

## **Draft SCR on Syria**

The Security Council,

*Expressing* grave concern at the situation in Syria,

*Recalling* its Presidential Statement of 3 August,

*Welcoming* the Secretary-General's statements articulating continued concerns about the on-going violence and humanitarian needs, calling on the Syrian Government to halt its violent offensive at once, calling for an independent investigation of all human rights violations during recent demonstrations, and *stressing* the need to hold to account those responsible for violence,

*Welcoming* Human Rights Council Resolution X of 23 August, including the decision to dispatch an independent international commission of inquiry to investigate all alleged violations of international human rights law since March 2011 in Syria to establish the facts and circumstances which may amount to such violations and of the crimes perpetrated and, where possible, to identify those responsible, with a view to ensuring that perpetrators of violations, including those that may constitute crimes against humanity, are held accountable,

*Echoing* the conclusion of the High Commissioner of Human Rights that violations of human rights committed in Syria may amount to crimes against humanity, and *noting* her recommendation that the Security Council consider referring the situation in Syria to the International Criminal Court

*Recalling* the Syrian Government's responsibility to protect its population, and the Secretary-General's call for the Syrian Government to allow unhindered and sustained access for humanitarian aid and humanitarian organisations,

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*Stressing* that the only solution to the current crisis in Syria is through an inclusive and Syrian-led political process,

*Reaffirming* its strong commitment to the sovereignty, independence and territorial integrity of Syria,

*Deeply concerned* by the continuing deterioration of the situation in Syria and the potential for further escalation of the violence,

*Mindful* of its primary responsibility for the maintenance of international peace and security under the Charter of the United Nations,

***Acting under Chapter VII of the Charter of the United Nations, and taking measures under its Article 41,***

1. *Strongly condemns* the continued grave and systematic human rights violations by the Syrian authorities, such as arbitrary executions, excessive use of force and the killing and persecution of protesters and human rights defenders, arbitrary detention, enforced disappearances, torture and ill-treatment of detainees, also of children, and expresses profound regret at the deaths of thousands of people including children;

2. *Demands* an immediate end to the violence;
3. *Recalls* that those responsible for violence should be held accountable;
4. *Demands* that the Syrian authorities immediately:
  - (a) cease violations of human rights, comply with their obligations under applicable international law, and cooperate fully with the commission of inquiry mandated by Human Rights Council Resolution X of Y;
  - (b) allow the full exercise of human rights and fundamental freedoms for its entire population, including rights of freedom of expression and peaceful assembly, and lift restrictions on all forms of media;
  - (c) cease the use of force against civilian-populated areas;
  - (d) alleviate the humanitarian situation in crisis areas, including by allowing expeditious and unhindered access for international humanitarian agencies and workers, and restoring basic services including access to hospitals;
  - (e) ensure the safe and voluntary return of those who have fled the violence to their homes;
5. *Calls for* an inclusive Syrian-led political process conducted in an environment free from fear and intimidation and aimed at effectively addressing the legitimate aspirations and concerns of Syria's population;
6. *Requests* the Secretary-General to continue to urge the Syrian Government to implement paragraphs 1, 2, and 4 above;

#### Arms Embargo

7. *Decides* that all States shall prevent the direct or indirect supply, sale or transfer to Syria, from or through their territories or by their nationals, or using their flag vessels or aircraft, of all arms and related materiel, as well as technical assistance, training, financial or other assistance, related to military activities or the provision, maintenance or use of any arms and related materiel, whether or not originating in their territories, and *decides further* that these measures shall not apply to:
  - a) Supplies of non-lethal military equipment intended solely for humanitarian or protective use, and related technical assistance or training, as notified in advance to the Committee established pursuant to paragraph 26 below ("the Committee");
  - b) Protective clothing, including flak jackets and military helmets, temporarily exported to Syria by United Nations personnel, representatives of the media and humanitarian and development workers and associated personnel, for their personal use only; or
  - c) Other sales or supply of arms and related materiel, or provision of assistance or personnel, as approved in advance by the Committee;

8. *Underscores* that paragraph 7 above also prohibits States from sending to Syria trainers or advisors of a military, intelligence, police or paramilitary nature who seek to provide advice, consultation or training to the Syrian authorities relating to using force against civilians and all other military activities;

9. *Decides* that the Syrian Government shall cease the export of all arms and related materiel, as well as technical assistance, training, financial or other assistance, related to military activities or the provision, maintenance or use of any arms and related materiel, and that all States shall prohibit the procurement of such items or assistance from Syria by their nationals, or using their flagged vessels or aircraft, and whether or not originating in the territory of Syria;

10. *Calls upon* all States, in particular States neighbouring Syria, to inspect, in accordance with their national authorities and legislation and consistent with international law, in particular the law of the sea and relevant international civil aviation agreements, all cargo to and from Syria, in their territory, including seaports and airports, if the State concerned has information that provides reasonable grounds to believe the cargo contains items the supply, sale, transfer, or export of which is prohibited by paragraph 7 or 9 of this resolution, for the purpose of ensuring strict implementation of those provisions;

11. *Calls upon* all States to inspect vessels, with the consent of the flag State, on the high seas, if they have information that provides reasonable grounds to believe that the cargo of such vessels contains items the supply, sale, transfer, or export of which is prohibited by paragraph 7 or 9 of this resolution, for the purpose of ensuring strict implementation of those provisions;

12. *Calls upon* all States to cooperate with inspections pursuant to paragraphs 10 and 11, and if the flag State does not consent to inspection on the high seas, *decides* that the flag State shall direct the vessel to proceed to an appropriate and convenient port for the required inspection by the local authorities pursuant to paragraph 10;

13. *Requires* any State, when it does not receive the cooperation of a flag State pursuant to paragraph 10 or 11 above to submit promptly to the Committee a report containing relevant details;

14. *Requires* any State, when it undertakes an inspection pursuant to paragraph 10 or 11 above, to submit promptly a report to the Committee containing the relevant details regarding the inspection;

15. *Decides* to authorize all States to, and that all States shall, upon discovery of items prohibited by paragraph 7 or 9 of this resolution, seize and dispose (such as through destruction, rendering inoperable, storage or transferring to a State other than the originating or destination States for disposal) items the supply, sale, transfer or export of which is prohibited by paragraphs 7 or 9 of this resolution and decides further that all Member States shall cooperate in such efforts;

16. *Decides* that Member States shall prohibit the provision by their nationals or from their territories of bunkering services, such as provision of fuel or supplies, or other servicing of vessels, to any vessels if they have information that provides reasonable grounds to believe they are carrying items the supply, sale, transfer, or export of which is prohibited by paragraphs 7 or 9 of this resolution, unless provision of such services is necessary for humanitarian purposes or until such time as the cargo has been inspected, and seized and disposed of if necessary, and *underlines* that this paragraph is not intended to affect legal economic activities;

17. *Encourages* Member States to take steps to discourage their nationals from traveling to Syria to participate in activities on behalf of the Syrian authorities that could reasonably contribute to the violation of human rights or attacks on civilian populations and facilities;

#### Travel ban

18. Decides that all States shall take the necessary measures to prevent the entry into or transit through their territories of individuals listed in Annex II of this resolution or designated by the Committee established pursuant to paragraph 26 below, provided that nothing in this paragraph shall oblige a State to refuse its own nationals entry into its territory;

19. Decides that the measures imposed by paragraph 18 above shall not apply:

- (a) where the Committee determines on a case-by-case basis that such travel is justified on the grounds of humanitarian need, including religious obligation; or
- (b) where entry or transit is necessary for the fulfilment of a judicial process; or
- (c) where the Committee determines on a case-by-case basis that an exemption would further the objectives of peace and national reconciliation in Syria and stability in the region;

#### Asset Freeze

20. Decides that all States shall freeze without delay all funds, other financial assets and economic resources in their territories at the date of adoption of this resolution or any time thereafter, which are owned or controlled, directly or indirectly, by the individuals or entities listed in Annex I of this resolution or designated by the Committee, or by individuals or entities acting on their behalf or at their direction, or by entities owned or controlled by them, including through illicit means, and decides further that all States shall ensure that any funds, financial assets or economic resources are prevented from being made available by their nationals or by any individuals or entities within their territories, to or for the benefit of the individuals or entities listed in Annex I of this resolution or individuals designated by the Committee;

21. Decides that the measures imposed by paragraph 20 above do not apply to funds, other financial assets or economic resources that have been determined by relevant Member States:

- a) To be necessary for basic expenses, including payment for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges or exclusively for payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services in accordance with national laws, or fees or service charges, in accordance with national laws, for routine holding or maintenance of frozen funds, other financial assets and economic resources, after notification by the relevant State to the Committee of the intention to authorize, where appropriate, access to such funds, other financial assets or economic resources and in the absence of a negative decision by the Committee within five working days of such notification;

- b) To be necessary for extraordinary expenses, provided that such determination has been notified by the relevant State or States to the Committee and has been approved by the Committee; or
- c) To be the subject of a judicial, administrative or arbitral lien or judgment, in which case the funds, other financial assets and economic resources may be used to satisfy that lien or judgment provided that the lien or judgment was entered into prior to the date of the present resolution, is not for the benefit of a person or entity designated pursuant to paragraph 20 above, and has been notified by the relevant State or States to the Committee;

22. Decides that States may permit the addition to the accounts frozen pursuant to the provisions of paragraph 20 above of interests or other earnings due on those accounts or payments due under contracts, agreements or obligations that arose prior to the date on which those accounts became subject to the provisions of this resolution, provided that any such interest, other earnings and payments continue to be subject to these provisions and are frozen, and provided that the relevant states have determined that contracts are not related to any other items referred to in paragraph 7 above;

23. Decides that the measures in paragraph 20 above shall not prevent a designated person or entity from making payment due under a contract entered into prior to the listing of such a person or entity, provided that the relevant States have determined that the contract is not related to any other items referred to in paragraph 7 above and the payment is not directly or indirectly received by a person or entity designated pursuant to paragraph 24 below or specified in Annex I of this resolution, and after notification by the relevant States to the Committee of the intention to make or receive such payments or to authorize, where appropriate, the unfreezing of funds, other financial assets or economic resources for this purpose, ten working days prior to such authorization;

#### Designation Criteria

24. *Decides* that the measures contained in paragraphs 18 and 20 above shall also apply to the individuals and entities designated by the Committee, pursuant to paragraph 26(b) and 26(c), respectively, as:

- a) responsible for or complicit in ordering, controlling, or otherwise directing, violent repression against the civilian population in Syria, and natural or legal persons or entities associated with them;
- b) involved in or complicit in ordering, controlling, or otherwise directing, the commission of serious human rights abuses against persons in Syria, including by being involved in or complicit in planning, commanding, ordering or conducting attacks on civilian populations and facilities; or
- c) involved in or complicit in ordering, controlling, or otherwise directing, the evasion of the sanctions contained in this resolution or any other resolution imposing measures under Article 41 of the Charter; or

- d) providing financial or logistical support to the individuals or entities identified in subparagraphs (a) or (b);

25. *Strongly encourages* States to submit to the Committee names of individuals who meet the criteria set out in paragraph 24 above;

#### New Sanctions Committee

26. *Decides* to establish, in accordance with rule 28 of its provisional rules of procedure, a Committee of the Security Council consisting of all the members of the Council (herein “the Committee”), to undertake the following tasks:

- a) To monitor implementation of the measures imposed in this resolution;
- b) To designate those individuals subject to the measures imposed by paragraph 18 and to consider requests for exemptions in accordance with paragraph 19 above;
- c) To designate those individuals and entities subject to the measures imposed by paragraph 20 above and to consider requests for exemptions in accordance with paragraphs 21 above;
- d) To establish such guidelines as may be necessary to facilitate the implementation of the measures imposed above;
- e) To report within thirty days to the Security Council on its work and every ninety days thereafter;
- f) To encourage a dialogue between the Committee and interested States, in particular those in the region, including by inviting representatives of such States to meet with the Committee to discuss implementation of the measures;
- g) To seek from all States whatever information it may consider useful regarding the actions taken by them to implement effectively the measures imposed above;
- h) To examine and take appropriate action on information regarding alleged violations or non-compliance with the measures contained in this resolution;

27. *Calls upon* all States to report to the Committee within 60 days of the adoption of this resolution on the steps they have taken with a view to implementing effectively paragraphs 7, 9, 18 and 20 above;

28. *Urges* all States, particularly the States neighboring Syria, relevant United Nations bodies and other interested parties, to cooperate fully with the Committee and the Panel of Experts established pursuant to paragraph 32 of this resolution, including by supplying any information at their disposal on the implementation of the measures imposed in this resolution, in particular incidents of non-compliance;

29. *Requests* the Secretariat to take steps to improve education and awareness among UN personnel, including UN humanitarian workers, of the sanctions imposed in this resolution and their enforcement mechanisms, including the Committee and the Panel of Experts, and further *requests* the Secretariat to report to the Committee within sixty days on such steps taken;

30. *Directs* the Committee and the Panel of Experts to cooperate closely with other Security Council Sanctions Committees, in particular the Committees established pursuant to resolutions 1737 (Iran) and 1718 (the Democratic People's Republic of Korea) and their respective UN sanctions expert monitoring panels to cooperate and share information with each other regarding Syria's compliance with UN sanctions;

31. *Decides* that all States, including Syria, shall take the necessary measures to ensure that no claim shall lie at the instance of the Syrian authorities, or of any person or body in Syria, or of any person claiming through or for the benefit of any such person or body, in connection with any contract or other transaction where its performance was affected by reason of the measures taken by this resolution and related resolutions;

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Panel of Experts

32. *Requests* the Secretary-General to create for an initial period of one year, in consultation with the Committee, a group of up to four experts ("Panel of Experts"), under the direction of the Committee to carry out the following tasks:

- a) Assist the Committee in carrying out its mandate as specified in paragraph 26 above;
- b) Gather, examine and analyze information from States, relevant United Nations bodies, regional organizations and other interested parties regarding the implementation of the measures decided in this resolution, in particular incidents of non-compliance;
- c) Make recommendations on actions the Council, or the Committee or State, may consider to improve implementation of the relevant measures;
- d) Provide to the Council an interim report on its work no later than ninety days after the Panel's appointment, and a final report to the Council no later than thirty days prior to the termination of its mandate with its findings and recommendations;

Commitment to Review

33. *Reaffirms* its intention to keep the actions of the Syrian authorities under continuous review and underlines its readiness to review at any time the measures imposed by this resolution, including by strengthening, suspending or lifting those measures, as appropriate, based on compliance by the Syrian authorities with this resolution;

34. *Requests* the Secretary-General to report on implementation of this resolution within thirty days of its adoption and every sixty days thereafter;

35. *Decides* to remain actively seized of the matter.



## Annex I

### Asset Freeze

1. Al-Assad, Bashar  
Date of Birth: 11 September 1965. Passport number: D1903.  
Place of Birth: Damascus, Syria.  
President of the Republic of Syria.
2. Al-Assad, Maher  
Date of Birth: 8 December 1967. Passport number: 4138.  
Commander of the Syrian Army's 4<sup>th</sup> Armoured Division.
3. Mamlouk, Ali  
Date of Birth: 19 February 1946. Passport number: 983.  
Place of Birth: Damascus, Syria.  
Head of Syrian General Intelligence Directorate
4. Shawkat, Asif  
Date of Birth: 15 January 1950.  
Place of Birth: Al-Madeleh, Tartus.  
Chief of Staff of Syrian Armed Forces.
5. Hassan, Jamil  
Head of Syrian Air Force Intelligence.
6. Qudsiyah, Abd Al-Fatah  
Date of Birth: 1953. Passport number: D0005788.  
Place of Birth: Hama, Syria  
Head of Syrian Military Intelligence.
7. Zeitoun, Mohammed Dib  
Date of Birth: 20 May 1951. Passport number: D000001300.  
Place of Birth: Damascus, Syria.  
Head of Political Security Directorate.
8. Khayrbik, Muhammad Nasif  
Date of Birth: 10 April 1937 (alt 20 May 1937). Passport number: 0002250  
Place of Birth: Hama, Syria.  
Deputy Vice-President of Syria for National Security Affairs.
9. Ikhtiar, Hisham  
Date of Birth: 1941.  
Head of Syrian National Security Bureau.
10. Makhoulouf, Hafez  
Date of Birth: 2 April 1971. Passport number: 2246.  
Place of Birth: Damascus, Syria.

Colonel and Head of Unit in Syrian General Intelligence Directorate.

11. Najib, Atef  
Former Head of Political Security Directorate in Dera'a.
12. Ghazali, Rustum  
Date of Birth: 3 May 1953. Passport number: D000000887.  
Place of Birth: Dera'a, Syria.  
Head of Syrian Military Intelligence, Damascus Countryside Branch.
13. Makhoulf, Iyad  
Date of Birth: 21 January 1973. Passport number: N001820740.  
Place of Birth: Damascus, Syria.  
Syrian General Intelligence Directorate officer.
14. Rajiha, Dawud  
Syrian Minister of Defence.
15. Younes, Tawfiq  
Head of Internal Security in Syrian General Intelligence Directorate.
16. Al-Mufleh, Muhammed Ahmad  
Chief of Hama Branch of Syrian Military Intelligence.
17. Al-Abbas, Amjad  
Head of Political Security Directorate in Banias.
18. Al-Assad, Fawwaz  
Date of Birth: 18 June 1962. Passport number: 88238.  
Place of Birth: Kerdala.  
Shabha militia figure.
19. Al-Assad, Mundir  
Date of Birth: 1 March 1961. Passport number: 86449 and 842781.  
Place of Birth: Latakia, Syria.  
Shabha militia figure.
20. Jabir, Ayman  
Shabha militia figure.
21. Al-Chaar, Mohammad Ibrahim  
Date of Birth: 1950.  
Syrian Minister for the Interior.
22. Al Shar', Faruq  
Date of Birth: 10 December 1938.  
Vice-President of the Republic of Syria.

23. Makhlouf, Rami  
Date of Birth: 10 July 1969. Passport number: 454224.  
Place of Birth: Damscus, Syria.  
Syrian businessman. Associate of Maher Al-Assad.

#### **Entities**

1. Bena Properties  
Controlled by Rami Makhlouf; provides funding to the regime.
2. Al Mashreq Investment  
Address: P.O. Box 108, Damscus.  
Telephone: 963 112110059 / 963112110043  
Fax: 963933333149.  
Controlled by Rami Makhlouf; provides funding to the regime.
3. Military Housing Establishment (alias MILIHOUSE)  
Public works company controlled by Riyad Shalish and Ministry of Defence;  
provides funding to the regime.
4. Syrian General Intelligence Directorate  
Overarching civilian intelligence service in Syria.

#### **Annex II**

##### **Travel Ban**

1. Mamlouk, Ali  
Date of Birth: 19 February 1946. Passport number: 983.  
Place of Birth: Damscus, Syria.  
Head of Syrian General Intelligence Directorate
2. Shawkat, Asif  
Date of Birth: 15 January 1950.  
Place of Birth: Al-Madeleh, Tartus.  
Chief of Staff of Syrian Armed Forces.
3. Hassan, Jamil  
Head of Syrian Air Force Intelligence.
4. Qudsiyah, Abd Al-Fatah  
Date of Birth: 1953. Passport number: D0005788.  
Place of Birth: Hama, Syria  
Head of Syrian Military Intelligence.
5. Zeitoun, Mohammed Dib

Date of Birth: 20 May 1951. Passport number: D000001300.  
Place of Birth: Damscus, Syria.  
Head of Political Security Directorate.

6. Khayrbik, Muhammad Nasif  
Date of Birth: 10 April 1937 (alt 20 May 1937). Passport number: 0002250  
Place of Birth: Hama, Syria.  
Deputy Vice-President of Syria for National Security Affairs.
7. Ikhtiar, Hisham  
Date of Birth: 1941.  
Head of Syrian National Security Bureau.
8. Makhlouf, Hafez  
Date of Birth: 2 April 1971. Passport number: 2246.  
Place of Birth: Damscus, Syria.  
Colonel and Head of Unit in Syrian General Intelligence Directorate.
9. Najib, Atef  
Former Head of Political Security Directorate in Dera'a.
10. Ghazali, Rustum  
Date of Birth: 3 May 1953. Passport number: D000000887.  
Place of Birth: Dera'a, Syria.  
Head of Syrian Military Intelligence, Damascus Countryside Branch.
11. Makhlouf, Iyad  
Date of Birth: 21 January 1973. Passport number: N001820740.  
Place of Birth: Damscus, Syria.  
Syrian General Intelligence Directorate officer.
12. Rajiha, Dawud  
Syrian Minister of Defence.
13. Younes, Tawfiq  
Head of Internal Security in Syrian General Intelligence Directorate.
14. Al-Mufleh, Muhammed Ahmad  
Chief of Hama Branch of Syrian Military Intelligence.
15. Al-Abbas, Amjad  
Head of Political Security Directorate in Banias.
16. Al-Assad, Fawwaz  
Date of Birth: 18 June 1962. Passport number: 88238.  
Place of Birth: Kerdala.  
Shabha militia figure.

17. Al-Assad, Munder  
Date of Birth: 1 March 1961. Passport number: 86449 and 842781.  
Place of Birth: Latakia, Syria.  
Shabha militia figure.
18. Jabir, Ayman  
Shabha militia figure.
19. Al-Chaar, Mohammad Ibrahim  
Date of Birth: 1950.  
Syrian Minister for the Interior.
20. Al Shar', Faruq  
Date of Birth: 10 December 1938.  
Vice-President of the Republic of Syria.
21. Makhlouf, Rami  
Date of Birth: 10 July 1969. Passport number: 454224.  
Place of Birth: Damascus, Syria.  
Syrian businessman. Associate of Maher Al-Assad.