



**INTERNATIONAL HUMANITARIAN
FACT-FINDING COMMISSION (IHFFC)**

**COMMISSION INTERNATIONALE HUMANITAIRE
D'ÉTABLISSEMENT DES FAITS (CIHEF)**

Statement
before the 6th Committee of the UN General Assembly
New York, October 22, 2012
by Hugo Corujo, Member of the IHFFC

Mr. Chairman, Excellencies, Ladies and Gentleman:

This debate is an important opportunity for the International Humanitarian Fact-Finding Commission to take the floor, to update you on our work, and to raise awareness on one of the mechanisms to ensure respect for international humanitarian law.

The IHFFC was established by Article 90 of the Additional Protocol I of the Geneva Conventions of 1949. It is an instrument at the disposal of States and the International Community to ensure that IHL is applied during all types of armed conflicts.

What the Commission offers is available for the use of the States if there are allegations of violations of international humanitarian law. The IHFFC is a specialized mechanism composed of 15 members elected by the States which have recognized its competence.

The Commissioners do not represent their States and they serve in their personal capacity, as a result of which the Commission is truly independent and impartial. The Commissioners are designed to reflect geographic diversity and come from all parts of the world, reflecting different disciplines such as military officers, judges, university teachers of law, medical doctors, psychiatrists, diplomats.

Relating to the procedure of the Commission, I would like to underline that it is designed for cooperation with parties to the conflict, who may appoint “ad hoc” members. The procedure is confidential and the report on the findings is submitted to the Parties with recommendations. However, that report shall not be published unless all Parties to the conflict have requested the Commission to do so [Art.90(5)(c)].

Moreover, if the Commission is unable to secure sufficient evidence for factual and impartial findings, the Commission shall state the reasons for that inability [Art. 90(5)(b)].

To be able to operate, the Commission needs a specific mandate given by the parties to the conflict. The General Assembly has called several times upon States to make use of

the services of the Commission in appropriate cases, and so we hope that the Assembly will renew the confidence in the Commission.

We also hope that the Security Council continues with the intention to consider making use of the Commission.

We would also like to remind you that the binding competence of the Commission does not follow automatically from the ratification of the Additional Protocol I. An additional declaration is necessary to this effect according to Article 90, numeral (2), literal (a).

Currently 72 countries from all parts of the world have so far recognized the competence of the Commission. It is time for those who have not yet done so to join the endeavor.

The task of the Commission is not to blame and shame, but to investigate allegations of violations of international humanitarian law, especially the Geneva Conventions and their Additional Protocols.

The Commission also offers its “good offices” to facilitate the restoration of an attitude of respect for the Conventions and the Protocols.

The Commission has offered its services and its good offices in a number of previous situations and it has carried out delicate negotiations with several parties, but none of these initiatives had been successful. The Commission would like to draw attention to the possibility that it could be complementary to the fact-finding missions established by human rights and other United Nations bodies, being tasked to investigate specific facts or events where parties to the conflict cannot agree and could offer complementary expertise based on its specific international humanitarian law knowledge and experience.

It would be helpful to the Commission to receive comments from States and the relevant United Nations organs as to why they have not yet made use of the services offered by the Commission and why there appears to be a preference to appoint *ad hoc* Commissions, rather than to engage the only established body. In this respect, I would draw attention to the General Assembly declaration A/67/L.1 of September 19th, 2012 on the Rule of Law at the National and International Levels, in particular paragraphs 21 and 22.

In the latter, the States commit themselves to investigate “violations of international humanitarian law” through, among others, “international mechanisms”. The International Humanitarian Fact-Finding Commission is such an “international mechanism” that could fulfill such missions.

To conclude I would like to recall the readiness of the Commission to act as an instrument of the international community to enhance respect for international humanitarian law.

I thank you for your attention.