



International Humanitarian Fact-Finding Commission (IHFFC)

What is the International Humanitarian Fact-Finding Commission and what is its role in armed conflict situations?



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INTERNATIONAL HUMANITARIAN FACT- FINDING COMMISSION

What is the International Humanitarian Fact-Finding Commission and what is its role in armed conflict situations? This short booklet seeks to explain the history of the Commission and its role, as well as look to what it can offer in the context of the 21st Century.

Introduction

Even war has limits. The nations of the world have long accepted that when engaged in armed conflicts they are constrained by principles and rules to protect the victims of conflict. Nevertheless, it remains a fact that although the States Parties to the 1949 Geneva Conventions “undertake to respect and to ensure respect” for the Conventions “in all circumstances”, serious violations of the Geneva Conventions and other rules of war, known generically as the “laws of armed conflict” or “international humanitarian law”, persist.

It is not enough for States to set out the rules and to undertake to comply with them. How are the rules to be implemented and enforced? Since 1864, when the first Geneva Convention was signed, the States Parties have developed a number of methods. Accordingly the 1949 Conventions and the First Additional Protocol require the Parties to disseminate knowledge of the rules to their armed forces, to their schools and to the wider civilian population, to acknowledge the role of the Protecting Powers and the International Committee of the Red Cross, and to provide for the investigation, disciplining, prosecution and punishment of individuals who breach the rules.

A major objective of the two Additional Protocols to the 1949 Geneva Conventions, which were drafted at the Diplomatic Conference held from 1974 to 1977 in Geneva, was to improve the implementation of the Conventions and Protocols. The first of the Protocols addresses



international armed conflicts, the second non-international armed conflicts. To help ensure the protection afforded to the victims of armed conflicts, Article 90 of the First Protocol provides for the establishment of a permanent International Fact-Finding Commission. The Commission is empowered to enquire into allegations of grave breaches or serious violations of the 1949 Geneva Conventions or the Protocol, and, by providing good offices, to help to restore “an attitude of respect” for them. The Commission contributes, through its various activities, to the implementation of international humanitarian law.

By adopting Article 90, the States represented at the Diplomatic Conference in Geneva and more than 75 States that have, up to now, accepted the Commission’s competence demonstrate their opinion that fact-finding is fundamental to the implementation of the law and often indispensable for reconciliation. For those who have experienced injustices and personal suffering, it is essential that the facts be established, that the causes of violations be recognised, and that appropriate measures be undertaken to prevent them from recurring.

A permanent body to implement international humanitarian law

Although the 1949 Conventions provide for an enquiry into alleged violations no concrete or permanent mechanisms and procedures were established. The procedures are ad hoc and “decided between the interested Parties”. Where agreement cannot be reached, an independent third party is to be chosen, again by agreement between the Parties, who would decide upon the procedures to be adopted. It is not surprising that the procedure has never been invoked. The First Additional Protocol therefore added an important new element to support the implementation of international humanitarian law. In Article 90 (set out on pp. 21 - 24) it provides for the establishment of a permanent International Fact-Finding Commission and for its competence and procedures. However, ratification of the First Additional Protocol is insufficient in itself to mark the acceptance of the



competence of the Commission by a State Party. There needs to be a separate Declaration to that effect, made either at ratification or thereafter. This provision is based on Article 36(2) of the Statute of the International Court of Justice and whilst, as a practical reality, it limits the compulsory jurisdiction of the Commission, it is not excluded that other Parties to the Protocol may have recourse to the Commission in a particular case, or indeed even States not Parties to the Protocol.

In 1991, following acceptance of the competence of the Commission by 20 States Parties to the First Additional Protocol, those States elected the 15 original members of the Commission for a term of office of 5 years. Elections have taken place every five years since then. The most recent elections took place in December 2016 in Bern.

In 1992, following initial meetings and the adoption of its Internal Rules, the Commission became operational. A few years later, the Commission added the word “Humanitarian” to its original title in order to reflect its underlying humanitarian purpose. The seat of the Commission is in Bern and the Swiss Government assumes the function and the costs of its Secretariat.

More than 76 States have accepted the Commission’s competence by depositing the appropriate declaration with the Swiss Government as depositary of the 1949 Conventions and the 1977 Protocols. The number now exceeds one third of the States Parties to the First Additional Protocol, among them several major military powers, including some permanent members of the UN Security Council and a number of States that have been or are currently involved in armed conflicts. All five continents are represented.



Members of the Commission

The 15 members of the Commission are to be of high moral standing and acknowledged impartiality (Article 90(1)(a)). They are elected to five-year terms by those States that have accepted the competence of the Commission (Article 90(1)(b)). They serve in their personal capacity (Article 90(1)(c)), a status which is reinforced by the solemn declaration made by them when they take up their function at the first meeting of the Commission after the elections. Members solemnly declare that they will exercise their functions as members impartially, conscientiously and in accordance with the provisions of the First Additional Protocol and the Rules, including those concerning secrecy (Rule 1(2)). Among the current members are medical doctors, high-ranking military experts, diplomats and scholars of international humanitarian and human rights law (the list of the current members is set out in an Annex to the brochure). In accordance with Article 90, States have to ensure that the geographical balance among the 15 members of the Commission is respected.

Competence of the Commission

The *raison d'être* of the Commission is to assist in the protection of victims of armed conflicts by enabling States to uphold the principles and rules of international humanitarian law.

For this purpose, the Commission has been provided with the following competences:

- (l) to enquire into any facts alleged to be a grave breach as defined in the 1949 Geneva Conventions and the First Additional Protocol or any other serious violations of the Conventions or the Protocol (Article 90(2)(c)(i)). In addition, the Commission may institute an enquiry into other situations (Article 90(2)(d)). In that context the Commission has stated its willingness to enquire into violations of international humanitarian law in general and in particular those arising in non-international armed conflicts, so long as all parties to the conflict agree;



- (II) to carry out good offices in order to facilitate the restoration of an attitude of respect for the Conventions and the Protocol (Article 90(2)(c)(ii)). Generally, this means that it may make observations and suggestions to promote compliance with the treaties on the part of the belligerent parties. This may be in addition to its fact-finding role under Article 90(2)(c)(i);
- (III) to contribute, in general, to the better implementation of international humanitarian law.

For the fulfillment of its fact-finding and good offices competences, the Commission needs the consent of the States concerned. In the case of those States that have already accepted the competence of the Commission by means of the appropriate declaration, such consent is deemed in relation to allegations made by any other such State (Article 90(2)(a)). In addition, Article 90(2)(d) provides a further possibility in that, even where a party has not accepted the competence of the Commission, the Commission may still act where it has the consent of all parties concerned. As the Commentary by the International Committee of the Red Cross (ICRC) explains:

“This means that any Party to an international armed conflict, even if it is not a Party to the Protocol, may approach the Commission regarding an allegation of a grave breach or serious violation of the Conventions, which adds to the significance of the creation of the Commission.”

This will be explained further below in the section on the procedure for accepting the competence of the Commission.

The Commission is an investigative body and not a court or other judicial body; it does not hand down judgments. It delivers reports on the facts ascertained and makes recommendations to the parties.



Those reports and recommendations may not be made public by the Commission unless all the parties to the conflict have requested the Commission to do so (Article 90(5)(c)).

The Commission has also expressed its availability to undertake additional activities — where appropriate in co-operation with other international bodies, in particular the United Nations — for the purpose of assisting the victims of armed conflict. That availability is based in part on Articles 89 and 1(1) of the First Additional Protocol and Article 1 common to the 1949 Conventions.

Functioning of the Commission

a) Internal Rules

In 1992 the Commission adopted internal rules under Article 90(b) and has subsequently amended them. They contain 40 rules regulating matters related to the membership, the Presidency, the seat, the meetings, the enquiry, the confidentiality and the methods of work.

b) Operational Guidelines

In 2003 the Commission also adopted operational guidelines which draw on its own discussions and on the experience of its members in participating in international enquiries and of that of other enquiry bodies. As their title indicates, the guidelines are designed to assist the Commission and a Chamber established for a particular case in carrying out an enquiry, and their detailed application depends on the particular circumstances of the allegations at hand. Whilst they are in general flexible, they do lay down certain core principles. These guidelines can be revised as required.



c) Enquiry Procedures

When a complaint is initiated, the enquiry is undertaken, unless the parties otherwise agree, by a Chamber of seven members, including five members of the Commission not nationals of any party to the conflict appointed by the President of the Commission on the basis of equitable geographical representation after consultation with the parties to the conflict, and two ad hoc members, again not nationals of any party to the conflict, one to be appointed by each side (Article 90(3)).

The Chamber invites the parties to assist it and to present evidence. The Chamber may seek such other evidence as it considers appropriate and may carry out an investigation of the situation on the ground. The parties have the right to comment on, and to challenge all evidence disclosed to them by the Chamber (Article 90(4)).

Once the procedure of gathering evidence is complete the Chamber decides on its findings. It is then the Commission itself which submits to the parties a report on its findings, along with such recommendations as it may consider appropriate. If the Commission is unable to secure sufficient evidence for factual and impartial findings, it states the reasons for that inability (Article 90(5)(a) and (b)).

The report is confidential. However the Commission may report its findings publicly, if all the parties to the conflict agree (Article 90(5)(c)).

d) Administration and Finance

The administrative expenses of the Commission are met by contributions from the States which have accepted the competence of the Commission and by voluntary contributions (Article 90(7)). The States Parties have adopted a set of financial regulations which in essence adopt the contribution scale established by the United Nations General Assembly for the expenses of the United Nations. The Commission has at its disposal a reserve fund which would allow it to start promptly a fact-finding mission. As a matter of principle, the cost of an enquiry is born equally by both parties to a proceeding (Article 90(7)). The requesting party or parties are obliged to advance the necessary funds for the expenses incurred by a Chamber. The Swiss Government provides the Commission with the necessary administrative facilities for the performance of its functions (Art. 90 (1) (f)).



e) Flexibility and Interpretation of the Role of the Commission

The Commission must remain faithful to certain basic principles expressed or implied in Article 90: it must carry out its functions fairly, in an independent and impartial way, in accordance with international law, and in general on the basis of the consent of the parties given in advance through their declarations or ad hoc for the particular case. Within the framework of those basic principles there is also considerable scope for making adaptations, with the consent of the parties, in the operation of the Commission when it undertakes an enquiry, for instance in respect of

- the means of initiating an enquiry;
- the composition of the particular Chamber;
- the procedure to be followed;
- the financing of the enquiry;
- the form of the conclusions of the Chamber or the Commission;
- the publicity to be given to the findings and recommendations of the Chamber and Commission.

The Commission also envisages the good offices function to be as flexible as possible.



International recognition of and support for the Commission

The Commission's effectiveness as a mechanism for prompting compliance with international humanitarian law through fact-finding and the exercise of good offices will increase in accordance with the number of States making the declaration under Article 90 of the First Additional Protocol.

The Commission is encouraged by references to it made in resolutions, declarations, recommendations and guidelines adopted by international institutions and bodies. In particular, these documents have called upon States to accept the competence of the Commission and to use its services. It was often underlined that the Commission could play a significant role to ensure respect and implementation of international humanitarian law and thus contribute to reducing the human suffering of the civilian population resulting from situations of armed conflicts. The first appeal was made in the declaration adopted by the International Conference for the Protection of War Victims, held in Geneva from 30 August to 1 September 1993.

Subsequently a number of others followed and the following list contains some recent examples:

United Nations General Assembly:

- Resolution 59/36 of 16 December 2004;
- Resolution 61/30 of 4 December 2006;
- Resolution 63/125 of 11 December 2008;
- Resolution 65/29 of 10 January 2011;
- Resolution 67/93 of 14 December 2012;
- Resolution 69/120 of 18 December 2014;
- Resolution 71/144 of 13 December 2016.



United Nations Security Council:

- Resolution 1265 of 17 September 1999;
- Debates on the protection of civilians in times of armed conflict, 9 December 2005 and 19 August 2013;
- Resolution 1894 of 11 November 2009.

International Red Cross/Red Crescent Conferences:

- Plan of Action adopted by the 27th International Red Cross and Red Crescent Conference 1999;
- Declaration adopted by the 28th International Red Cross and Red Crescent Conference 2003;
- Resolution 1 adopted by the same Conference;
- Final Resolution 3 adopted by the 30th International Red Cross and Red Crescent Conference 2011;
- Pledges made by governments and Red Cross/Red Crescent Societies at the 28th, 30th, 31st and 32nd International conferences.

Assembly of States Parties to the Rome Statute of the International Criminal Court

- 8th Session 2009, Resolution ICC-ASP/8/Res. 2, § 11;
- 9th Session 2010, Resolution ICC-ASP/9/Res. 3, § 14;
- 10th Session 2011, Resolution ICC-ASP/10/Res. 5, § 32;
- 11th Session 2012, Resolution ICC-ASP/11/Res. 8, § 35;
- 12th Session 2013, Resolution ICC-ASP/12/Res.8, § 19;
- 13th Session 2014, Resolution ICC-ASP/13/Res.5, § 31.
- 14th Session 2015, Resolution ICC-ASP/14/Res.4, § 32
- 15th Session 2016 Resolution ICC-ASP/15/Res.5, § 42
- 16th Session 2017 Resolution ICC-ASP/16/Res.6, § 51



Council of Europe:

- Parliamentary Assembly, Recommendation 1427 of 23 September 1999;
- Committee of Ministers, Document 9174 of 4 July 2001.

European Union

- Guidelines on promoting compliance with international humanitarian law of 12 December 2005

Organization of American States

- 48th General Assembly 2018, Resolution on International Law, AG/RES. 2926 (XLVIII-0/18), §6

Activities of the Commission

1. In general

The activities undertaken by the Commission have various objectives. In the beginning, after approving its rules of procedure, it concentrated on practical preparations, information gathering and training. It also studied ways and means of introducing the Commission to the international community and of drawing the international community's attention to its availability, elaborating a scheme for financing the costs of its regular activities and adopting its operational guidelines. Later the Commission established detailed logistics and contingency planning. In recent years, the Commission has focused its activities on participation in the worldwide dissemination and implementation of international humanitarian law, enhancement of knowledge about the Commission and the potential role it can play, drawing attention to the requirements of States and international organizations regarding fact-finding and good offices, in particular in the light of new legal and political developments, the promotion of the recognition of its competence and the gathering of international support with a view to fulfill the important role it has been given by the international community.



In May 2017, the Commission was asked by the Organization for Security and Co-operation in Europe (OSCE) to lead an independent forensic investigation (IFI) in relation to an incident that occurred in Eastern Ukraine and caused the death of a paramedic and the injury of two monitors of its Special Monitoring Mission to Ukraine (SMM). The aim of the independent forensic investigation was to establish the facts of the incident by conducting a post-blast scene forensic investigation and technical assessment against the background of international humanitarian law. The mission was carried out successfully and the IFI's report was presented to the Permanent Council of the OSCE on 7 September 2017. An executive summary of the report can be found on the [website of the OSCE](#).

2. *In particular*

2.1 Outreach and activities

The Commission conducts many outreach activities, the purpose of which is twofold. Not only does the Commission seek to ensure that it remains active in the field of international humanitarian law and available to assist in any relevant situation but also to increase awareness of the Commission and its role within the international community, seeking to encourage more States to accept the competence of the Commission.

The Commission tries to be appropriately represented at various international conferences and meetings where issues of international humanitarian law are discussed. These include:

- Conferences relating to the Geneva Conventions, such as the International Conference for the Protection of War Victims (1993), the First Periodical Meeting of International Humanitarian Law of States Parties to the Geneva Conventions on General Problems Relating to the Application of International Humanitarian Law (1998), the celebration of the 50th Anniversary of the Geneva Conventions (1999) or the International Conference on the Missing (1993);



- Conferences relating to the International Criminal Court including the Rome Conference in 1998 and subsequent meetings of the Assembly of States Parties, where it has observer status;
- International Conferences of the Red Cross and Red Crescent (1999, 2003, 2007, 2011, 2015) and other meetings organized under the auspices of the ICRC aimed at the dissemination of international humanitarian law, including those organized with Commonwealth states;
- Other intergovernmental conferences and academic and scientific meetings, seminars and round tables relating to international humanitarian law.

An important part of outreach activities of the Commission is also the regular contact with international organizations, in particular the United Nations. During a visit in December 2005, the Commission was received by the Secretary General at that time, Mr. Kofi Annan. In 2006, the Commission had the opportunity to present itself before the 6th Committee and has regularly taken the opportunity to make a statement before the Committee since that date. In 2009, the UN General Assembly granted the Commission observer status.

The Commission has worked to build relationships with regional organizations including the Council of Europe, the European Union, the African Union or the Organization of American States and the Organization for Security and Co-operation in Europe with whom it has cooperation agreements. Recent initiatives have also involved Asian, Arab and Islamic organizations. Missions to specific countries or regions are undertaken as necessary.

The Commission also considers that an important part of its work is contributing to academic initiatives in relation to fact-finding in general. There has been cooperation with, amongst others, the University of Leiden, the International Institute of Higher Studies in Criminal Sciences in Siracusa, the Institute of Training and Judicial Studies in the UAE and the Universidad de la Republica Oriental del Uruguay.



In addition, the Commission has produced various tools to support its activities including this brochure and a website (www.ihffc.org). The Commission also produces regular reports which analyze what it has achieved since 1991, such as the Report on the work of the IHFFC on the Occasion of its 25th Anniversary (available on the IHFFC [website](#)).

2.2 Initiatives

The Commission has, on numerous occasions, proposed that it be engaged as such in undertaking enquiries into allegations of serious breaches of international humanitarian law. Moreover, individual members have been nominated to take part in enquiry missions under the auspices of other organizations.

Procedure for recognizing the competence of the Commission

One of the most important characteristics of the Commission is that it may conduct an investigation only with the consent of the parties involved. A State does not automatically recognize the Commission's competence by signing or ratifying the First Additional Protocol, but only by expressing that recognition separately. A State may make a general declaration, thereby recognizing the Commission's competence for any case falling within the ambit of Art. 90, or it may consent to the investigation of a particular dispute.



a) General declaration

A general declaration can be made when signing, ratifying, or acceding to the First Additional Protocol, or at any subsequent time. By making such a declaration, a State authorizes the Commission to enquire into any conflict that may arise between itself and another State that has made the same declaration. No additional approval is then required for the Commission to act. As a matter of principle, that declaration also covers the case where a request is made by a State having made such declaration even if that State is not itself involved in the conflict.

While there is no standard form, the State must unambiguously announce that it recognizes the competence of the International Humanitarian Fact-Finding Commission as set out in Article 90 of the First Additional Protocol. The declaration must be submitted to the depositary State of the First Additional Protocol, i.e. the Swiss Government. Both Switzerland and the ICRC Advisory Service on International Humanitarian Law have drafted model declarations of recognition, which States are free to make use of (see pp. 23 or www.ihffc.org).

b) Ad hoc consent

A party to an armed conflict that has not made a general declaration may still accept the Commission's competence on an ad hoc basis under Article 90(2)(d), that acceptance being limited to the specific conflict in which it is involved. This form of recognition does not constitute a general acceptance of the Commission's competence. Any party to a conflict may ask the Commission to conduct an enquiry. If a party which has not given its consent is the object of a complaint, the Commission will convey the allegation to that party and ask it to consent to an enquiry. If consent is refused, the Commission is not authorized to conduct an enquiry. If consent is granted, the enquiry procedure will begin. In a conflict involving parties that have not made the general declaration only this ad hoc consent can provide the basis for an enquiry by the Commission.



Conclusion

The first mandate entrusted to the Commission by the OSCE in 2017 is an encouraging signal. However, it is regrettable that, to date, the Commission has not been used more extensively. There is a multitude of “fact-finding” enquiries but the majority of these have been primarily related to violations of human rights law, though some have extended their mandate to look at violations of international humanitarian law as well. The Commission is the only permanent body designed specifically for fact-finding in relation to violations of international humanitarian law. In cases where enquiries are looking into violations of human rights law in situations of armed conflict, there should be a role for the Commission to examine such violations from the perspective of international humanitarian law. Furthermore, it may be that individual members of the Commission could assist other bodies with their expertise in international humanitarian law.

The States Parties to the Geneva Conventions of 1949 and to the First Additional Protocol “undertake to respect and ensure respect” for the provisions of those treaties. The International Humanitarian Fact-Finding Commission is a key mechanism in achieving those objectives.

By recognizing the Commission’s competence, on a permanent or ad hoc basis, a State contributes significantly to the implementation of international humanitarian law and to ensuring compliance with it during armed conflict. By depositing a declaration of recognition, a State not only takes an important step in securing the fundamental guarantees laid down for the victims of armed conflict but also demonstrates its commitment to their implementation.



FIRST ADDITIONAL PROTOCOL TO THE GENEVA CONVENTIONS OF 1949

Article 90—International Fact-Finding Commission

1.

- (a) An International Fact-Finding Commission (hereinafter referred to as “the Commission”) consisting of 15 members of high moral standing and acknowledged impartiality shall be established.
- (b) When not less than 20 High Contracting Parties have agreed to accept the competence of the Commission pursuant to paragraph 2, the depositary shall then, and at intervals of five years thereafter, convene a meeting of representatives of those High Contracting Parties for the purpose of electing the members of the Commission. At the meeting, the representatives shall elect the members of the Commission by secret ballot from a list of persons to which each of those High Contracting Parties may nominate one person.
- (c) The members of the Commission shall serve in their personal capacity and shall hold office until the election of new members at the ensuing meeting.
- (d) At the election, the High Contracting Parties shall ensure that the persons to be elected to the Commission individually possess the qualifications required and that, in the Commission as a whole, equitable geographical representation is assured.
- (e) In the case of a casual vacancy, the Commission itself shall fill the vacancy, having due regard to the provisions of the preceding subparagraphs.
- (f) The depositary shall make available to the Commission the necessary administrative facilities for the performance of its functions.



2.

- (a) The High Contracting Parties may at the time of signing, ratifying or acceding to the Protocol, or at any other subsequent time, declare that they recognize ipso facto and without special agreement, in relation to any other High Contracting Party accepting the same obligation, the competence of the Commission to enquire into allegations by such other Party, as authorized by this Article;
- (b) The declarations referred to above shall be deposited with the depositary, which shall transmit copies thereof to the High Contracting Parties;
- (c) The Commission shall be competent to:
 - (i) enquire into any facts alleged to be a grave breach as defined in the Conventions and this Protocol or other serious violation of the Conventions or of this Protocol;
 - (ii) facilitate, through its good offices, the restoration of an attitude of respect for the Conventions and this Protocol.
- (d) In other situations, the Commission shall institute an enquiry at the request of a Party to the conflict only with the consent of the other Party or Parties concerned.
- (e) Subject to the foregoing provisions of this paragraph, the provisions of Article 52 of the First Convention, Article 53 of the Second Convention, Article 132 of the Third Convention and Article 149 of the Fourth Convention shall continue to apply to any alleged violation of the Conventions and shall extend to any alleged violation of this Protocol.



3.

- (a) Unless otherwise agreed by the Parties concerned, all enquiries shall be undertaken by a Chamber consisting of seven members appointed as follows:
 - (i) five members of the Commission, not nationals of any Party to the conflict, appointed by the President of the Commission on the basis of equitable representation of the geographical areas, after consultation with the Parties to the conflict;
 - (ii) two ad hoc members, not nationals of any Party to the conflict, one to be appointed by each side.
- (b) Upon receipt of the request for an enquiry, the President of the Commission shall specify an appropriate time-limit for setting up a Chamber. If any ad hoc member has not been appointed within the time-limit, the President shall immediately appoint such additional member or members of the Commission as may be necessary to complete the membership of the Chamber.

4.

- (a) The Chamber set up under paragraph 3 to undertake an enquiry shall invite the Parties to the conflict to assist it and to present evidence. The Chamber may also seek such other evidence as it deems appropriate and may carry out an investigation of the situation in loco;
- (b) All evidence shall be fully disclosed to the Parties, which shall have the right to comment on it to the Commission.
- (c) Each Party shall have the right to challenge such evidence.



5.

- (d) The Commission shall submit to the Parties a report on the findings of fact of the Chamber, with such recommendations as it may deem appropriate.
- (e) If the Chamber is unable to secure sufficient evidence for factual and impartial findings, the Commission shall state the reasons for that inability.
- (f) The Commission shall not report its findings publicly, unless all the Parties to the conflict have requested the Commission to do so.

6.

The Commission shall establish its own rules, including rules for the presidency of the Commission and the presidency of the Chamber. Those rules shall ensure that the functions of the President of the Commission are exercised at all times and that, in the case of an enquiry, they are exercised by a person who is not a national of a Party to the conflict.

7.

The administrative expenses of the Commission shall be met by contributions from the High Contracting Parties which made declarations under paragraph 2, and by voluntary contributions. The Party or Parties to the conflict requesting an enquiry shall advance the necessary funds for expenses incurred by a Chamber and shall be reimbursed by the Party or Parties against which the allegations are made to the extent of 50 per cent of the costs of the Chamber. Where there are counter-allegations before the Chamber each side shall advance 50 per cent of the necessary funds.



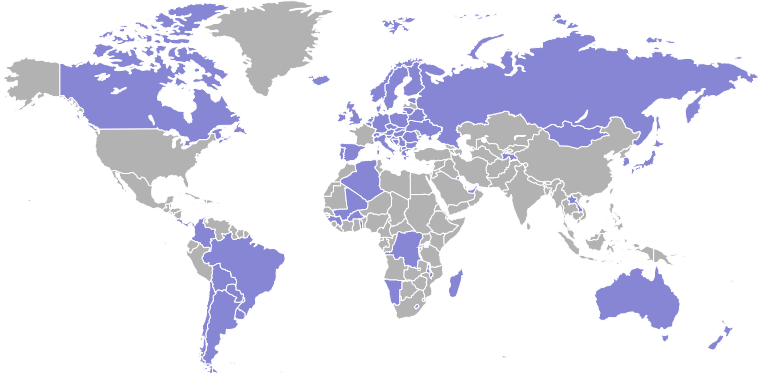
MODEL DECLARATION

At the request of the President of the Commission, arising from enquiries from a number of governments, the Federal Department of Foreign Affairs of the Swiss Confederation, in its capacity as the depositary of the Geneva Conventions and their additional Protocols, prepared the following model declaration of recognition of the competence of the Commission:

“The Government of [...] declares that it recognizes ipso facto and without special agreement, in relation to any other High Contracting Party accepting the same obligation, the competence of the International Fact-Finding Commission to enquire into allegations by such other Party, as authorized by Article 90 of Protocol I Additional to the Geneva Conventions of 1949.”



LIST OF STATES PARTIES OF THE IHFFC AS PER 1 DECEMBER 2018



Country	Member since
Algeria	August 16, 1989
Argentina	October 11, 1996
Australia	September 23, 1992
Austria	August 13, 1982
Belarus	October 23, 1989
Belgium	March 27, 1987
Bolivia	August 10, 1992
Bosnia and Herzegovina	December 31, 1992
Brazil	November 23, 1993
Bulgaria	May 9, 1994



Country	Member since
Burkina Faso	May 24, 2004
Cabo Verde	March 16, 1995
Canada	November 20, 1990
Chile	April 24, 1991
Colombia	April 17, 1996
Democratic Republic of the Congo	December 12, 2002
Cook Islands	November 7, 2002
Costa Rica	December 2, 1999
Croatia	May 11, 1992
Cyprus	October 14, 2002
Czech Republic	May 2, 1995
Denmark	June 17, 1982
Estonia	February 20, 2009
Finland	August 7, 1980
Germany	February 14, 1991
Greece	February 4, 1998
Guinea	December 20, 1993
Hungary	September 23, 1991



Country	Member since
Iceland	April 10, 1987
Ireland	May 19, 1999
Italy	February 27, 1986
Japan	August 31, 2004
Republic of Korea	April 16, 2004
Kuwait	June 21, 2013
Laos	January 30, 1998
Lesotho	August 14, 2010
Liechtenstein	August 10, 1989
Lithuania	July 13, 2000
Luxemburg	May 12, 1993
Madagascar	July 27, 1993
Malawi	January 10, 2014
Mali	May 9, 2003
Malta	April 17, 1989
Monaco	October 26, 2007
Mongolia	December 6, 1995
Montenegro	August 2, 2006



Country	Member since
Namibia	July 21, 1994
Netherlands	June 26, 1987
New Zealand	February 8, 1988
Republic of North Macedonia	September 1, 1993
Norway	December 14, 1981
Panama	October 26, 1999
Palestine	March 26, 2018
Paraguay	January 30, 1998
Poland	October 2, 1992
Portugal	July 1, 1994
Qatar	September 24, 1991
Romania	May 31, 1995
Russia	September 29, 1989
Rwanda	July 8, 1993
Saint Kitts and Nevis	April 17, 2014
Saint Vincent and the Grenadines	November 4, 2013
Serbia	October 16, 2001
Seychelles	May 22, 1992



Country	Member since
Slovakia	March 13, 1995
Slovenia	March 26, 1992
Spain	April 21, 1989
Sweden	August 31, 1979
Switzerland	February 17, 1982
Tajikistan	September 10, 1997
Togo	November 21, 1991
Tonga	January 20, 2003
Trinidad and Tobago	July 20, 2001
Ukraine	January 25, 1990
United Arab Emirates	March 6, 1992
United Kingdom	May 17, 1999
Uruguay	July 17, 1990



MEMBERS OF THE IHFFC AS PER 1 DECEMBER 2018

Prof. Thilo MARAUHN

Germany

President

Dr. Elżbieta MIKOS-SKUZA

Poland

1st Vice-President

Dr. Mohamed Mahmoud AL KAMALI

United Arab Emirates

Vice-President

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Dr. Robin McNEILL LOVE

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Vice-President

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Algeria

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Laurence BOILLAT

Switzerland

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Prof. Shuichi FURUYA

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Member

Dr. Åsa MOLDE

Sweden

Member

Mario J.A. OYARZÁBAL

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Member

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