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**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 18, 2010  
presented on behalf of the President of the IHFFC  
by Leah Campbell, Advisor

Madam Chair, Excellencies, Ladies and Gentlemen,

As this is the first time that a representative of the IHFFC speaks before this Assembly since you have granted it observer status, I would like to convey to you the gratitude of the entire commission for this proof of confidence in our potential to work for a better respect of international humanitarian law. The President of the Commission, Prof. Bothe, would have liked to present this statement personally, but he regrets that he had to leave early. It is my honour to submit it to you on his behalf.

The Commission understands this confidence as creating an obligation to cooperate with all organs of the United Nations which are tasked with crisis management, and, at the same time ensuring, even in situations of armed conflict, the rule of law in international relations. In fulfilling this duty, we implement at the same time the function which is entrusted to us by the Geneva Conventions and the Additional Protocols.

Art. 90 AP I establishes the Commission as an independent and impartial body in order to investigate alleged violations of international humanitarian law. Its 15 members are elected by the now 71 States which have recognised its obligatory competence. The rationale of this provision is to promote a return to a situation of respect for international humanitarian law, in other words to promote the rule of law. In pursuing this goal, the Commission does not act as a public prosecutor. It needs a specific mandate – given by the parties to a conflict or by competent organs of the United Nations. The General Assembly has repeatedly asked States to make use of the services of the Commission in appropriate cases. We hope that the Assembly will renew or even reinforce this call in the resolution which is being tabled. We appreciate the encouragement we have received by delegations during the debate on this item. The Security Council, in its resolution 1894 (2009), has indicated its intention to consider making use of the Commission. We hope that the Council will follow up on this. We are ready to discuss these possibilities where and when the occasion arises. In the meantime, we continuously develop our contingency planning and arrangements with appropriate technical partners to enable us to start field missions on short notice. Among its members coming from all parts of the world, the Commission possess a great variety of expertise which allows it to respond to various needs in case of inquiries.

Madam Chair,

Fact-finding is indeed an indispensable ingredient in modern crisis management, in particular in situations of armed conflict. In recent times, it has been used by various organs of the

United Nations in a number of different contexts. The resulting practice has been perceived by some as lacking consistency and coherence. In some cases, more than one fact-finding mission was established relating to the same event, with slightly different but overlapping mandates. Not surprisingly therefore, both the mandates of these missions and their findings have been subject to controversy. Consistency and coherence could be strengthened if the treaty organ created for this purpose were tasked regularly to undertake the necessary inquiry wherever there are allegations of violations of international humanitarian law. In this sense, former UN Secretary General Kofi Annan said on the occasion of the 60<sup>th</sup> anniversary of the Geneva Conventions:

“If States distrust the ad hoc Character of expert reports or commissions of inquiry, it is well within their power to establish bodies permanently tasked with documenting abuses. Indeed, there is already provision for such a body under Additional Protocol 1 – but it has never been called on. It should be empowered to launch investigations at its own initiative and given the resources to do so effectively.”

The Commission is ready to assist and prepared to meet this challenge.

Thank you, Madam Chair!