

International Humanitarian Fact-Finding Commission (IHFFC)



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In order to secure the guarantees afforded to the victims of armed conflicts, Article 90 of the 1977 First Additional Protocol to the Geneva Conventions of 1949 (AP I) provides for the establishment of an International Fact-Finding Commission. The IHFFC was established in 1991. It is a permanent body of 15 independent experts, acting in their personal capacity, elected by the States having made a declaration of recognition under Article 90 of AP I. The Commission's essential purpose is to contribute to ensuring respect for International Humanitarian Law (IHL) in armed conflict situations.

The Commission fulfils its mandate notably by:

- Enquiring into any facts alleged to be grave breaches or serious violations of IHL.
- Facilitating through its good offices the restoration of an attitude of respect for the Conventions and AP I.
- Reporting its findings of fact to the Parties with such recommendations as it deems appropriate.

In the fulfilment of its mandate, the Commission observes the principles of neutrality, independence, impartiality, and confidentiality. In its capacity as the depositary of the Geneva Conventions and their Additional Protocols, Switzerland runs the Secretariat of the Commission. Each State which has recognised the competence of the Commission has the right to refer situations of armed conflict to the Commission.

A State Party to the First Additional Protocol may make a comprehensive declaration, thereby recognising the Commission's competence, or it may consent to an investigation into the facts of a particular dispute. A comprehensive declaration can be made at any time.

Today, 76 States have made a comprehensive declaration under Article 90.

In pursuance of its mandate, the IHFFC, which enjoys observer status with the United Nations General Assembly, has entered into Memoranda of Understanding with the Organization of American States and the Organization for Security and Cooperation in Europe.

The special added value of the Commission is that it combines the following qualities:

- It is the only permanent and treaty-based international body for IHL fact-finding and related good offices.
- It focuses on confidence-building between the parties and on prevention of the recurrence of breaches of IHL.
- As a state-driven process, it provides an avenue for states to demonstrate their commitment to ensure respect for IHL.
- Commission members act on the basis of their individual expertise and professional portfolios.
- The Commission acts impartially, independently, and confidentially.
- It limits itself to making recommendations to the parties to the conflict; it is not a court of law and therefore it does not issue a judicial decision.

For further information visit www.ihffc.org

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