that the Syrian authorities cooperate fully with the Human Rights Council and the Commission of Inquiry by granting the Commission immediate, full and unfettered access throughout the Syrian Arab Republic, and urges all Member States to cooperate with the Commission in the discharge of its mandate;

5. *Deplores* the escalation of violence in the north-west of the country, and strongly condemns the attacks by the Syrian authorities and their State and non-State allies on civilians and civilian infrastructure in the province of Idlib and surrounding areas, where violence, including airstrikes, has caused the death of more than 1,000 civilians, including first responders, since the beginning of December 2019, and devastating damage to civilian infrastructure, including health-care, educational and humanitarian facilities, as well as water stations, markets, camps for internally displaced persons and convoys of civilians trying to flee the violence, while noting that this has also caused the forced displacement of almost 1 million people since the start of December 2019, and that nearly 3 million people, half of whom children, are reliant upon humanitarian support;

6. *Expresses extreme concern* about the mass forced displacement caused by the violence in the north-west of the Syrian Arab Republic, and the ability of those internally displaced persons to have access to basic services, such as food and shelter, and to exercise the full enjoyment of their human rights, including the right to education for children, and

¹ See General Assembly resolution 74/169.

² A/HRC/43/57.

urges Member States to fully fund and respond to specific United Nations appeals on this issue;

7. *Urges* all relevant parties, the signatories to the memorandum on the stabilization of the situation in the Idlib de-escalation area of 17 September 2018, and particularly the Syrian authorities and their State and non-State allies, to immediately respect and uphold the ceasefire in Idlib in order to prevent further death and injury among civilians, and to facilitate timely, immediate, unhindered, sustained and safe humanitarian assistance to those in need;

8. *Strongly condemns* all violations and abuses of international human rights law and all violations of international humanitarian law committed by all parties to the conflict, including the continued systematic, widespread and gross violations and abuses of human rights and all violations of international humanitarian law by the Syrian regime and its affiliated State and non-State actors, including foreign terrorist fighters and those foreign organizations fighting on behalf of the Syrian authorities, and expresses deep concern that their involvement further exacerbates the deteriorating situation in the Syrian Arab Republic, including the human rights and humanitarian situation, which has a serious negative impact on the region;

9. *Also strongly condemns* all attacks against the civilian population and civilian objects, such as schools, camps for internally displaced persons, medical units, medical personnel, patients and transport, and personnel involved in humanitarian assistance, in violation of international humanitarian law, and recalls the primary responsibility of the Syrian authorities to protect the civilian population;

10. *Calls for* an immediate cessation of attacks on first responders, and on medical facilities, which are regularly put out of service, depriving civilians and persons hors de combat of immediate life-saving medical care, including mental health and psychosocial support, and deplores the long-term consequences of such attacks for the population and health-care systems of the Syrian Arab Republic;

11. *Welcomes* the report of the United Nations Board of Inquiry to investigate attacks on de-conflicted and United Nations-supported facilities in the north-west of the Syrian Arab Republic;

12. *Demands* that all parties to the conflict comply with their respective obligations under international human rights law and international humanitarian law, and that the Syrian authorities and their State and non-State allies immediately end the use of prohibited weapons and munitions, the indiscriminate use of heavy weapons in populated areas, barrel bombs, aerial bombardment, incendiary weapons, ballistic missiles and cluster bombs, and expresses particular concern in this regard at the recent events in Idlib and surrounding areas;

13. *Expresses deep concern* at the number of civilians, including children, killed or maimed by landmines, explosive remnants of war and improvised explosive devices used by all parties to the conflict;

14. *Deplores* the deliberate use of starvation of civilians as a method of warfare, and encourages the Commission of Inquiry to include in future investigations violations and abuses of international human rights law and violations of international humanitarian law related to the use of starvation of civilians;

15. *Expresses deep concern* at the grave humanitarian situation in the Syrian Arab Republic and at the plight of the 11.1 million people in need of full, timely, immediate, unhindered and safe humanitarian assistance, including the more than 6.5 million Syrians whose needs are particularly acute and in areas where freedom of movement and access to humanitarian aid and services remain very restricted, including in camps for internally displaced persons, and, noting that the severity of the humanitarian situation requires the use of all aid modalities, is particularly concerned about the impact of reduced points of cross-border access and the reduced time frame following the adoption by the Security Council of its resolution 2504 (2020) on 10 January 2020, and calls for the continuation of cross-border humanitarian support beyond July 2020;

16. *Strongly condemns* the Syrian authorities' continued and deliberate obstruction of life-saving humanitarian assistance to those most in need, including the removal of humanitarian aid from United Nations-approved convoys, including medical aid and supplies intended to reach desperate populations deprived of vital necessities;

17. *Demands* that the Syrian authorities and their State and non-State allies facilitate, and all other parties to the conflict do not hinder, the full, timely, immediate, unrestricted and safe humanitarian access of the United Nations and other humanitarian actors to all areas, and that they ensure that the delivery of unrestricted humanitarian aid reaches all those in need, for as long as it is needed, including in areas that have been retaken by the Syrian authorities, in accordance with relevant Security Council resolutions, and calls upon Member States to fully fund the United Nations appeals;

18. *Strongly condemns* the use of arbitrary arrest, arbitrary detention and enforced disappearances by the Syrian authorities in the retaken areas of control, including Dara'a, Duma and Eastern Ghouta, and extremely concerned about the recent finding of the Commission of Inquiry that there is a general absence of rule of law in those retaken areas;

19. *Also strongly condemns* the practice of intimidation by the Syrian authorities against those taking part in political processes, including the Constitutional Committee, as reported by the Commission of Inquiry, and the fragile security situation and fear and tension created in retaken areas by the so-called "reconciliation processes" imposed by the Syrian authorities, for which they have failed to fulfil their commitments or to abide by their assurances;

20. *Concerned* about the situation in the north-eastern region, takes note of the recent findings of the Commission of Inquiry in this regard, emphasizes that all parties must comply with their obligations under international human rights law and international humanitarian law, and reiterates the recommendation of the Commission of Inquiry to non-State armed groups that they must comply with international humanitarian law and investigate all allegations of violations and crimes committed by their fighters;

21. *Takes note with deep concern* of the recent conclusions of the Commission of Inquiry in its conference room paper entitled "'They have erased the dreams of my children': children's rights in the Syrian Arab Republic",³ that an overwhelming impact of the conflict is that children remain victimized on multiple grounds and continue to be denied the protection to which they are entitled under international humanitarian and international human rights law, and encourages the Commission to continue its investigation and documentation of violations and abuses of the rights of the child, including potential recommendations for accountability measures;

22. *Deplores* the fact that children continue to be subjected to serious violations and abuses, including being killed, abducted, used or recruited by armed actors, and being maimed, injured and orphaned, bearing the brunt of the violence perpetrated by warring parties, strongly condemns the use of schools for military purposes, and takes note of the Commission of Inquiry's finding that children's experiences in the Syrian conflict have been deeply gendered;

23. *Also deplores* the fact that the unprecedented and recurrent nature of violations and abuses against children has affected generations to come, and that the psychological impact of the conflict on children has been a striking feature of the war in the Syrian Arab Republic with far-reaching consequences, and urges all parties to ensure that children affected by the conflict receive appropriate health treatment, including the provision of mental health and psychosocial support;

24. *Calls upon* all parties to respect and protect the full enjoyment by children of all their human rights, to ensure access to basic services, such as medical care and education, and to provide official documents such as birth and educational certificates, and to allow at all times humanitarian workers to reach children and families in need of life-saving assistance, and to prevent and protect children from all exploitation, violations and abuses, including sexual and gender-based violence and child, early and forced marriage, trafficking

³ Available from www.ohchr.org/EN/HRBodies/HRC/IICISyria/Pages/Documentation.aspx.

and torture by, among other actions, ending and preventing the recruitment and use of children in the armed conflict, immediately, safely and unconditionally releasing children and handing them over to civilian child-protection actors, and ensuring that such authorities have access to detained children associated with armed groups;

25. *Calls upon* the Syrian authorities and all other parties to the conflict to ensure the effective implementation of Security Council resolutions 2139 (2014) of 22 February 2014 and 2254 (2015), 1325 (2000) and 2122 (2013) of 18 October 2013, and to adhere to their obligations under international law, in particular to end arbitrary detention, torture and sexual and gender-based violence in the Syrian Arab Republic, notably in prisons and detention facilities, as well as kidnappings, abductions and forced disappearances, as demanded by the Council in its resolution 2139 (2014) and by the Commission of Inquiry in its recommendations;

26. *Expresses deep concern* at reports of mass executions and torture of prisoners, and at the number of deaths among individuals detained by the Syrian authorities, including in Syrian Military Intelligence facilities and military hospitals, as evidenced by the issuing of thousands of death notifications, which provides further indication of systematic violations of international human rights law and international humanitarian law, and urges them to provide families with death certificates and the remains of their relatives whose fate has been disclosed, including those who have been summarily executed, to take all appropriate measures immediately to protect the lives and rights of all persons currently detained or unaccounted for, and to clarify the fate of those who remain missing or are still in custody;

27. *Recognizes* the permanent damage that torture and ill-treatment, including sexual and gender-based abuse and violence, causes to its victims and their families, and condemns the denial of medical services in all prisons and detention facilities;

28. *Strongly condemns* the use of sexual and gender-based violence, torture and ill-treatment, particularly in detention facilities run by the Syrian authorities, including those acts referenced by the Commission of Inquiry in its reports and those depicted in the evidence presented by “Caesar” in January 2014, and recalls that such acts may constitute violations and abuses of international human rights law or violations of international humanitarian law;

29. *Also strongly condemns* the continued widespread practices of enforced disappearance and arbitrary detention, notably widespread in areas where the Syrian authorities have retaken control, and notes that the Commission of Inquiry has comprehensively highlighted that the arbitrary detention of tens of thousands of individuals represents an urgent and large-scale crisis of human rights protection;

30. *Urges* all parties to take heed of the recommendations made by the Commission of Inquiry on the issue of detainees, in particular its calls for appropriate international monitoring bodies to be granted immediate access without undue restriction to all detainees and detention facilities, and for all parties, in particular the Syrian authorities, to publish a list of all detention facilities, to allow access to medical services for all detainees and to provide information on those whom they have detained to their families;

31. *Demands* the immediate release of all persons arbitrarily detained, including women, children, older persons, persons with disabilities, human rights defenders, humanitarian aid providers, medical personnel, the wounded and sick, and journalists, and notes the importance of ensuring justice for those arbitrarily detained;

32. *Underlines* the need for further sustained and large-scale concrete steps by the Working Group on the release of detainees/abductees, the handover of bodies and the identification of missing persons, composed of Turkey, the Russian Federation and the Islamic Republic of Iran, as well as the United Nations, and encourages the members of the Working Group to further advance and expand their efforts in fulfilling its mandate;

33. *Welcomes* Security Council resolution 2474 (2019) of 11 June 2019, and calls upon parties to the armed conflict in the Syrian Arab Republic to take all appropriate measures to actively search for persons reported missing, to enable the return of their remains, to record and identify all those killed, to account for persons reported missing without adverse distinction, and to put in place appropriate channels enabling response and communication with families on the search and recording process, to take appropriate measures to prevent

persons from going missing as a result of the armed conflict, while paying utmost attention to cases of children reported missing as a result of the armed conflict, and to take appropriate measures to search for and identify those children;

34. *Expresses its profound concern* at the findings of the Commission of Inquiry that sexual and gender-based violence against women, girls, men and boys has been a persistent issue in the Syrian Arab Republic since the uprising in 2011, that rape and other forms of sexual and gender-based violence continue to occur, and that women and girls have been disproportionately affected and victimized on multiple grounds;

35. *Notes* the findings of the Commission of Inquiry that such acts of sexual and gender-based violence were committed most commonly by Syrian authorities and associated militia, as well as by so-called Islamic State in Iraq and the Levant (Daesh), that they represent a widespread and systematic attack directed against the civilian population, amounting to crimes against humanity, and that such acts constitute the war crimes of rape and other forms of sexual violence, including torture and outrages upon personal dignity;

36. *Strongly condemns* all acts of sexual and gender-based violence and abuse, recognizes the need for a survivor-centred approach in preventing and responding to such violence and abuse, calls for immediate and non-discriminatory access to services, such as medical and psychosocial support to be provided to all survivors of such crimes and for every effort to be made to ensure justice for those who have suffered as a result of such crimes, and urges all parties to the conflict to respect and protect women's and girls' full enjoyment of human rights and to heed the recommendations made by the Commission of Inquiry;

37. *Condemns unequivocally* all attacks, threats, intimidation and violence against journalists and media workers by the Syrian regime, its State and non-State allies, and non-State armed groups, strongly urges all parties to respect the human rights of journalists and media workers, and recalls in this regard that journalists and media workers shall be considered civilians and shall be protected as such;

38. *Strongly condemns* violence against persons based on their religious or ethnic affiliation, demands that all parties take all appropriate steps to protect civilians, including members of ethnic, religious and confessional communities, and stresses that, in this regard, the primary responsibility to protect the Syrian population lies with the Syrian authorities;

39. *Also strongly condemns* the damage and destruction of the cultural heritage of the Syrian Arab Republic, in particular that of Palmyra and Aleppo, and the organized looting and trafficking of Syrian cultural property, as outlined by the Security Council in its resolution 2199 (2015) of 12 February 2015, affirms that attacks intentionally directed against historic monuments may amount to war crimes, and underlines the need to bring the perpetrators of such crimes to justice;

40. *Expresses deep concern* at the displacement of approximately 13 million civilians, including 6.1 million internally displaced persons across the Syrian Arab Republic, and urges all parties to take note of the recommendations on this matter made by the Commission of Inquiry, and to ensure that any evacuation and movement of civilians is consistent with international humanitarian law and international human rights law, as applicable;

41. *Condemns* the reported forced displacement of populations in the Syrian Arab Republic, expresses deep concern at reports of social and demographic engineering in areas throughout the country, and calls upon all parties concerned to cease immediately all activities that cause these actions, including any activities that may amount to war crimes or crimes against humanity;

42. *Expresses deep concern* for the more than 5.6 million registered refugees in the region fleeing the violence in the Syrian Arab Republic, welcomes the efforts of the neighbouring countries, Turkey, Lebanon, Jordan and Iraq, as well as of Egypt, to host Syrian refugees, acknowledges the socioeconomic consequences of the presence of large-scale refugee populations in those countries, and urges the international community to provide urgent financial support to enable the host countries to respond to the growing humanitarian needs of Syrian refugees, including the particular needs of women, girls and persons with disabilities, while emphasizing the principles of responsibility and burden-sharing;

43. *Notes* those States outside the region that have put in place measures and policies to assist and to host Syrian refugees, encourages them to do more, and also encourages other States outside the region to consider implementing similar measures and policies, also with a view to providing Syrian refugees with protection and humanitarian assistance;

44. *Notes with concern* that one of the main obstacles to refugees' safe, voluntary and dignified return to their country of origin derive from the Syrian authorities' own practices of violating the human rights of civilians in areas under their control, including the rights to the freedoms of assembly, movement and expression, as well as those involving systematic property seizures, forced conscription, arbitrary arrests, enforced disappearances, political violence or torture;

45. *Expresses concern* at reports that the Syrian authorities are arbitrarily preventing internally displaced persons from accessing and returning to their homes, with no apparently valid security reason and without providing alternatives to the displaced communities, which may amount to forced displacement;

46. *Deplores* in this regard the existence and application of national legislation, in particular Law No. 42/2018 and other legislation and practices concerning housing, land and property rights, which have a significant detrimental impact on the rights of Syrians displaced by the conflict to claim their property, as evidenced by recent reports of widespread property demolitions throughout the Syrian Arab Republic, calls for the immediate repeal of that legislation, and stresses the right of displaced Syrians to return to their homes in a safe, voluntary and dignified manner when the situation on the ground allows it;

47. *Expresses concern* that the hostilities have restricted access to or resulted in the loss of civil documentation, including through confiscation, thereby limiting freedom of movement, access to essential services, and housing, land and property rights, particularly for children, persons with disabilities, women and female-headed households, and notes that the lack of casualty records and official death certificates can seriously affect inheritance and custody rights and severely restricts freedom of movement;

48. *Urges* all parties to implement the recommendation of the Commission of Inquiry on ensuring that the right of return is fully respected and facilitated by guaranteeing that all return movements are safe, voluntary and dignified and subject to informed consent to the places of origin and protect all property and tenancy rights, in cooperation with competent organizations, such as the Office of the United Nations High Commissioner for Refugees;

49. *Condemns in the strongest possible terms* the repeated use of chemical weapons by the Syrian authorities, in violation of its obligations under the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction and Security Council resolution 2118 (2013), and all use of chemical weapons in contravention of well-established international standards and norms against such use;

50. *Expresses grave concern* at the reports of the Technical Secretariat of the Organisation for the Prohibition of Chemical Weapons, which state that it continues to be unable to verify that the declaration made by the Syrian authorities regarding their chemical weapons programme was accurate and complete in accordance with the Chemical Weapons Convention, and calls upon the Syrian Arab Republic to cooperate fully with the Organisation to provide further clarification relating to the gaps, inconsistencies and discrepancies that remain;

51. *Welcomes* the fact that the Technical Secretariat of the Organisation for the Prohibition of Chemical Weapons has completed its arrangements for the establishment of the Investigation and Identification Team tasked to identify the perpetrators of the use of chemical weapons in the Syrian Arab Republic by identifying and reporting on all information potentially relevant to the origin of those chemical weapons, looks forward to the Team's first report, and calls upon the Syrian authorities to provide all necessary access and authorizations to the members of the Team;

52. *Recalls* the relevant reports of the Organisation for the Prohibition of Chemical Weapons-United Nations Joint Investigative Mechanism, in which they found that the Syrian authorities were responsible for the use of chemical weapons on four occasions, and that the Joint Investigative Mechanism also confirmed that so-called Islamic State in Iraq and the Levant (Daesh) was responsible for two chemical weapons attacks between 2014 and 2017;

53. *Expresses grave concern* at the findings by the fact-finding mission of the Organisation for the Prohibition of Chemical Weapons that sarin and chlorine were very likely used in separate attacks in Ltamenah on 24 and 25 March 2017, and that chlorine was likely used in an attack in Saraqib on 4 February 2018;

54. *Recalls with grave concern* the finding by the Commission of Inquiry of a vast body of evidence suggesting that chlorine was dropped by helicopter on a residential building in Duma on 7 April 2018, that the Commission had received information on the deaths of at least 49 individuals and the wounding of up to 650 others, and at the findings of the Commission in the same report that, in a series of ground attacks in Duma on 22 January and 1 February 2018, the Syrian authorities and/or affiliated militias had committed the war crime of using chemical weapons, following a pattern previously documented by the Commission;

55. *Recalls* the findings of the fact-finding mission of the Organisation for the Prohibition of Chemical Weapons in its report of 1 March 2019 that, on the basis of its evaluation and analysis of all the information gathered, there were reasonable grounds that a toxic chemical was used as a weapon in Duma on 7 April 2018, and that the toxic chemical was likely molecular chlorine;

56. *Demands* that all parties desist immediately from any use of chemical weapons in the Syrian Arab Republic, expresses its strong conviction that those responsible for such use must be held accountable, and expresses its support for the objectives and commitments of the International Partnership against Impunity for the Use of Chemical Weapons to support accountability for all those responsible for the proliferation or use of chemical weapons;

57. *Strongly condemns* the terrorist acts and violence committed against civilians by so-called Islamic State in Iraq and the Levant (Daesh), Al-Nusrah Front (also known as Hay'at Tahrir al-Sham) and other terrorist organizations designated by the Security Council, and their gross, systematic and widespread abuses of international human rights law and violations of international humanitarian law, reaffirms that terrorism, including the actions of so-called Islamic State in Iraq and the Levant (Daesh), cannot and should not be associated with any religion, nationality or civilization, and stresses the importance of the full implementation of Security Council resolution 2170 (2014) of 15 August 2014;

58. *Expresses deep concern* about the documented cases of civilians, including women and children, taken hostage by so-called Islamic State in Iraq and the Levant (Daesh), calls for their immediate release, notes that hostage-taking and the murder of civilians may constitute a war crime, condemns the recent reported mass arbitrary arrests and detention of civilians by Hay'at Tahrir al-Sham, and notes that imprisonment or other severe deprivation of physical liberty in violation of international law, when committed as part of a deliberate widespread or systematic attack directed against any civilian population, may amount to a crime against humanity;

59. *Reaffirms* the importance of establishing appropriate processes and mechanisms to achieve justice, reconciliation, truth and accountability for gross violations and abuses of international law, and reparations and effective remedies for victims, in particular detainees, internally displaced persons and disappeared persons, children and victims of sexual and gender-based violence, and stresses the prerequisite role that accountability can play in any effort to bring about a sustainable, inclusive and peaceful conclusion to the conflict;

60. *Recalls* that the International Criminal Court was established to contribute to ending impunity for applicable crimes in which a State is unwilling or unable to genuinely carry out investigations or prosecutions;

61. *Emphasizes* the need to ensure that all those responsible for violations of international humanitarian law or violations and abuses of international human rights law are held to account through appropriate, fair and independent national, regional or international

criminal justice mechanisms, and stresses the need to pursue practical steps towards this goal, while noting the important role that the International Criminal Court can play in this regard, and noting the authority of the Security Council to refer such situations to the Court;

62. *Welcomes* the work of 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, as mandated by the General Assembly in resolution 71/248 of 21 December 2016, including its close cooperation with the Commission of Inquiry and Syrian civil society, so that the voices of victims are heard, any evidence of crimes is collected and criminal prosecution proceeds;

63. *Also welcomes* the decision made by the General Assembly to include full funding of the International, Impartial and Independent Mechanism in the regular budget of the United Nations, and invites Member States to actively support the Mechanism, including by considering the provision of information and data on the most serious crimes under international law committed in the Syrian Arab Republic, and to provide adequate financial means for its functioning, on a sustainable basis, in accordance with relevant Assembly resolutions;

64. *Further welcomes* the steps taken by Member States to prosecute the most serious crimes under international law committed in the Syrian Arab Republic in national courts under the principles of universal jurisdiction and extraterritorial jurisdiction as an important contribution to end impunity and ensure justice for victims, and notes the contribution that the International, Impartial and Independent Mechanism and other accountability mechanisms can make in this regard;

65. *Welcomes* the relevant international campaigns and initiatives to support the Syrian people, including the upcoming conference to be hosted by the European Union and co-chaired by the United Nations in Brussels in June 2020, and renews its call for the international community to deliver in full all such pledges;

66. *Reaffirms* that there can only be a political solution to the conflict in the Syrian Arab Republic, demands that all parties work towards a genuine political transition based on the Geneva communiqué and Security Council resolution 2254 (2015), within the framework of the United Nations-led intra-Syrian talks in Geneva and with the equal voice and full and meaningful leadership and participation of women in decision-making and in all efforts consistent with Council resolution 1325 (2000) and subsequent resolutions on women, peace and security, that meets the legitimate aspirations of the Syrian people for a civil, democratic and pluralistic State, in which all citizens receive equal protection, regardless of gender, ethnicity, religion or belief, and welcomes the inclusion of civil society in this process;

67. *Decides* to extend the mandate of the Independent International Commission of Inquiry for a period of one year;

68. *Requests* the Commission of Inquiry to provide an oral update to the Human Rights Council during the interactive dialogue at its forty-fourth session, and to present an updated written report during an interactive dialogue at its forty-fifth and forty-sixth sessions;

69. *Also requests* the Commission of Inquiry to, in accordance with its mandate, urgently conduct a comprehensive, independent special inquiry into the recent events in Idlib province and surrounding areas, to, where possible, identify all those for whom there are reasonable grounds to believe that they are responsible for alleged violations and abuses of international human rights law, and to support efforts to ensure that perpetrators of alleged abuses and violations are held accountable, and further requests the Commission to provide a full report on its findings to the Human Rights Council no later than its forty-fourth session;

70. *Decides* to transmit all reports and oral updates of the Commission of Inquiry to all relevant bodies of the United Nations, recommends that the General Assembly submit the reports to the Security Council for appropriate action, expresses its appreciation to the Commission for its future briefings to members of the Security Council, and recommends the continuation of future briefings;

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

*46th meeting
22 June 2020*

[Adopted by a recorded vote of 27 to 2, with 18 abstentions. The voting was as follows:

In favour:

Argentina, Australia, Austria, Bahamas, Brazil, Bulgaria, Chile, Czechia, Denmark, Fiji, Germany, Italy, Japan, Libya, Marshall Islands, Mexico, Netherlands, Peru, Poland, Qatar, Republic of Korea, Slovakia, Somalia, Spain, Togo, Ukraine, Uruguay

Against:

Eritrea, Venezuela (Bolivarian Republic of)

Abstaining:

Afghanistan, Angola, Armenia, Bahrain, Bangladesh, Burkina Faso, Cameroon, Democratic Republic of the Congo, India, Indonesia, Mauritania, Namibia, Nepal, Nigeria, Pakistan, Philippines, Senegal, Sudan]
