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

31/3/2022

THROUGH:
S/C DE:

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


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.15/Rev.1, entitled “Advancing human rights in South Sudan”.

cc: Mr. Ramanathan
Mr. Fofana
Ms. Alirzaeva
Ms. Veaudour
ORAL STATEMENT BY THE SECRETARIAT IN CONNECTION WITH DRAFT RESOLUTION A/HRC/49/L.15/REV.1 ENTITLED “ADVANCING HUMAN RIGHTS IN SOUTH SUDAN”.

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, 10, 11, 12 and 13 of draft resolution A/HRC/49/L.15/Rev.1, the Human Rights Council would:

   a) Decide to extend the mandate of the Commission on Human Rights in South Sudan, composed of three members for a further year (para 9);

   b) Request the Commission on Human Rights in South Sudan to present a comprehensive written report on the human rights situation in South Sudan to the Human Rights Council at its fifty-second session followed by an Enhanced Interactive Dialogue, which should also include the participation of the UN High Commissioner for Human Rights (para 10);

   c) Request the Office of the High Commissioner to provide all the administrative, technical and logistical support necessary to enable the Commission on Human Rights in South Sudan to carry out its mandate, including computer software to support the Commission’s evidence-collection function (para 11);

   d) Request the Secretary-General to provide all the resources necessary to enable the Office of the High Commissioner to provide such administrative, technical and logistical support as necessary to implement the provisions of the present resolution; (para 12)

   e) Also request the Commission to work collaboratively with the African Union, the Intergovernmental Authority for Development, and the African Commission on Human and Peoples’ Rights and its Country Rapporteur for South Sudan, on the issue of human rights in South Sudan, including sharing its reports and recommendations and exchanging other information as appropriate. Also requests the Commission to work collaboratively with the African Union, the Intergovernmental Authority for Development, and the African Commission on Human and Peoples’ Rights and its Country Rapporteur for South Sudan, on the issue of human rights in South Sudan, including sharing its reports and recommendations and exchanging other information as appropriate. (para 13)
Extension of the Commission on Human Rights in South Sudan

3. In order to implement the mandate contained in paragraphs 9, 10, 11, 12 and 13 of the draft resolution, the following activities and resources would be required in 2022 and 2023:

(a) Secretariat staff of 18 general temporary assistance positions to support the work of the Commission of Human Rights, based in Juba, South Sudan:

- One P-5 Senior Human Rights Officer (11 months: 1 May 2022 - 31 March 2023) to perform the functions of Coordinator. The Coordinator will be responsible for the overall management and coordination of the work of the secretariat, including investigations, the collection and preservation of evidence and the determination of whether technical support and capacity building is required to support the Government of South Sudan on human rights issues, transitional justice and improving law enforcement. He/she will liaise with the Chair and Members of the Commission consult with them about the substantive, operational and administrative procedures and assist in their implementation in line with relevant standards, including the integration of a gender perspective. He/she will also act as the main interlocutor with duty bearers, UN agencies, stakeholders and member states. He will report regularly to the Members and on a monthly basis to the Head of Africa Branch on operational, logistical and financial issues.

- One P-4 Human Rights Officer/ Chief of Investigations (12 months: 1 April 2022 - 31 March 2023) to advise the Commission on issues relating to investigations; manage and coordinate a team of investigators; draft the revised investigation plan of the Commission; participate in investigations, participate in the analysis of interviews, and contribute to the drafting of the report(s) of the Commission with the other members of the secretariat; contribute to the development of dossiers based on the advice of International Criminal Law Advisor, the Legal Officer/Case Manager and Military Analyst. S/he will liaise with the Gender Advisor, Sexual, and Gender-Based Violence Investigator to ensure that all measures are taken to integrate a gender perspective throughout the work of the Commission and to protect victims, witnesses and sources who cooperate with the secretariat.

- One P-4 Legal Officer/ International Criminal Law Advisor (12 months: 1 April 2022 - 31 March 2023) to advise the Commission on issues regarding the content and application of international human rights, international humanitarian law and international criminal law and conduct legal research, prepare opinions regarding the application of international human rights,
humanitarian and criminal law and liaise with key transitional justice actors in Juba, including but not limited to the African Union Mission in South Sudan, R-JMEC, UNDP, UNMISS/HRD and UNMISS/Rule of Law sections. Regularly review information and evidence collected by team members and manage the development of dossiers. Coordinate closely with the Chief of Investigations, Analyst and Legal Officer/Case Manager to ensure information collected corresponds to the required legal elements and the analysis of crimes, violations and abuses and contribute to decisions on additional investigations. Contribute to drafting of report(s) in collaboration with Reporting Officer. Coordinate closely with the Gender Advisor and Sexual and Gender-Based Violence Investigator to analyse documents already collected and identify gaps, including on gender-relevant information; to ensure that findings on sexual and gender-based violence are effectively reflected in the analysis, and to ensure gender sensitive analysis is consistent throughout the report, with a view to identifying the gendered impact and consequences of violations.

- **One P-4 Reporting Officer (12 months: 1 April 2022 - 31 March 2023)** to lead the drafting of the Commission's final report(s), informed by the contributions of team members, interviews and analytical documents. S/he is responsible for reviewing and analysing the information collected by all secretariat members, identifying gaps, including on gender relevant information, and orienting investigation(s) accordingly; coordinating and working closely with the International Criminal Law Advisor, the Analyst and Chief of Investigations to ensure information collected corresponds to the required legal elements; and conducting research and other information-gathering activities. S/he will coordinate closely with the Gender Advisor and Sexual and Gender-Based Violence Investigator to ensure that findings and consistent analysis on sexual and gender-based violence are effectively reflected in the report, and prepares briefings, interview notes and analytical documents as required; ensures that information collected is properly documented, in accordance with methods decided by the Members, for evidentiary and archiving purposes; and assists in the identification of the recommendations, in particular on sexual and gender-based violence, on accountability and transitional justice measures.

- **One P-4 Human Rights Officer/Transitional Justice Advisor (12 months: 1 April 2022 - 31 March 2023)** to coordinate the programme and tasks of the Commission relating to the provision of advice and guidance on transitional justice and accountability processes, including gender-sensitive approach in truth-seeking initiatives, reparations, justice and institutional reforms. Liaise with relevant national, regional and international mechanisms such as the African Union and the African Commission
on Human and Peoples Rights, as well as the UN Special Rapporteur on the promotion of truth, justice, reparations and guarantees of non-recurrence. S/he will also assist the Commission in reporting on the factual basis for transitional justice and reconciliation in South Sudan and make recommendations to the Government of South Sudan on technical assistance and capacity building to promote truth-seeking initiatives, accountability and reparations for human rights violations, as well as institutional reforms, among other guarantees of non-recurrence. The Transitional Justice Advisor may be required to undertake travel to Arusha, Tanzania and Addis Ababa, Nairobi or Kampala for consultations with relevant stakeholders on the establishment of the Chapter V mechanisms specified in the peace agreement or other mechanisms related to transitional justice and accountability.

- **One P-4 Analyst (new position for 8 months: 1 August 2022 - 31 March 2023)** to regularly review information and evidence collected by team members and work closely with the International Criminal Law Advisor, Legal Officer/Case Manager and Military Advisor to develop dossiers; identify gaps in evidence, including on gender-relevant information, contribute to decisions on additional investigations, if necessary and conduct evidence gathering, with a focus on documentary evidence. Coordinate closely with Chief of Investigations and International Criminal Law Advisor to ensure information collected corresponds to the required legal elements and the analysis of crimes, violations and abuses. Coordinate closely with the Gender Advisor and Sexual and Gender-Based Violence Investigator to ensure that findings on sexual and gender-based violence are effectively reflected in the analysis, and to ensure gender sensitive analysis is consistent throughout the report, with a view to identify the gendered impact and consequences of violations. Liaise with UNMISS (Political Affairs, JMAC, Heads of Field Offices), UN Agencies and IGAD/CTSAMVM in Juba, and assist in the preparation of the Commission’s report(s).

- **One P-4 Forensic Pathologist (new position for 8 months: 1 August 2022 - 31 March 2023)** to interview victims to determine the likely cause of wounds/injuries or death including in case of SGBV; 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 hospitals and meet medical practitioners or others who respond to victims; and to collect and analyse medical documentation. Contribute to drafting of Commission(s) reports as necessary.

- **One P-4 Military Adviser (12 months: 1 April 2022 - 31 March 2023)** to assist in the collection of evidence and advise the Commission on security sector and military-related matters
and required response, as well as on military procedures and methods, including issues related to ballistics; participate in fact-finding activities in relation to the observance of human rights and international humanitarian law, as relevant. Collaborate with the International Criminal Law Advisor and Legal Officer/Case Manager in the development of dossiers. Liaise with UNMISS (Force, UNPOL, JMAC, Heads of Field Offices), members of the armed forces and armed groups, UN Agencies and IGAD/CTSAMVM, and assist in the preparation of the Commission’s report(s).

- **One P-4 Media Advisor (6 months: 1 October - 31 March 2023)** to develop a gender-sensitive media strategy for the Commission, in coordination with the Coordinator and Members of the Commission, to capture and visualize the impact of violence on various segments of the civilian population consistent with investigation plans, to reply to media inquiries, to travel in advance of the Commissioners to prepare for their missions in South Sudan, in the countries hosting South Sudanese refugees, for the Commission’s workshops, for the launch of report(s) and during the oral update and presentation of the report to the Human Rights Council; to undertake activities to promote major events relating to the work of the Commission, and liaise with the international and regional media based in Juba or in the countries where the Commissions will conduct missions.

- **One P-4 Economic Crimes Advisor (8 months: 1 August 2022 - 31 March 2023)** to investigate and document the manner in which the realization of economic, social and cultural rights have been undermined by the commission of economic crimes, including those involving state and non-state actors and entities in South Sudan and particularly those related to the oil and extractive industries and illicit financial flows. The inquiry will encompass both regional and international jurisdictions where resources and proceeds of such crimes committed in South Sudan may have been transferred and hidden, including in banks and institutions; undertake international police cooperative investigations of a financial nature routed, including liaising with the International Criminal Police Organization (INTERPOL) and other competent authorities in the region and beyond. It will also include liaising with international and regional financial institutions to collect relevant information that may assist future accountability and transitional justice processes; financial profiling of high net worth individuals who may have been involved in the commission of gross human rights violations and abuses and related crimes, including economic crimes, with a view towards accountability measures for such activity; provision of expert analysis on the interrelated nature of financial, economic and social cultural aspects and impacts of such crimes on South Sudan’s economy and its capacity to provide services to its people, as well as contribute to the broader understanding of how economic crimes present various form of risks and security
threat to South Sudan and neighbouring countries, and contribute to human rights violations and other international crimes. The Economic Crimes Advisor may be required to undertake travel to countries in East Africa, as well as major financial centres in the United States and/or United Kingdom.

- One P-4 Gender Advisor (seconded by UNWOMEN for 3 months: 1 April 2022 - 30 June 2022) to advise 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; 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 and data handling; 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 for the final report, including on sexual and gender-based violence.

- One P-3 Sexual and Gender-Based Violence (SGBV) Investigator (seconded by UNWOMEN for 3 months: from 01 April-30 June 2022 and funded by OHCHR for 9 months: from 1 July 2022-31 March 2023) to provide advice on the integration of gender-sensitive investigation methods for all aspects of the Commission’s mandate, including interviewing, security arrangements, victims and witness protection and safe handling of information; mapping and provision of referrals to service providers for victims; to lead and provide advice in the investigation, research and collection of information pertaining to sexual and gender-based violence, women’s human rights and gender issues directly related to the situation in South Sudan; ensure that gender-specific impact of violations is assessed; conduct and assist in the conduct of interviews and evidence gathering activities and contribute to the analysis and the drafting of the final report(s) of the Commission. The Gender Adviser/ Consultant, based in Nairobi, will provide guidance on historical aspects for the CRSV in South Sudan. The current gender adviser has been working on these issues since 2013. She has the institutional knowledge on the trends and patterns.

- Two P-3 Human Rights Officers/Investigators (one for 12 months: 1 April 2022 - 31 March 2023 and one for 10 months: 1
June 2022 - 31 March 2023) to conduct interviews and evidence-gathering activities in a gender-sensitive manner; to participate in the preparation of investigation plans, briefings, interview notes and analytical documents as required; to collect and preserve all information, documentation and evidence gathered by the Commission, including in relation to sexual and gender-based violence and on the gender impact of violations, in keeping with relevant standards, and to contribute to the production of the report(s) of the Commission;

- One P3 Human Rights Officer/Child Protection Officer (8 months: 1 August 2022 - 31 March 2023) to aid in the fact finding primarily focused on the identification of children, with special attention to issues of children associated with armed groups; Furthermore, to provide expertise on international human rights and international humanitarian law pertaining to children; to liaise with appropriate national authorities, civil society, UN Agencies, Funds and Programs, NGOs and other relevant partners; to collect information on human rights situation of children in South Sudan.

- One P-3 Administrative Officer (12 months: 1 April 2022 - 31 March 2023) to assist the Commission on all issues related to administration and logistics; provide overall assistance to the Members and the secretariat for the preparation of missions, conduct and follow up on all field missions; support the planning and organization of investigative team missions and high-level meetings of the Members in Geneva and South Sudan; and assist on all issues related to human resources, budget and logistical support for the secretariat’s operations.

- One P-3 Security Coordinator (11 months: 1 May 2022 - 31 March 2023) to advise the Secretariat on all security-related matters, conduct Security Risk Assessment(s) for all locations where the team will operate; accompany the team on fact-finding missions to the field; liaise on a daily basis with local security forces in providing proper security coverage for the team’s activities; coordinate security coverage for the field visits of Members of the Commission; act as liaison officer between the Commission and UNDSS and UNMISS security; and draft related reports and security plans, as necessary.

- One P-3 Legal Officer/Case Manager (12 months: 1 April 2022 - 31 March 2023) to handle a range of issues related to international criminal (substantive, procedural and comparative) law, including the interpretation and application of constitutive, legislative and other instruments governing United Nations activities and operations; conducts extensive legal research and analysis and prepare studies, comparative studies, briefs, reports and correspondence; record and preserve all information, documentation and evidence, including interviews,
witness testimony, documentation and forensic material in accordance with international criminal law standards; ensure effective and proper chain of custody in the preservation of evidence; assist in the drafting of procedures and methods of work regulating the sharing of information to facilitate criminal proceedings; contribute to the development of dossiers in close collaboration with International Criminal Law Advisor and Analyst.

(b) Travel of 3 Representatives (trips of the three Commissioners):

2022

- One trip of 5 working days to Geneva to present the oral update;

- One trip of 5 working days to New York for consultations;

- Trips to South Sudan (5 working days); Uganda (5 working days); Ethiopia (5 working days); and Kenya (5 working days) 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 trip of 5 working days to South Sudan for report writing.

2023

- One trip of 5 working days to Geneva for the presentation of written report in 2023;

- One trip of 3 working days to Nairobi for the launch of the report(s) in 2023.

(c) Travel of staff:

2022

- One trip of 5 working days by 1 staff member to Geneva to present the Oral update;

- One trip of 5 working days by 1 staff member to New York to accompany the Commissioners;

- One trip of 5 working days by 1 staff member to Geneva to engage diplomatic community on CHRSS findings;
• Trips of 15 working days by two staff members to accompany Commissioners in Uganda (5 working days); Ethiopia (5 working days); and Kenya (5 working days) 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 trip of 2 working days by 2 staff members to Nairobi with Kenyan Special Envoy to South Sudan;

• One trip of 3 working days by 1 staff member to Uganda to meet with anti-corruption agencies and collect information;

• One trip of 3 working days by 1 staff member to Kenya to meet with anti-corruption agencies and collect information;

• One trip of 3 working days by 1 staff member to Ethiopia to meet with anti-corruption agencies and collect information;

• Five trips of 10 working days by 5 staff members to regions of South Sudan to conduct fact-finding activities;

• One trip 5 working days by 6 staff members to Uganda to conduct fact-finding activities;

• One trip of 5 working days by 6 staff members to Kenya to conduct fact-finding activities;

• One trip of 5 working days by 6 staff members to Ethiopia to conduct fact-finding activities;

• One trip of 5 working days by 4 staff members to Sudan to conduct fact-finding activities;

• One trip of 5 working days by 2 staff members to DRC to conduct fact-finding activities.

2023

• One trip of 5 working days by 2 staff members to Nairobi to accompany Commissioners for launch of the final report;

• One trip of 5 working days by 1 staff member to Geneva to accompany Commissioners for the presentation of the final report;
• One trip of 5 working days by 3 staff members to Addis Ababa to organise and participate in the SGBV conference.

(d) Consultants:
• One international consultancy contract to continue the work of the P4 Gender Adviser seconded by UN Women only until 30 June 2022.

(e) Contractual services:
• One Cameraperson to accompany the Commissioners to field visits.
• 3 language assistants provided by UNMISS on a cost recovery basis.
• Satellite images/analysis and commissioning lump sum (UNITAR/UNOSAT).
• Analyst Notebook and E-discovery software licenses.

(f) General operating costs:
• Office space in prefab containers from UNMISS.
• ICTs costs including communication charges.
• Monthly charges of 2 satellite phones.
• Rental of vehicles including drivers and petrol for field visits and witness interviews.
• Miscellaneous services provided by UNMISS on a cost recovery basis.
• Meeting expenses for the travel of witnesses.
• Meeting expenses for the transitional justice workshops.

(g) Furniture and equipment:
• Acquisition of office automation equipment (PCs, printers, screens), mobile phones and satellite phones.

(h) Supplies and materials:
• Office expendable supplies

(i) Grants and contributions:
• Travel of witnesses.
• One trip of 5 working days by 30 participants and 5 experts to Addis Ababa and one trip of 5 working days to Kampala by 30 participants and 5 experts (all from South Sudan and various countries in Africa) to participate in the transitional justice workshop.
• One trip of 3 working days to Juba by 15 participants from South Sudan regions for consultative meetings on transitional justice.

(j) Conference services for the translation of the report to be presented at the 52nd session of the Human Rights 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 2022 and 2023.

5. The adoption of draft resolution A/HRC/49/L.15/Rev.1 would give rise to total requirements of $4,577,800 as follows:

<table>
<thead>
<tr>
<th>Budget section / Object of expenditure</th>
<th>2022</th>
<th>2023</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Section 2, General Assembly and Economic and Social Council affairs and conference management</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Documentation</td>
<td>-</td>
<td>34,000</td>
<td>34,000</td>
</tr>
<tr>
<td><strong>Subtotal, section 2</strong></td>
<td>-</td>
<td>34,000</td>
<td>34,000</td>
</tr>
<tr>
<td><strong>Section 24, Human Rights</strong></td>
<td></td>
<td></td>
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<tr>
<td>Other Staff Costs (GTA)</td>
<td>234,300</td>
<td>97,700</td>
<td>332,000</td>
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<tr>
<td>Consultants</td>
<td>62,000</td>
<td>31,000</td>
<td>93,000</td>
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<td>Travel of representatives</td>
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<td>Travel of staff</td>
<td>141,300</td>
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<td>158,700</td>
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<td>Contractual services</td>
<td>140,400</td>
<td>106,800</td>
<td>247,200</td>
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<td>General operating expenditures</td>
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<td>257,200</td>
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<tr>
<td>Supplies and materials</td>
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<tr>
<td>Furniture and equipment</td>
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<td>14,000</td>
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<tr>
<td>Grants and contributions</td>
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<tr>
<td><strong>Subtotal, section 24</strong></td>
<td>3,284,200</td>
<td>1,259,600</td>
<td>4,543,800</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>3,284,200</td>
<td>1,293,600</td>
<td>4,577,800</td>
</tr>
</tbody>
</table>

6. As reflected in the table above, requirements would arise as follows:

a. Additional requirements of $3,284,200 for 2022, for which additional spending authority would be sought in accordance with established budgetary procedures.
b. Requirements of $1,293,600 for 2023, which would be included in the proposed programme budget for 2023 for consideration of the General Assembly at its 77th session.

7. With regard to operative paragraphs 11 and 12, 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.