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

8 October 2021

REFERENCE:

THROUGH:
S/C DE:

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

SUBJECT: Oral Statement of programme budget implications arising from  

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/48/L.25, entitled “Technical assistance and capacity-building to improve human rights in Libya”.

cc: Mr. Ramanathan  
Mr. Pearce  
Ms. Veaudour  
Ms. Alirzaeva
ORAL STATEMENT BY THE SECRETARIAT IN CONNECTION WITH DRAFT RESOLUTION A/HRC/48/L.25 ENTITLED “TECHNICAL ASSISTANCE AND CAPACITY-BUILDING TO IMPROVE HUMAN RIGHTS IN LIBYA”

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 29, 35, 40, 41, and 43 of draft resolution A/HRC/48/L.25, the Human Rights Council would:

(a) Welcome the extension of the mandate of the United Nations Support Mission in Libya by the United Nations Security Council, and request the Office of the United Nations High Commissioner for Human Rights, while continuing to work with it, to continue to monitor and report on human rights violations and abuses throughout Libya, and to identify facts and circumstances of these abuses and violations, with a view to avoiding impunity and ensuring full individual accountability;

(b) Renew its request to the High Commissioner Office to provide more comprehensive and sustainable technical assistance and capacity-building to the Libyan judicial authorities, to empower the Libyan Government to protect and promote human rights, prevent human rights violations and abuses, and ensure accountability, in accordance with Libyan priorities;

(c) Decide to extend the mandate of the Fact-Finding Mission for nine months to allow for the implementation of its mandate, considering the exceptional circumstances that faced the mission’s work after its establishment due to the spread of the (Covid-19) pandemic and the budget liquidity crisis that faced the United Nations at the time;

(d) Request the fact-finding mission to present a follow up report of its findings to the human rights council at its 49th session with the participation of the Special Representative of the Secretary General for Libya followed by an interactive dialogue, and to present to the Council at its 50th session a comprehensive written report on the situation of human rights in Libya, including on efforts to prevent and ensure accountability for violations and abuses of human rights and recommendations for follow up, followed by an interactive dialogue,
(e) Request the Secretary-General to provide the Office of the High Commissioner with the resources necessary for the full implementation of the present resolution;

Technical assistance to the Libyan government

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

(a) **One GTA at the P-4 level for 12 months with UNSMIL from 1 January 2022 to 31 December 2022 based in Tripoli,** as a specialist in transitional justice and reconciliation, to provide more comprehensive and sustainable technical assistance and capacity-building to the Libyan judicial authorities, to empower the Libyan Government to protect and promote human rights, prevent human rights violations and abuses, and ensure accountability, in accordance with Libyan priorities. The consultant will conduct the training workshops with the judiciary on transitional justice and reconciliation.

(b) **Two training workshops, each of five (5) days of duration, on international human rights and humanitarian law for military personnel,** in line with the resolution’s request for the High Commissioner to provide more comprehensive and sustainable technical assistance and capacity-building, to empower the Libyan Government to protect and promote human rights, prevent human rights violations and abuses, and ensure accountability, in accordance with Libyan priorities. The training workshops will be held in Tripoli and Benghazi respectively:

- Four (4) UNSMIL staff members to assist and deliver each of the training workshops, with travel of staff from Tripoli to Benghazi for the Benghazi-based training workshop;
- 20 members of Libyan military personnel to attend the training workshops;

(c) **Two training workshops, each of five (5) days of duration, on the Libyan transitional justice and reconciliation framework for the Libyan judicial authorities.** The training workshops aim to provide more comprehensive and sustainable technical assistance and capacity-building to the Libyan judicial authorities, prevent human rights violations and abuses, and ensure accountability, in accordance with Libyan priorities. The two training workshops will both be held in Tunis:

- One GTA (ref. to para 4 (a)) to conduct the trainings;
Four (4) UNSMIL staff members from Tripoli to Tunisia to assist and present each of the training workshops; 20 members from the Libyan judicial authorities to travel to Tunisia to attend the training workshops from different districts in Libya;

(d) General operating expenses for rental of meeting rooms, local transportation, communications and other miscellaneous expenses during training workshops.

Mandate of the Independent Fact Finding Mission on Libya:

(a) A Secretariat comprised of 18 general temporary assistance positions, including, based in Tunis and Libya/Tripoli, as follows:

i. One Senior Human Rights Officer, P5, based in Tunis from 1 October 2021 to 30 June 2022 to: perform the functions of Coordinator; support the Members of the FFM on substantive, operational and administrative procedures and ensure their implementation; manage the overall work of the Secretariat of the FFM, including by facilitating constructive internal work-flows, information sharing, accountability and performance management; facilitate the communication between the Secretariat and the rest of OHCHR as required; ensure that the Secretariat carries out its tasks in accordance with agreed strategic objectives and standard human rights investigation methodology, including gender perspectives; supervise the development of investigation plan, methodology and tools to collect and process all data; coordinate the investigating and reporting tasks of the Secretariat members; oversee the development of plans to ensure that all required measures are taken to protect victims and witnesses who will cooperate with the FFM and that effective referral pathways for survivors are used when possible; accompany the Members of the FFM in their field missions; act as the main interlocutor on operational and substantive matters with duty bearers, member states, UN agencies, media and other stakeholders; ensure the integration of gender perspective, including in the investigation plan, interviewing of victims, evidence gathering, analysis and report writing; take ultimate responsibility for the quality and timely delivery of the FFM’s reports; liaise with the security coordinator/UNDSS on aspects related to the security requirements and inform accordingly the Members and staff of the Secretariat; manage the budget and finances of the Secretariat and be responsible for regular operational, financial and administrative reporting to OHCHR and/or other UN entities as required; keep the Director of FOTCD, Head of APMENA,
Chief of MENA, Chief of ERS and Coordinator of Investigations Support Unit informed of the operational developments through monthly reports.

ii. **One Human Rights Officer/Investigations Team Leader, P4** based in Tunis from 1 October 2021 to 31 December 2021, based in Libya/Tripoli from 1 January to 30 June 2022 to:

- manage the day-to-day operations of the Secretariat investigations team;
- serve as first reporting officer of the team of Human Rights Officers/Investigators and other experts in the Secretariat;
- develop investigation, information gathering and operational plans in accordance with standard OHCHR methodology, including on the integration of gender perspective; adapt methodologies and tools to collect and process all data; oversee, guide and conduct interviews and other evidence gathering activities; oversee all team inputs with a view to ensuring highest quality standards of investigation, corroboration, analysis, conclusions and recommendations are incorporated in the final report; develop and oversee plans to ensure that all required measures are taken to protect victims and witnesses who will cooperate with the FFM and that effective referral pathways for survivors are used when possible; participate in, and organise missions to sites of violations or other places as required; to coordinate drafting of the FFM’s internal analyses and public reports; oversee the proper handling, secure storage and preservation of information and data in accordance with procedures and tools adopted by the FFM; incorporate gender perspective into all areas of work, in particular in the investigations plan, information gathering, analysis and reports of the FFM.

iii. **One Human Rights Officer/Legal Adviser, P4**, based in Tunis from 1 October 2021 to 30 June 2022 to:

- advise the team on matters related to the legal framework and the legal standards applicable to the human rights situation under investigation; conduct analysis and research on various legal matters pertaining to the investigation, and contribute to drafting of investigation plan; provide advice on different legal issues and assist in drafting legal opinions, memoranda and other briefing documents for Secretariat staff; ensure legal accuracy of all documents, including reports, submissions, press releases etc., prepared by the Secretariat; suggest legal qualifications of gathered information, advise on the standard of proof and advice to determine responsibilities and, where possible, advice to identify those responsible; identify trends and patterns of human rights violations and abuses, and violations of international criminal law; if necessary conduct information gathering activities under the guidance of the Investigation Team Leader, including interviews and the collection and analysis of open sources material and satellite imagery; draft the legal framework and analysis
of the FFM’s reports and ensure consistency of findings, conclusions and recommendations with the mandate, applicable law and information gathered; ensure the legal analysis and legal qualification of the findings integrate gender perspective, reflecting the gender dimensions and gendered impact of the violations; advise the Coordinator and the team on the legal findings and discusses the possible recommendations in particular, on options for accountability measure aiming combating impunity. S/he will also lead efforts to ensure the preservation of evidence.

iv. **One Human Rights Officer/Reporting Officer, P4, based in Tunis from 1 October 2021 to 30 June 2022** to: review and analyse information collected and advise Secretariat staff on addressing gaps and following leads; in coordination with the Investigations Team Leader, identify gaps and orient the investigation accordingly; coordinate closely with the Legal Adviser to ensure information collected corresponds to the required legal elements; coordinate closely with the Gender Adviser to ensure gender perspectives are integrated throughout the investigation, and during analysis and report drafting, including on the gendered impact of the violations; prepare briefings, summaries of information gathered and analytical documents as required; coordinate the drafting of the FFM – report, and acts as its main drafter; ensure that information collected is properly documented, in accordance with standard OHCHR methodology in coordination with the Investigation Team Leader; assist in drawing analytical conclusions; propose the structure of reports and visualisation of the FFM’s findings and conclusions; assist in developing actionable and gender-sensitive recommendations. Together with the Legal Advisor, S/he will support efforts to ensure the preservation of evidence.

v. **One Forensic Expert, P4, based in Libya/Tripoli from 1 February 2022 to 30 April 2022**, to analyse crime scenes to determine the likely cause of wounds/injuries or death; to provide possible reconstruction of events and to provide advice and draft reports on medico-legal issues concerning the cause of injury or death, gender, approximate age and manner of injury or death of cases researched; to visit crimes scenes to provide advice on preservation of forensic evidence; and to collect and analyse medical documentation, contribute to drafting of FFM’s reports as necessary.

vi. **One HRO/Gender Advisor, SGBV Investigator, P4 (to be seconded by UN Women), based in Tunis from 1 October 2021 to 30 June 2022 with missions to Libya**, to advise the Members of the FFM and the Secretariat on the gender dimensions of human rights violations, and abuses including through gender analysis and training, ensuring integration of a gender
perspective throughout the work of the FFM; collect information pertaining to women’s human rights and gender issues directly related to the mandate of the including violations of international human rights, and as appropriate, international criminal law; ensure proper documentation, collection, preservation of information, analysis and reporting on cases of sexual and gender-based violence and other gender-based human rights violations and abuses and that the gender-specific impact of violations is assessed, documented, analysed and reported by all members of the team; conduct and/or assist the team in interviewing and evidence gathering activities, ensuring that necessary measures of protection and confidentiality for witnesses and victims are gender-sensitive; recommend referral pathways addressed to victims and survivors, in accordance with agreed methodology and strategy of the FFM, as well as OHCHR’s methodology and full respect for the 'do no harm principle'; provide advice to the team on the integration of gender-sensitive information gathering methods including interviewing, security arrangements, witness and victim protection and safe information and data handling; participate in field missions for information gathering activities; contribute to the drafting and timely submission of the final report, recommendations and other analytical documents of the FFM ensure that such documents integrate gender perspective and that gender-sensitive language is used throughout them; suggest gender-specific priority recommendations for the final report, including on sexual and gender-based violence.

vii. One Media Specialist, P4 based in Tunis from 1 May 2022 – 31 June 2022, to: develop a gender-sensitive media and advocacy strategy for the FFM in coordination with the Coordinator and members of the FFM; reply to media inquiries; accompany the Members during their missions in Libya in the countries hosting Libyan refugees and migrants, and during the presentation of the report to the HRC; undertake activities to promote major events relating to FFM’s work; and liaise with the international and regional media based in Libya or in the countries where the Members will conduct missions.

viii. Two Human Rights Officers/Investigators, P3,(based in Tunis from 1 October 2021 to 31 December 2021; based in Libya/Tripoli from 1 January 2022 to 30 June 2022); to: collect and analyse information and documentation pertaining to human rights, IHL and international criminal law matters as required by the mandate, and, under the guidance of the Investigation Team Leader, propose investigative methods and tools; conduct timely monitoring of trends and patterns of violations; conduct investigations, including through interviews with victims and witnesses, to gather information and corroborate allegations of violations of international
human rights, IHL or international criminal law as stipulated in the FFM - mandate; employ monitoring and mapping tools, including open sources material and satellite imagery, support geolocation of incidents and to assess the authenticity of collected materials and testimonies; identify alleged perpetrators based on agreed information gathering methods; participate in and organize missions to sites of violations or other places as required; ensure that all measures are taken for the protection of victims and witnesses who will cooperate with the FFM according to the agreed methodology and respect for the ‘do no harm principle, and by making effective use of pathways for survivors; ensure that the information and documentation related to the investigation are protected, stored and preserved safely in accordance with procedures established by the FFM; undertake preliminary analysis of information gathered and draft analytical documents, including a gender analysis; draft relevant sections and provide inputs for the FFM reports; ensure that gender perspective and gender-sensitive approaches are integrated at all stages of the investigation, analysis and report drafting.

ix. **One Investigator/Digital Forensic Investigator, P3, based in Tunis from 1 October 2021 to 30 June 2022** to conduct digital investigations on allegations of violations of international human rights. IHL or international criminal law in accordance with the FFM’s mandate, and OHCHR methodologies; collect and analyse information and evidence in electronic and digital format, as well as social networking sites and assist in determining credibility and reliability; undertake verification of open source digital contents (such as audio, images, videos, geo-location) including forensic examinations, and record results; support the analytical processes of investigations and preserving digital material in accordance with applicable standards and protocols for evidentiary material; provide advice and support to the FFM on the use of open source material in investigations, analysis and reports and support in understanding elements of digital evidence; propose the use of tools to analyse and present complex data sets in understandable ways for investigation and presentation purposes; ensure that documentation and materials related to the investigations is handled, stored and preserved safely in accordance with the procedures established by the FFM.

x. **One Field Security Coordinator, P3, based in Libya/Tripoli from 1 January 2022 to 30 June 2022**, to: advise the coordinator on all security related matters, conduct Security Risk Assessment for all locations where the team will operate; accompany the team and members on field visits; liaise on a daily basis with local security forces in providing proper security coverage for the team’s
activities; coordinate security coverage of the field visits of members; act as liaison officer between the FFM and UNDSS.

xi. **One Administrative Officer, P3, based in Tunis from 1 January 2022 to 30 June 2022** to: assist the FFM with all issues related to logistics, finance and human resources; provide overall administrative assistance to the Members for all their travels, assist secretariat for the preparation, conduct and follow up on all field missions; support the planning and organization of investigative team meetings and high level meetings in Tripoli, Geneva and elsewhere.

xii. **One Interpreter, P2; based in Tunis from 1 October to 30 June 2022;** to: provide accurate interpretation and translation as required, from Arabic and vice versa, join field missions; produce accurate simultaneous interpretation of oral witness statements from Arabic into English and vice versa; including those provided through remote means of communication; maintain strict confidentiality of information; and perform any other tasks, as necessary.

xiii. **One Migration Advisor, P3 (1 January - 30 June 2022), based in Libya/Tripoli** to: review, monitor and evaluate activities relating to the implementation of international human rights instruments, specifically related to migration and human rights, including recommendations of treaty bodies and mechanisms of the Human Rights Council; helps design and implements the migration and human rights program and designs the organization and focus of the evaluation, ensures up-to-date information regarding substantive matters in the field of human rights, particularly on migration and human rights issues, and makes recommendations on actions to take, makes contact with other sectors of the UN, other international organizations and governments on coordination and policy matters; brief representatives and provides, as appropriate suggestions and recommendations.

xiv. **Two Human Rights Officers/Investigators, P3, (based in Libya/Tripoli from 1 January 2022 to 30 June 2022;** to: collect and analyse information and documentation pertaining to human rights, IHL and international criminal law matters as required by the mandate, and, under the guidance of the Investigation Team Leader, propose investigative methods and tools; conduct timely monitoring of trends and patterns of violations; conduct investigations, including through interviews with victims and witnesses, to gather information and corroborate allegations of violations of international human rights, IHL or international criminal law as stipulated in the FFM - mandate; employ monitoring and mapping tools, including open sources material and satellite imagery, support geolocation of incidents and to
assess the authenticity of collected materials and testimonies; identify alleged perpetrators based on agreed information gathering methods; participate in and organize missions to sites of violations or other places as required; ensure that all measures are taken for the protection of victims and witnesses who will cooperate with the FFM according to the agreed methodology and respect for the 'do no harm principle, and by making effective use of pathways for survivors; ensure that the information and documentation related to the investigation are protected, stored and preserved safely in accordance with procedures established by the FFM; undertake preliminary analysis of information gathered and draft analytical documents, including a gender analysis; draft relevant sections and provide inputs for the FFM reports; ensure that gender perspective and gender-sensitive approaches are integrated at all stages of the investigation, analysis and report drafting.

xv. One Analyst, P3 based in Tunis from 1 January 2022 to 30 June 2022) to: undertake in-depth research and analysis of complex legal, political and military activities in cases involving serious breaches of international humanitarian law, such as genocide, crimes against humanity and war crimes, including sexual and gender-based violence; gather, collate and analyse multi-source information, including witness interviews, and identifies information gaps and/or inconsistencies to inform decisions relating to further investigative activities; prepare comprehensive analytical reports and associated products and case building activities; identify and analyse information and evidence for determination of relevance for inclusion in interviews in support of investigations. Liaises closely with investigators, lawyers and information and evidence officers; conduct additional inquiries as requested by the FFM.

xvi. One Case Manager, P3, based in Tunis from 1 January 2022 to 30 June 2022, : to organize and administer management of cases; liaise and co-ordinate with team leader, legal and reporting officers and investigators, be responsible for maintaining and updated filing and archiving systems (electronic and hard copy), be responsible for keeping track of all potential evidence, and be responsible for tracking evidence; facilitate effective and timely communication of information on behalf of the Experts and Coordinator; obtain and provide legal research material in connection with individual cases; other ad hoc duties as required.

(b) Travel of Commissioners:
• Three 5 working days travel of 3 Members to Libya in 2022. Two missions will be conducted to Government-controlled area, probably Tripoli: one to meet authorities and victims and witnesses, one to present to the authorities the main findings and possible launch the report. The other mission will be conducted to areas controlled by the Libyan National Army, probably to Benghazi.

• Two 8 working days travel of 3 Members to Tunis in 2022 to work with the Secretariat

• Two 7 working days travel of 3 Members to Tripoli in 2022 to conduct fact-finding through interviews and meetings with all concerned stakeholders, including the relevant authorities, United Nations and civil society representatives, victims and witnesses

• One 7 working days travel of 3 Members to Benghazi in 2022 to conduct fact-finding through interviews and meetings with all concerned stakeholders, including the relevant authorities, United Nations and civil society representatives, victims and witnesses

• One 3 working days travel of 3 Members to Geneva to present the oral update at the 49th session of HRC.

• One 5 working days travel of 3 Members to Geneva to present the final comprehensive report at the Council’s 50th session.

(c) Travel of Staff:

• One 5 working days travel of four secretariat staff members in 2022 to accompany the 3 Members for a mission to the areas controlled by the Libyan National Army, probably in Benghazi.

• One 7 working days travel of four staff to Benghazi in 2022 to accompany the FFM Members to conduct fact-finding mission.

• Three 7 working days travel of four staff to Benghazi in 2022 for fact-finding mission.

• One 10 working days travel of four Staff to Palermo, Italy in 2022 to conduct investigations.

• One 3 working days travel of one Administrative officer to Geneva in 2022 for induction.

• One 8 working days travel of three staff to Agadez, Niger in 2022 to conduct investigations.

• Three 5 working days travel of four staff inside Tunisia in 2022 to meet witnesses.

• One 5 working days travel of the Coordinator and Media Specialist to Geneva to accompany the Experts for the presentation of the final comprehensive report at the Council’s 50th session.

• OHCHR Substantive and Operational Support: two 5 working days travel of OHCHR Logistics Officer to open and close the office.
(d) General operating expenses:

- Rental of office space in Tripoli – 6 months from 1 January 2022 to 30 June 2022
- Rental of office space in Tunis, 9 months, from 1 October 2021 to 30 June 2022
- Rental of 2 vehicles in Tripoli mainly for field visits for 5 months from 1 January 2022 to 30 June 2022
- Purchase of office equipment lump sum in 2022
- For two travel of 5 days of 3 Members accompanied by 4 staff to Tripoli, 3 armored vehicles to be rented for 5 days, armed escort for 5 days (1 escort for 3 vehicles) 2x 2022
- For one travel of 5 days of 3 Members accompanied by 4 staff to Benghazi, 3 armored vehicles to be rented for 5 days, armed escort for 5 days (1 escort for 3 vehicles) 1x 2022
- For three missions of staff to Benghazi, 3 armored vehicles to be rented for 7 days each, Armed escort for 7 days each (1 escort for 3 vehicles) 3x 2022
- Monthly charges of mobile phones 3 months in 2021; 6 months in 2022
- Monthly charges of satellite phones (2 units) 3 months in 2021; 6 months in 2022
- Miscellaneous services
- 23 Emergency Supply food for 3 days
- 23 Emergency supply water for 3 days
- Office expendable supplies, stationery and water
- 5 Mobile phones
- 20 SIM cards
- 5 computers
- Satellite images/analysis and commissioning (Grant with UNITAR/UNOSAT) lump sum
- Lamp sum for security related items
- Travel of witnesses – Internal travel payments for transportation, water and food 70 persons in 2022

(e) Conference services for the translation of the reports to be presented at the Human Rights Council’s sessions in 2022.

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 $3,215,300 as follows:

(United States dollars)
6. The related provisions have not been included under the programme budget for the year 2021 nor the proposed programme budget for the year 2022. Accordingly, should the Council adopt draft resolution A/HRC/48/L.25, the related additional requirements of $3,215,300 would arise, including $402,500 under section 24, Human rights, of the programme budget for 2021, and $69,600 under section 2, General Assembly and Economic and Social Council affairs and conference management, and $2,743,200 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.

8. With regard to operative paragraph 43, the attention of the Human Rights Council is drawn to the provisions of section VI of General Assembly resolution 45/248B of 21 December 1990, and subsequent resolutions, the most recent of which is resolution 75/252 of 31 December 2020, in which the Assembly reaffirmed that the Fifth Committee is the appropriate Main Committee of the Assembly entrusted with the responsibilities for administrative and budgetary matters, and reaffirmed the
role of the Advisory Committee on Administrative and Budgetary Questions.