

United Nations  Nations Unies  
INTEROFFICE MEMORANDUM MEMORANDUM INTERIEUR

to: Mr. Goro Onojima  
A: Secretary of the Human Rights Council

22 March 2021

THROUGH:  
S/C DE:



REFERENCE:

FROM: Johannes Huisman, Director  
DE: Programme Planning and Budget Division, OPPFB

SUBJECT: **Oral Statement of programme budget implications arising from**  
OBJET: **draft resolution A/HRC/46/L.1/Rev.1 of the Human Rights Council**

I would be grateful if the text of the attached oral statement could be read and distributed prior to adoption of draft resolution **A/HRC/46/L.1/Rev.1**, entitled "Promoting reconciliation, accountability and human rights in Sri Lanka".

cc: Mr. Ramanathan  
Mr. Ward  
Ms. Alirzaeva  
Ms. Veaudour

ORAL STATEMENT BY THE SECRETARIAT IN CONNECTION WITH DRAFT  
RESOLUTION A/HRC/46/L.1/REV.1 ENTITLED "PROMTING  
RECONCILIATION, ACCOUNTABILITY AND HUMAN RIGHTS IN SRI LANKA".

1. This statement is made in accordance with rule 153 of the Rules of procedure of the General Assembly.

2. Under the terms of operative paragraphs 6 and 16 of draft resolution A/HRC/46/L.1/Rev.1, the Human Rights Council would:

(a) Recognize the importance of preserving and analysing evidence relating to violations and abuses of human rights and related crimes in Sri Lanka with a view to advancing accountability, and decide to strengthen in this regard the capacity of the Office of the High Commissioner to collect, consolidate, analyse and preserve information and evidence and to develop possible strategies for future accountability processes for gross violations of human rights or serious violations of international humanitarian law in Sri Lanka, to advocate for victims and survivors, and to support relevant judicial and other proceedings, including in Member States with competent jurisdiction; and

(b) Request the Office of the High Commissioner to enhance its monitoring and reporting on the situation of human rights in Sri Lanka, including on progress in reconciliation and accountability and to present an oral update to the Human Rights Council at its forty-eighth session as well as a written update at its forty-ninth session and a comprehensive report that includes further options for advancing accountability, at its fifty-first session, both to be discussed in the context of an interactive dialogue.

3. In order to implement the requests contained in the draft resolution, the following activities and one-time resources would be required in 2021 and 2022:

(a) General temporary assistance based in Geneva to strengthen OHCHR's capacity to collect, consolidate, analyse and preserve information and evidence and to develop possible strategies for future accountability processes for gross violations of human rights or serious violations of international humanitarian law in Sri Lanka, to advocate for victims and survivors, and to support relevant judicial and other proceedings including in Member States with competent jurisdiction, as follows:

- **One Senior Legal Advisor at P-5 level** (3 months in 2021 and 9 months in 2022) with experience in international criminal justice and/or criminal investigations and prosecutions to coordinate the team and oversee an information and evidence

collection strategy; the development of a central repository to consolidate, preserve and analyse information and evidence; coordinate the processes of reviewing and sharing of information with national authorities for universal jurisdiction and extraterritorial jurisdiction cases and other accountability purposes in line with relevant United Nations guidelines; develop accountability strategies and engage with accountability mechanisms including specialized investigators, prosecutors, judges, and other legal practitioners both for information sharing purposes, to promote accountability and advise on the development of accountability strategies; and liaise with other parts of OHCHR, other independent mechanisms and the UN system to ensure a coordinated approach;

- **One Legal Advisor at P-4 level** (3 months in 2021 and 9 months in 2022) with experience in criminal investigations and prosecutions, responsible for the creation and development of a central repository to consolidate, preserve and consolidate information and evidence in line with international standards, ensuring an uninterrupted chain of custody; carry out the legal analysis of such information with an aim to identify gaps and additional information and evidence necessary to meet relevant legal thresholds; supporting the other legal officers in the implementation of the information and evidence gathering strategy; and contribute to the High Commissioner's updates and reports;
- **One Legal Advisor at P-4 level** (3 months in 2021 and 9 months in 2022), with experience in criminal investigations and prosecutions and experience of military or security sector issues, law enforcement or related fields to lead the information and evidence collection strategy by working with the other legal officers in carrying out the legal analysis of information, notably pertaining to violations of international humanitarian law and international human rights law, and develop specific lines of inquiry, and guide the collection of information and evidence accordingly;
- **Two Analysts at P-3 level** (3 months in 2021 and 9 months in 2022) to assist in the creation and development of a central information and evidence repository; manage, cross-check and analyse the information and evidence collected in cooperation with the legal officers; and contribute to updates and reports by the High Commissioner;
- **Two Investigators/Human Rights Officers at P-3 level** (3 months in 2021 and 9 months in 2022) with a background in international criminal law to research, collect and analyse information and documentation pertaining to serious human rights violations, and international criminal law matters according to the priority lines of inquiry defined by the

team, and under the guidance of the senior legal officer, propose research methods, including gender sensitive approach and tools; conduct interviews with victims and witnesses, to gather information and corroborate allegations of violations of international human rights, or international criminal law; ensure that all measures are taken for the protection of victims and witnesses who will cooperate with the team according to the agreed methodology and respect for the "do no harm principle"; undertake preliminary analysis of information and evidence gathered and draft analytical documents;

- **One Information and Evidence Officer at the P-3 level** (3 months in 2021 and 9 months in 2022), with experience in eDiscovery software, to manage the information and evidence repository, including through ongoing configuration for the specific purposes of the work in furtherance of the mandate, routine data migration and uploading including data entry, data retrieval and analysis, data processing and forensic preservation and analysis of data. The Information and Evidence Officer will liaise in house with legal experts, relevant methodological and support sections, along with the independent mechanisms using the same technology; and further research, analyse and advise on information technology tools for safe and secure information storage, develop principles and methodology for information-gathering and quality control, and ensure the safe preservation of information and evidence collected;
- **Two Juris-Linguists at P-2 level** (3 months in 2021 and 9 months in 2022) in Sinhala and Tamil languages to translate legal documents such as laws, decrees, decisions, rules and regulations, and other documents; translate documents including summary records covering a range of human rights related subjects;
- **One Victim Support Officer at P-3 level** (3 months in 2021 and 9 months in 2022) to provide the requested support and advocacy for victims and survivors. The victim support officer will liaise with victims, including women, civil society organisations (CSOs), human rights defenders, including women and children's rights defenders and other relevant actors; advise on victim and witness protection issues; and build capacity among CSOs and victims' organisations on strategies and gender sensitive approach to pursue justice and redress;
- **One Programme Assistant at General Service (Other) level** (3 months in 2021 and 9 months in 2022) to assist with all issues related to logistics, finance and human resources; provide overall administrative assistance in particular to the senior legal advisor and to the team; assist the team

for the preparation, conduct and follow up on all awareness raising and fact-finding/collection missions; support the planning and organization of team meetings and high level meetings with affected communities and other relevant stakeholders in Geneva and elsewhere;

(b) General temporary assistance based in Geneva to enhance monitoring and reporting on the situation of human rights in Sri Lanka, including on progress in reconciliation and accountability: **one human rights officer at the P-4 level** (9 months in 2021 and 9 months in 2022) to conduct enhanced monitoring of the human rights situation in Sri Lanka including on progress in reconciliation and accountability and in coordination with legal officers and human rights officers (above); preparing an oral update for the forty-eighth session, drafting a written update for the forty-ninth session and drafting a comprehensive report that includes further options for advancing accountability, for the fifty-first session of the Human Rights Council;

(c) Travel to South Asia for awareness raising and fact-finding/information collection (three trips of 5 working days for 3 staff, and one trip of 5 working days for 1 staff);

(d) Commissioning and analysis of satellite images, external translation services, establishment of an information and evidence repository, including user licenses for required software;

(e) General operating costs, including rental, utilities, cleaning services, communication costs;

(f) Office supplies and materials;

(g) Acquisition of office automation equipment, communication equipment, and security and safety equipment;

(h) Travel of witnesses and related meeting expenses; and

(i) Conference services for the translation of two reports, to be presented at the forty-ninth and fifty-first sessions of the Council.

4. The activities referred to above relate to section 2, General Assembly and Economic and Social Council affairs and conference management, and section 24, Human rights, of the programme budget for the years 2021 and 2022.

5. The adoption of the draft resolution would give rise to total requirements of \$2,856,300 as follows:

(United States dollars)

	<i>Total requirements</i>	<i>Included in the 2021 budget</i>	<i>Additional one-time requirements for 2021</i>	<i>Included in the 2022 proposed budget</i>	<i>Additional one-time requirements for 2022</i>
<b>Section 2, General Assembly and Economic and Social Council affairs and conference management</b>					
Pre-session documentation	55 400	-	-	-	55 400
<b>Subtotal, section 2</b>	<b>55 400</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>55 400</b>
<b>Section 24, Human rights</b>					
Other staff costs	2 370 900	-	669 200	-	1 701 700
Travel of staff	41 200	-	-	-	41 200
Contractual services	130 000	-	-	-	130 000
General operating expenses	137 400	-	30 600	-	106 800
Supplies and materials	2 400	-	600	-	1 800
Furniture and equipment	43 600	-	36 100	-	7 500
Fellowships, grants contributions (meeting participants/witnesses)	75 400	-	-	-	75 400
<b>Subtotal, section 24</b>	<b>2 800 900</b>	<b>-</b>	<b>736 500</b>	<b>-</b>	<b>2 064 400</b>
<b>Total</b>	<b>2 856 300</b>	<b>-</b>	<b>736 500</b>	<b>-</b>	<b>2 119 800</b>

6. The related provisions have not been included under the programme budget for the year 2021 nor in the proposed programme budget for the year 2022. Accordingly, should the Council adopt draft resolution A/HRC/46/L.1/Rev.1, the related additional one-time requirements of \$2,856,300 would arise, including \$ 736,500 under section 24, Human rights, of the programme budget for 2021, and \$55,400 under section 2, General Assembly and Economic and Social Council affairs and conference management, and \$2,064,400 under section 24, Human rights, of the programme budget for 2022.

7. These requirements, in accordance with established procedures, would be brought to the attention of the General Assembly, at its 76th session, in the context of the annual report of the Secretary-General on the revised estimates resulting from resolutions and decisions adopted by the Human Rights Council during 2021.