

**Diplomatic Conference of Plenipotentiaries of the United Nations on the Creation
of an International Criminal Court**
Rome, 15 June to 17 July 1998

**Speech by R. Dubouloz
International Humanitarian
Fact-Finding Commission**
17 June 1998

Mr. Chairman,
Excellencies,
Ladies and Gentlemen,

Mr. Chairman, on behalf of the International Humanitarian Fact-Finding Commission, I would like to join in the greetings and thanks already expressed by the previous speakers.

It is a great honour for the IHFFC to be able to participate in this very important Diplomatic Conference, whose conclusions the entire world awaits with impatience, in particular, the creation of an International Criminal Court.

The Conference of Rome is the logical result of the Geneva Conventions of 1949, which define precise and valid rules to promote respect for life and personal dignity during armed conflicts. The Geneva Conventions have certainly been very useful in this regard even if they lack the necessary instrument to ensure that respect for the standards set in the Conventions is the rule. The International Criminal Court is the missing link. The Additional Protocols to the Geneva Conventions of 1977 specifically mention the creation of an International Fact-Finding Commission. Please permit me, Mr. Chairman, to briefly recall Article 90 of the first Protocol, which states that the Commission shall be competent to:

- enquire into any facts alleged to be a grave breach as defined in the Conventions and this Protocol,
- facilitate, through its good offices, the restoration of an attitude of respect for the Conventions and this Protocol.

The IHFFC is composed of 15 members who are elected in a personal capacity. The Commission is completely independent of any political authority, and it guarantees its independence, impartiality, and efficiency. Today, more than 50 States recognise the competence of the Commission. At the first periodic meeting on International Humanitarian Law in Geneva in January 1998, the Chairman, in his report to the

Secretary-General of the United Nations and on behalf of the States participating in this conference, proposed, and I quote: "an increased acceptance of the IHFFC as a possible remedy to prevent violations of the Geneva Conventions.

Mr. Chairman, on behalf of the Commission I would like to declare that this conference welcomes with immense expectation the creation of an International Criminal Court. The IHFFC wants such an institution to be completely successful and again offers, with no reservations, its close co-operation, both as prescribed in the Conventions and in a technical capacity. The IHFFC will be a permanent instrument of first choice for establishing facts, particularly in cases when it is necessary to act rapidly to conserve evidence.

The IHFFC, in conformity with its internal rules, is also declared competent to instigate enquiries into situations of non-international armed conflicts. We hope that these two institutions - the ICC and the IHFFC – will collaborate to ensure the greatest possible respect for the existing and binding texts, which were drafted in the name of human dignity. Close collaboration between the ICC and the IHFFC will without doubt be a major step towards achieving the protection of the lives of innocent people.