Presidential Report on Activities of the Commission 2024

Preface

In order to ensure accountability and enhance the visibility of the International Humanitarian Fact-Finding Commission (hereafter "IHFFC" or "Commission"), the Commission reports regularly on its activities in an annual Presidential Report to its Member States, and publishes select elements on its website, subject to applicable rules on confidentiality.

I. Summary

2024 has been one of the most active years of the Commission since its establishment in 1991. The activities undertaken this year are provided for under Article 90 Additional Protocol I, and have arisen both as a result of challenges with respect to compliance with international humanitarian law (hereafter "IHL") and a sense of responsibility to contribute to respect for such body of law.

In view of the current armed conflict in Palestine, the Commission re-iterated its offers to both the Government of Palestine and the Government of Israel. Following an Israeli attack on 1 April 2024 that resulted in the death of seven aid workers, the Commission reached out to all States whose nationals were killed offering its good offices. The Government of the Republic of Poland responded positively, allowing the Commission to address certain aspects of IHL, in particular, the protection afforded to relief agencies and their personnel.

The IHFFC organized two side events, one on the occasion of International Law Week in New York, and the other, shortly thereafter, on the occasion of the 34th International Conference of the Red Cross and Red Crescent in Geneva.

The Commission continued to follow international developments. These include the ongoing armed conflict between Russia and Ukraine as well as in Sudan, Ethiopia, and in the Democratic Republic of Congo.

In addition, the Commission was represented at a number of international events and conferences. The Commission held numerous discussions with states potentially interested in making a declaration under Article 90 Additional Protocol I.

Furthermore, it consolidated its framework for action and continued drafting numerous internal documents to enhance its working capacity.

Through all these activities, it has become clear – notwithstanding the Commission´s cost-effectiveness and efficiency – that there are limits to what the Commission can do in order to restore an attitude of respect for IHL in situations of armed conflict. The Commission urges States that have recognized its competence, and international organizations working in matters of international security and IHL, to further support the work of the Commission, including by providing additional resources

and spreading the word about the Commission. Notably, across all its activities, the Commission aims to strike a balance between serving States and staying committed to the restoration of an attitude of respect for IHL. The more States accept the Commission 's competence, the better victims of armed conflicts within the scope of the Commission 's mandate can be re-assured that the Commission – despite its limited resources – will do whatever it can to live up to its mandate on the basis of Article 90 Additional Protocol I.

II. The 2022-2026 Term of Office[1]

1. States that recognise the Commission's competence

As of 31 December 2024, 76 States Parties to the Protocol Additional to the Geneva Conventions of 12 August 1949 and relating to the Protection of Victims of International Armed Conflicts of 8 June 1977 have recognized the competence of the IHFFC.

2. Members and officers

In 2024, the 15 members elected on 19 November 2021 continued to serve their 2022-2026 term of office. The members of the Bureau, who had all been re-elected on the basis of electronic communication in June/July 2020, continued their activities.

III. Continued State Support

1. Group of Friends

The Commission continued its exchanges with the Group of Friends in 2024 and is looking forward to further activities in 2025. It appreciates the support provided by the Group of Friends. The Commission values the reception by the British Ambassador and Permanent Representative to the UN in Geneva, held in collaboration with the Canadian, Costa Rican and Chilean Permanent Missions, on Tuesday, 28 May 2024, which facilitated an exchange with several State representatives on the work of the Commission.

2. Pledge

The Commission is grateful for the support of a cross-regional group of States, who made a joint open Pledge to support the Commission on the occasion of the 33rd International Conference (Pledge Number OP330249, available on https://rcrcconference.org/pledge/support-for-the-international-humanitarian-fact-finding-commission-ihffc).

3. 34th International Conference

The Commission was represented at the 34th International Conference. It participated in the deliberations, issued a statement and organized a successful side event to the acclaim of many participants (see below for further details).

[1] For developments in 2017-2018, see "Presidential Report on Activities of the Commission 2017-2018"; for those in 2019, see "Presidential Report on Activities of the Commission 2019"; for those in 2020, see "Presidential Report on Activities of the Commission 2020"; for those in 2021, see "Presidential Report on Activities of the Commission 2021".

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4. Exchanges with potential signatories

On the occasion of the 34th International Conference, the Commission had various exchanges with potential signatories. These included Botswana, Sierra Leone and the Republic of South Africa.

5. 6th Commonwealth Red Cross & Red Crescent Conference on International Humanitarian Law, Pretoria, South Africa.

IHFFC Vice President Dr Robin McNeill Love was honored to be invited to represent the Commission at, and had the privilege to address, the 6th Commonwealth Red Cross & Red Crescent Conference on International Humanitarian Law which occurred in Pretoria, South Africa, from 15 to 19 April 2024. The Commission is grateful for the ongoing support it receives from the Commonwealth and which was demonstrated by a pledge at the 34th International Conference.

6. Reception held on behalf of the IHFFC by His Majesty's Ambassador Simon J Manley, CMG, Ambassador and Permanent Representative, UK Mission to the UN and WTO, Geneva, Tuesday 28 May 2024.

The IHFFC records its gratitude to Ambassador Manley, for generously hosting a reception on behalf of the IHFFC at Ambassador Manley's official Residence in Geneva on Tuesday 28 May 2024. The reception was held in collaboration with the Canadian, Costa Rican and Chilean Permanent Missions. After a warm welcome to the IHFFC from Ambassador Manley, brief presentations on the role, function and services of the Commission were provided by IHFFC President Prof Thilo Marauhn, Previous IHFFC President Dr Gisela Perren-Klingler, IHFFC Vice President Ambassador Alfredo Labbe and IHFFC Vice President Dr Robin McNeill Love. Following the presentations, there were opportunities for more informal discussions with the guests concerning the IHFFC. The Commission also wishes to record its gratitude to Counsellor Lucinda Stallard, a member of staff on Ambassador Manley's team, for her work to help ensure that the reception was so successful.

7. Support for the IHFFC stated in State's Voluntary Reports on the Implementation of International Humanitarian Law at Domestic Level

The Commission is grateful for the support shown to the IHFFC as published in the UK Government's Voluntary Report on the Implementation of International Humanitarian Law at Domestic Level (Second Edition, October 2024) as well as in the Voluntary Report on international humanitarian law implementation by Switzerland (Second Edition, October 2024).

IV. Specific Activities in 2024

1. Annual Meeting 2024

The Commission held its 2024 Annual Meeting in Geneva over two and a half days from 27 to 29 May 2024.

Following a retrospective of the year 2023 by the President of the Commission, the Commission discussed extensively its communication to the International Court of Justice with respect to the Advisory Opinion on prolonged occupation. Individual commissioners summarized their activities in 2023.

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The Commission discussed activities of the Working Groups. It noted progress of the WG on Operational Guidelines, which is currently in the final stages of producing an updated draft. The Commission discussed in detail the 2016 Common Understanding document and agreed on a table with a list of scenarios which might trigger the Commission's competence. This list will be the basis for the adoption of a revised Common Understanding, hopefully in 2025.

The Commission took note of the WG on Website Revision and of the WG on Africa. Notably, the Commission's new website went live on 17 December 2024.

Most important was the discussion of the Commission 's good offices mission at the request of Poland (see below).

Anne Quintin (Head of the Advisory Service of the International Committee of the Red Cross ("ICRC") shared information about the 34th International Conference of the Red Cross and Red Crescent. The Commission discussed in detail the preparation of its own side event, in addition to the agenda of the International Conference.

A very fruitful discussion on fact-finding in IHL arose on the basis of presentations by Charles Garraway and Eric Mongelard as well as Alexander James Amir El Jundi (the latter two from the Office of the High Commissioner for Human Rights ("OHCHCR"). These presentations and the discussion that followed focused on cooperation with other international fact-finding bodies and distinguishing IHL from international human rights law and international criminal law while also noting the complementarity of these sub-branches of international law.

The Commission took note of the audit report, and of the report on budget implementation. The Commission adopted the Financial Report 2023 by consensus and adopted the Draft Budget 2025 by consensus.

The Commission amended its guidelines for the reimbursement of expenses incurred by the Members of the Commission in connection with meetings and other activities in light of climate change. Moving forward, any Commissioner who travels in his official capacity as a member of the IHFFC must make use of train transport if travel is below six hours.

The Commission discussed in detail how to operationalize good offices in the absence of parties' consent lessons learned will be taken up in 2025.

The program of work for 2024/2025 was discussed and agreed upon.

2. Bureau Meetings 2024

The President and Bureau continued regular Bureau meetings in virtual format. These exchanges are of the utmost importance for the Commission, because they allow it to more effectively pursue its activities.

Apart from the pre- and post-Annual Meeting Bureau meetings on 26 May in Geneva and on 29-31 May 2024 in Glion, formal Bureau meetings in virtual format were held on 18 January, 29 February, 5 April, 22 April, 26 May, 30 and 31 May (on the occasion of the Annual Meeting), 18 July, 19 September, 12 October, 27 October (on the occasion of the International Conference of the Red Cross and Red Crescent), 21 November and 19 December. Issues discussed by the Bureau included progress

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related to further developing its methods of work, possible offers of good offices, outreach activities, and a review of the Commission's understanding of key legal issues related to its mandate.

3. Good offices

Most important was the Good Offices provided to the Government of the Republic of Poland. On 1 April 2024, a convoy of World Central Kitchen, an NGO providing food to the population in Gaza, was hit as a consequence of an attack by Israeli Defense Forces. Seven people were killed, including one citizen of Poland. The Government of Poland accepted the Commission´s offer of good offices. The Commission and the Government of the Republic of Poland negotiated a Memorandum of Understanding, which was signed by the Polish Foreign Minister and the President of the Commission on 20 June 2024 in Warsaw. A confidential report was submitted to the Government of the Republic of Poland on 18 October 2024.

4. Other activities

On 23 October 2024, the IHFFC organized a side event titled "Navigating Uncertainty: The Importance of Fact-Finding in IHL" on the occasion of International Law Week in New York. The side event took place at the NYU Kimmel Center and was organized with the support of the Commission's New York intern Anna Braverman. The event focused on overcoming the perceived split between the usage of institutional human rights mechanisms for IHL implementation, including the Human Rights Council, and the mandate of the IHFFC as an expert body for dispute settlement. The discussion sought to identify how numerous commissions and fact-finding missions on the one hand and the IHFFC's expertise in IHL on the other can mutually benefit one another, taking into account their different expertise, their different working methods, and their different objectives. The panel was moderated by Anna Braverman. Other participants included Mateus Kowalski, IHFFC Commissioner and Director of the International Law Department at MFA Portugal, Christopher Harland, Deputy Permanent Observer and Head of Humanitarian Affairs & Policy at ICRC New York, John Cerone, Professor of International Law at the Fletcher School, and Dr. Ezequiel Heffes, Director of Watchlist on Children and Armed Conflict.

A second side event was organized by the IHFFC on the occasion of the 34th International Conference of the Red Cross and Red Crescent. The title followed the preceding side event in NY, and – following welcome remarks by the President – the First Vice-President, Dr. Elzbieta Mikos-Skuza moderated a highly interactive, much sought-after panel discussion with panellists Professor Charles Garraway, [title], Professor Vaios Koutroulis, and special guest Ambassador Artur Harazim. The discussion illustrated the difference between human rights fact-finding and IHL fact-finding and the unique role of the Commission. Ambassador Artur Harazim discussed the decision of the Government of the Republic of Poland to accept the IHFFC's offer with regard to the tragic incident that took place on 1 April 2024 in the Gaza Strip. This was more than pertinent, as the IHFFC had submitted its report on 18 October 2024 to the Government of the Republic of Poland. The very well attended side event garnered much interest among participants of the International Conference and included a lively discussion with attendees.

The Commission continues to explore the potential acquisition of a cost-effective and yet appropriately comprehensive and quality Travel, Health, Injury and Life Insurance cover for IHFFC Commissioners when they are deployed on high-risk operational duties and missions.

Elżbieta Mikos-Skuza, the first vice president, together with the President, Nathalie Schneider-Rittener (MFA Switzerland), and Mr. Artur Harazim (MFA Poland), gave a presentation on the IHFFC during

the Second Regional Conference of European National Committees on International Humanitarian Law, held in Warsaw, Poland. She also represented the IHFFC at a session of the Working Party on Public International Law (COJUR) within the Council of the European Union, where she delivered a presentation on the Commission.

IHFFC Commissioner Dyanne Marenco Gonzales attended, together with the Commission´s New York intern Anna Braverman the Regional ICRC Conference for the Americas in preparation for the 34th International Conference on 4 and 5 July 2024 in Mexico City, contributing with a presentation on the IHFFC. Additionally, she gave presentations on the Commission to the Costa Rican Bar Association and to the IHL Clinic at the Federal University of Rio Grande do Sul in Brazil.

The enduring relevance of the Geneva Conventions was addressed at a Special Conference on 9 October 2024, Foreign, Commonwealth and Development Office, London, UK, at which time IHFFC Vice President Dr Robin McNeill Love was honoured to be invited to represent the Commission at this prestigious conference which was organised by the Foreign, Commonwealth & Development Office ("FCDO"), the UK Ministry of Defence and the British Red Cross. This special conference explored historical, legal, military, diplomatic and humanitarian perspectives on the Geneva Conventions, their continued relevance, and the United Kingdom's contributions to International Humanitarian Law. The conference was addressed by UK Ministers and an expert panel. In addition, the event was used to launch the second edition of the United Kingdom's Voluntary Report on the Implementation of International Humanitarian Law at Domestic Level. This comprehensive document refers to, and supports, the IHFFC. He was also invited to the Launch event: *Conflict, Hunger and International Humanitarian Law – A Practitioner's Legal Handbook* on Tuesday, 6 May 2025 at the FCDO in London, UK. The Handbook was disturbuted to IHFFC Commissioners by Dr. McNeill Love at 2025 IHFFC annual eeting in Bern and it was very positively received. IHFFC Vice President Dr Robin McNeill Love was also invited by the Norwegian Red Cross to represent the IHFFC at a technical meeting in Oslo on 17 and 18 June 2024 concerning the crucial issues of Emblems and Signs Protecting Healthcare (Oslo Technical Meeting on Emblems and Signs Protecting Healthcare, June 2024).

The IHFFC Commissioner, Mateus Kowalski participated in a panel discussion on the Commission during International Law Week (ILW) in New York in October 2024. Other panelists included Anna Braverman (NY Legal Intern), Christopher Harland (Deputy Permanent Observer and Head of Humanitarian Affairs, ICRC Delegation to the UN), John Cerone (Visiting Professor of International Law, Fletcher School), and Dr. Ezequiel Heffes (Director, Watchlist on Children and Armed Conflict). He also noted that Portugal made a pledge under the ICRC IHL Initiative's "IHL & Peace workstream" to offer IHL courses to Portuguese-speaking countries.

Vaios Koutroulis, IHFFC Commissioner represented the Commission as an observer during the Assembly of States Parties to the International Criminal Court. Holger Federico Martinsen, IHFFC Commissioner held discussions with academics in Cairo, Egypt, regarding the IHFFC. Rachid Belhadj, IHFFC Commissioner incorporated IHL into the medical curriculum at his university in Algeria. He also shared information about the Commission during his engagements with representatives from African and Arab countries. The IHFFC commissioner, Noor Ibrahim Al-Sada delivered a lecture on the IHFFC at the Diplomatic Institute of the Ministry of Foreign Affairs of Qatar in February 2025.

5. Budget

The 2024 budget of the IHFFC amounted to CHF 199'590. The financial report 2024 (audit report and budget implementation report) were adopted by the Commission in its annual meeting in June 2025.

6. Secretariat

According to AP I (Article 90 para. 1, lit. f) Switzerland, in its capacity as the depositary of AP I, provides the Secretariat of the IHFFC.

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