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

THROUGH:
S/C DE:

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

SUBJECT: Oral Statement of programme budget implications arising from draft resolution A/HRC/49/L.1, as orally revised, 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/49/L.1, as orally revised, entitled “Situation of human rights in Ukraine stemming from the Russian aggression”.

cc: Mr. Ramanathan
    Mr. Pearce, OIC
    Ms. Alirzaeva
    Ms. Veaudour
ORAL STATEMENT BY THE SECRETARIAT IN CONNECTION WITH DRAFT RESOLUTION A/HRC/49/L.1, AS ORALLY REVISED ENTITLED “SITUATION OF HUMAN RIGHTS IN UKRAINE STEMMING FROM THE RUSSIAN AGGRESSION”.

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 9 and 10 of draft resolution A/HRC/49/L.1, as orally revised, the Human Rights Council would:

   (a) Decide to urgently establish an independent international commission of inquiry, constituted by three human rights experts, to be appointed by the President of the Human Rights Council for an initial duration of one year, complementing, consolidating, and building upon the work of the HRMMU, and in close coordination with the HRMMU and OHCHR, with the following mandate:

   (i) To investigate all alleged violations and abuses of human rights and violations of international humanitarian law, and related crimes, in the context of the Russian Federation’s aggression against Ukraine, and to establish the facts, circumstances, and root causes of any such violations and abuses;

   (ii) To collect, consolidate and analyse evidence of such violations and abuses, including their gender dimension, and to systematically record and preserve all information, documentation and evidence, including interviews, witness testimony and forensic material, consistent with international law standards, in view of any future legal proceedings;

   (iii) To document and verify relevant information and evidence, including through field engagement, and to cooperate with judicial and other entities, as appropriate;

   (iv) To identify, where possible, those individuals and entities responsible for violations or abuses of human rights or violations of international humanitarian law, or other related crimes, in Ukraine, with a view to ensuring that those responsible are held accountable;

   (v) To make recommendations, in particular on accountability measures, all with a view to ending impunity and ensuring accountability, including, as appropriate, individual criminal responsibility, and access to justice for victims;

   (vi) To provide the Human Rights Council, at its fifty-first session, with an oral update, to be followed by an interactive
dialogue, and a comprehensive written report at its fifty-second session, to be followed by an interactive dialogue, and to submit a report to the General Assembly at its seventy-seventh session;

(b) Request the immediate operationalization of the mandate, and requests the Secretary-General to provide all the resources necessary to enable the Commission of Inquiry to carry out its mandate as well as the resources and expertise necessary to enable the Office of the High Commissioner for Human Rights to provide such administrative, technical and logistical support as is required to implement the provisions of the present resolution, in particular in the areas of fact-finding, legal analysis, and evidence-collection.

Independent Entities - Commission of Inquiry (COI)

3. In order to implement the requests contained in paragraphs 9 and 10 of the draft resolution, the following activities and resources would be required in 2022 and 2023:

(a) General temporary assistance for the secretariat of 20 staff to support the Commission, based in a Central or Eastern European location, to be decided:

- One P-5 Senior Human Rights Officer (11 months: 1 May 2022-31 March 2023) to: perform the functions of Coordinator; support the Experts on substantive, operational and administrative procedures and ensure their implementation; manage the overall work of the secretariat, including by facilitating constructive internal workflows, 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 the investigation plan, methodology and tools to analyse and preserve collected information and evidence; coordinate the investigating, preservation 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 and that effective referral pathways for survivors are used when possible; accompany Experts 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 a gender perspective, including in the investigation plan, interviewing of victims, evidence gathering and preservation, analysis and report writing; take ultimate responsibility for the quality and timely delivery of reports and preservation efforts; liaise with the security coordinator/UNDSS on aspects related to the security requirements and inform accordingly the Experts 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 AECA, and Chiefs of ECA, METS and ISU informed of the operational developments through monthly reports;

- One P-3 Programme Management Officer (11 months: 1 May 2022-31 March 2023) to: assist with all issues related to logistics, finance and human resources; provide overall administrative assistance to the Experts for all their travels, assist the 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 Geneva and elsewhere;

- One P-4 Media and Communications Advisor (10 months: 1 June 2022-31 March 2023) to: develop a gender-sensitive media and advocacy strategy with the Coordinator and Experts; reply to media inquiries; accompany the Experts during their missions to countries hosting Ukrainian refugees and migrants, and during the presentation of the report to the HRC; undertake activities and prepare written and audio-visual material, as well as graphics, for social media, media and the web, organise press briefings as appropriate and background briefings for journalists, to promote major events relating to the work and help counter misinformation and politicization of the mandate; and liaise with the international and regional media based in and working on Ukraine, or in the countries where the Experts will conduct missions;

- Two P-2 Interpreters (10 months: 1 June 2022-31 March 2023) to: provide accurate interpretation and translation as required, from Russian/Ukrainian and vice versa, join field missions; produce accurate simultaneous interpretation of oral witness statements from Russian/Ukrainian 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;

- One P-4 Fact-Finding Team Leader (11 months: 1 May 2022-31 March 2023) to: manage the day-to-day operations of the secretariat’s fact-finding; serve as first reporting officer of the team of Human Rights Officers/Investigators and digital forensic investigators and other experts in the secretariat as decided by the Coordinator; develop and oversee plans to ensure that all appropriate and necessary measures are taken to protect victims and witnesses and that effective referral pathways are identified and communicated to survivors and others as appropriate develop fact-finding 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 (ensuring the proper recording of 'informed consent'); oversee all team inputs with a view to ensuring
that the highest quality standards of investigation, analysis, verification, preservation, are upheld with a view to maximizing the possibility of its admissibility in future proceedings, and that the conclusions and recommendations incorporated in the final report are beyond reproach; develop and oversee plans to ensure that all appropriate and necessary measures are taken to protect victims and witnesses and that effective referral pathways are identified and communicated to survivors and others as appropriate; participate in, and organise, missions to sites of violations or other places as required; coordinate drafting of the internal analyses and contribute to the Team’s public reports; oversee the proper handling, secure storage and preservation of information and data in accordance with OHCHR methodology, procedures and tools adopted;

• Four P-3 Human Rights Officers/Investigators (10 months: 1 June 2022-31 March 2023) to: research, collect and analyse information and documentation pertaining to human rights, and international criminal law matters as required by the mandate, and, under the guidance of the Fact-Finding Team Leader, ensure that all measures are taken for the protection of victims and witnesses who cooperate with the Team, respect for the ‘do no harm principle by making effective use of referral pathways and protection measures for survivors and witnesses; propose information gathering methods and tools; conduct timely monitoring of trends and patterns of violations; conduct information gathering efforts, including through interviews with victims and witnesses, to gather information and verify allegations of violations of human rights, international humanitarian law and related crimes as set out in the mandate; employ monitoring and mapping tools, including on open sources and satellite imagery, and assess the authenticity of collected materials and testimonies; identify alleged perpetrators based on OHCHR information gathering methods; participate in and organize missions to sites of violations or other places as required; ensure that the information and documentation related to the investigation are protected, stored and preserved safely in accordance with procedures established; undertake preliminary analysis of information gathered and draft analytical documents, including a gender analysis; provide inputs for the reports and draft relevant sections as tasked; ensure that gender perspective and gender-sensitive approaches are integrated at all stages of the investigation, analysis and report drafting;

• One P-4 Military Advisor (10 months: 1 June 2022-31 March 2023) to: collect and analyse information to assist the secretariat on the overall understanding of the military related matters in the context of the conflict; gather and analyse information, and produce analysis of the relevant armed forces; de facto and de jure command responsibility, relationship between the armed forces and other state institutions; advise the secretariat on all other military-related matters; provide an assessment of the operating environment for military and other security forces in Ukraine; undertake
enhanced monitoring into specific incidents identified by the secretariat; gather and analyse information to identify the units (state and non-state) and respective commanders deployed during key events; advise the secretariat on military procedures and methods including issues related to ballistics; weapons, vehicles and aircraft; as directed by the Coordinator of the secretariat, establish appropriate liaison with the military officers as required; provide input into any reports to be written by secretariat;

- Two P-3 Digital Forensics Investigators (10 months: 1 June 2022-31 March 2023) to: conduct digital investigations on allegations of violations of human rights, international humanitarian law and related crimes in accordance with the Commission’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 Commission 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 Commission;

- One P-4 Gender Advisor / Sexual and Gender-Based Violence Investigator (10 months: 1 June 2022-31 March 2023) to: advise the secretariat on the gender dimensions of human rights and international humanitarian law violations and abuses, including through gender analysis and training, ensuring integration of a gender perspective throughout the work; collect information pertaining to women’s human rights and gender issues directly related to the mandate; 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 secretariat; conduct and/or assist the secretariat 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, as well as OHCHR’s methodology and with full respect for the ‘do no harm principle’; provide advice to the secretariat 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 analytical documents and the final report, including its recommendations and ensure that all such documents integrate a gender perspective and that gender-sensitive language is used throughout; suggest gender-specific priority recommendations;

• One P-4 Human Rights Officer / Analysis and Reporting Officer (11 months: 1 May 2022-31 March 2023) to: review and analyse information collected and advise secretariat staff in coordination with the Fact-Finding Team Leader on addressing gaps and following leads; and orienting 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 report, and act as its lead drafter; ensure that information collected is properly documented, in accordance with standard OHCHR methodology in coordination with the Fact-Finding Team Leader; assist in drawing analytical conclusions; propose the structure of reports and visualisation of the findings and conclusions; assist in developing actionable and gender-sensitive recommendations; lead the development of an evidence management system to ensure the eventual effective use of gathered information by separate and subsequent accountability bodies; carry out factual analysis of the information gathered with a view to ensure its effective use by separate and subsequent accountability bodies, including identifying gaps and probable new lines of inquiry;

• One P-4 Human Rights Officer/Legal Adviser (10 months: 1 June 2022-31 March 2023) to: advise the secretariat on matters related to the legal framework and the legal standards applicable to the situation under investigation; conduct analysis and research on various legal matters pertaining to the investigation, and contribute to drafting of the information gathering 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 prepared by the secretariat; suggest legal qualifications of gathered information; provide advice on determining responsibilities; if necessary conduct information gathering activities under the guidance of the Fact-Finding Team Leader; draft the legal framework and analysis sections of the report, together with the Analyst/Reporting Officer and ensure findings, conclusions and recommendations are consistent with the mandate, applicable law and information gathered; ensure the legal analysis and legal qualification of the findings integrate gender perspective; advise the Coordinator and the secretariat on the legal findings and discuss the possible recommendations in
particular, on options for accountability measures aiming at combating impunity; assist in the development of an evidence management system to ensure the eventual effective use, including its admissibility, of gathered information by separate and subsequent accountability bodies;

- One P-4 Legal Officer (10 months: 1 June 2022-31 March 2023) to: Advise the team with respect to appropriate cooperation with external entities, including international organisations, member states or individual authorities thereof, including with respect to fact-finding and accountability matters related to the mandate, in accordance with applicable UN policies and guidelines; formulate recommendations for evidence collection and options for appropriate accountability measures; prepare and organize, with the Evidence and Information officer, the information gathered with a view to ensure its effective use by separate and subsequent accountability bodies;

- One P-4 Forensics Pathologist (5 months: 1 September 2022-31 January 2023) 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 the Commission’s reports as necessary;

- One P-3 Evidence and Information Officer (10 months: 1 June 2022-31 March 2023) to: ensure the sound collection, preservation, registration, digitization, and secure permanent storage of collected material and maintaining its chain of custody, auditing, and authenticity; establish efficient procedures regarding the review of evidence and information; defining and supporting efficient information flow within evidence handling processes and ensuring the provenance of collected material and confidential classifications; customise the information management system and related workflows and protocols, develop and implement tools and systems for preservation of information and its analysis; provide training on the information management system for internal stakeholders and users; act as an administrator of the information management system;

- One P-3 Security Officer (10 months: 1 June 2022-31 March 2023) 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 Experts 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 Experts; act as liaison officer between the Commission and UNDSS.
(b) Travel of 3 Representatives (trips of the three Experts):

2022

• One trip of 5 working days to Geneva to attend briefings and meetings, including meetings with the High Commissioner for Human Rights, the President of the Human Rights Council, relevant country representations, relevant UN organizations and NGOs,

• One trip of 8 working days to a Central or Eastern European location to work with the secretariat on the report,

• One trip of 7 working days to Warsaw to conduct fact-finding activities and meetings with all concerned stakeholders, including the relevant authorities, United Nations and civil society representatives, victims and witnesses,

• One trip of 3 working days to Moscow for negotiations,

• Two trips 7 working days to Kyiv or other parts of Ukraine to conduct fact-finding activities and meetings with all concerned stakeholders, including the relevant authorities, United Nations and civil society representatives, victims and witnesses,

• One trip of 5 working days to Geneva to present the oral update during an interactive dialogue to the Human Rights Council fifty-first session,

• One trip of 5 working days to New York to provide a report to the General Assembly at its seventy-seventh session.

2023

• One trip of 5 working days to Geneva to present the comprehensive written report during an interactive dialogue at the Human Rights Council fifty-second session.

(c) Travel of staff:

2022

• Two trips of 7 working days by 4 staff members to Kyiv, or other parts of Ukraine to accompany 3 Experts to conduct fact-finding activities and meetings with all concerned stakeholders, including the relevant authorities, United Nations and civil society representatives, victims and witnesses,
• One trip of 3 working days by 2 staff members to Moscow to accompany the 3 Experts,

• One trip of 7 working days by 4 staff members to Warsaw to accompany 3 Experts, to conduct fact-finding activities and meetings with all concerned stakeholders, including the relevant authorities, OSCE and civil society representatives, victims and witnesses,

• Three trips of 10 working days by 6 staff members to Kyiv or other parts of Ukraine to conduct fact-finding activities and meetings with all concerned stakeholders, including the relevant authorities, civil society representatives, victims and witnesses,

• Two trips of 7 working days by 6 staff members to Chișinău, also known as Kishinev, to conduct fact-finding activities and meetings with all concerned stakeholders, including the relevant authorities, civil society representatives, victims and witnesses,

• Three trips of 10 working days by 6 staff members to Budapest to conduct fact-finding activities and meetings with all concerned stakeholders, including the relevant authorities, civil society representatives, victims and witnesses,

• Three trips of 10 working days by 6 staff members to Warsaw to conduct fact-finding activities and meetings with all concerned stakeholders, including the relevant authorities, civil society representatives, victims and witnesses,

• One trip of 5 working days by 2 staff members to Geneva to accompany 3 Members to present the oral update during an interactive dialogue to the Human Rights Council fifty-first session,

• One trip of 5 working days by 2 staff members to New York to accompany 3 Experts to provide a report to the General Assembly at its seventy-seventh session.

2023

• One trip of 5 working days by 6 staff members to Warsaw to conduct fact-finding activities and meetings with all concerned stakeholders, including the relevant authorities, civil society representatives, victims and witnesses,

• One trip of 5 working days by 2 staff members to Geneva to accompany 3 Experts to present the comprehensive written report during an interactive dialogue at the Human Rights Council fifty-second session.
(d) General operating costs, including rental, utilities, cleaning services, communication costs:

- Office space in a Central or Eastern European location for the secretariat
- ICTs costs including communication charges
- Monthly charges of 3 satellite phones
- Miscellaneous services: security and alteration of premises
- Rental of office equipment
- Rental of vehicles including drivers and petrol for field visits and witness interviews
- Rental of three armoured vehicles and armed escort in Ukraine

(e) Furniture and Equipment

- Acquisition of office automation equipment (PCs, printers, screens), mobile phones and satellite phones
- Acquisition of security and safety equipment
- Miscellaneous for office equipment

(f) Supplies and materials:

- Office expendable supplies and emergency supply for food and water during official missions

(g) Contractual services

- Satellite images/analysis and commissioning lump sum (UNITAR/UNOSAT)
- Purchase of One DeepL Translation Software
- SharePoint access for Secretariat
- Analyst Notebook and Security anonymity software

(h) Grants and contributions

- Travel of witnesses and related meeting expenses

(i) Conference services for the translation of the report to the General Assembly at its seventy-seventh session in 2022 and the report for the Human Rights Council at its fifty-second session in 2023.

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 2022 and 2023.
5. The adoption of the draft resolution would give rise to total requirements of $4,163,500 as follows:

<table>
<thead>
<tr>
<th>(United States dollars)</th>
<th>Additional requirements</th>
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<tr>
<td></td>
<td>2022</td>
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<tr>
<td>Section 2, General Assembly and Economic and Social Council affairs and conference management</td>
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<td>Other Staff Costs – Documentation Services</td>
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<td>Subtotal, section 2</td>
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<td>Section 24, Human Rights</td>
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<td>Other Staff Costs (GTA)</td>
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<td>Total</td>
<td>3,138,400</td>
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</table>

6. As reflected in the table above, should the Council adopt draft resolution A/HRC/49/L.1 as orally revised, requirements would arise as follows:

   b. Additional requirements of $1,025,100 in the proposed programme budget for 2023.

7. These requirements, in accordance with established procedures, would be brought to the attention of the General Assembly, at its 77th 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 2022.

8. With regard to operative paragraphs 9 and 10, 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 76/245 of 24 December 2021, 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.