



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

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

Statement  
before the 6<sup>th</sup> Committee of the UN General Assembly  
New York, October 20, 2014  
by, Hugo Corujo Vice- President of the IHFFC

Mister Chair, 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, representing different disciplines such as military officers, judges, university professors of law, medical doctors, psychiatrists and diplomats.

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 However, that report shall not be published unless all Parties to the conflict have requested the Commission to do so [Art.90(5)(c)].

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)].

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 to be able to

operate, the Commission needs a specific mandate given by the parties of the conflict. To date, that has not been forthcoming.

The General Assembly through Resolution A/ 55/ 148 of January 19th., 2001 called upon all States that were parties to Protocol I and those States who were not, on becoming Parties to the Protocol, to make the declaration provided under Article 90.

Since then, 18 further States have made declaration of acceptance of the competence of the International Humanitarian Fact Finding Commission, so that the total is now 76. However, there is a need for more States to join to guarantee equitable geographic representation and to enable the Commission to gain a critical mass in terms of members.

The General Assembly has called several times upon States to make use of the services of the Commission in appropriate cases. We hope that the Assembly will again express their confidence in the Commission in order to facilitate, through its services, the restoration of an attitude of respect of the International Humanitarian Law, especially the Geneva Conventions and their Additional Protocols, and by joining forces with the Commission to mitigate suffering of people in conflicts.

We also hope that the Security Council will continue with its expressed intention to consider making use of the Commission.

The task of the Commission is not to blame and shame, but to investigate allegations of violations of international humanitarian law, with a view to establishing a greater respect for international humanitarian law. The Commission also offers its “good offices” which can be used to avoid further conflict escalation which can only affect detrimentally civilian populations.

The Commission would like to draw attention to the possibility that it could be complementary to other Fact-Finding Missions established by human rights bodies and other United Nations organs, 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. This could be achieved through the *ad hoc* use of individual Commissioners if required.

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 19<sup>th</sup>, 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 the only permanent “international mechanism” specializing in international humanitarian law that could fulfill such missions.

We are also working closely with the initiative by Switzerland and the International Committee of the Red Cross on strengthening compliance with IHL following the 31 st International Conference of the Red Cross and the Red Crescent of 2011 with a view to contributing to their efforts.

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.