
**COMMISSION INTERNATIONALE HUMANITAIRE
D'ETABLISSEMENT DES FAITS**



**INTERNATIONAL HUMANITARIAN
FACT-FINDING COMMISSION**

**THE INTERNATIONAL HUMANITARIAN FACT-FINDING COMMISSION
(the article 90 Commission)**

The Commission is a permanent body of 15 independent experts elected by the States (now 68) accepting its competence. The essential purpose of the Commission is to help ensure that international humanitarian law is applied during armed conflict. The States Parties to the 1949 Geneva Conventions for the protection of the victims of war and their 1977 Protocols themselves have a fundamental obligation to respect and ensure respect for those treaties in all circumstances.

The Commission was established by article 90 of Protocol Additional I to the Geneva Conventions. It came into existence in 1991, when 20 States had accepted its competence. Today, more than one third of the States which have accepted Protocol I have recognised the competence of the Commission, among them several major military powers and a number of States which have been involved in armed conflicts.

The Commission is to meet its purpose

- by inquiring into allegations of grave breaches or serious violations of the Conventions and Protocols
- by facilitating through its good offices the restoring of respect for the Conventions and Protocols
- when reporting its findings, by making such recommendations as it deems appropriate.

The Commission may undertake those functions at the request of one of the States which has accepted its competence and which makes such allegations against another State which has also accepted its competence.

In other situations the Commission may act if the parties to the particular conflict consent to its acting. In that respect it has made it clear that it is willing to act in relation to non international armed conflicts as well as international ones.

In carrying out its responsibilities, the Commission, through article 90, its rules and its operational guidelines, guarantees fair and thorough procedures for establishing the facts.

Like a court, it establishes the facts, but, unlike a court, it does not make judgements against individuals or the parties to the conflict. Unlike a court, through its good offices and recommendations, it may make proposals for restoring respect for international humanitarian law and its findings remain confidential to the parties unless they agree otherwise. Because of those differences and those characteristics the parties to a conflict may see value in using the Commission's procedure, as well as, or instead of, a court procedure or other methods of resolving disputes about compliance with that body of law.

A particular inquiry is undertaken by a chamber of five members plus two others nominated by each party to the conflict, unless the parties agree otherwise. The parties are to assist the Commission in the conduct of its inquiry. The assistance is to include the presentation of all evidence necessary for establishing the facts.

The Commission's regular budget is met by the States accepting its competence on a proportional basis using the United Nations formula for the general budget. The costs of a particular inquiry are to be met by the parties to the conflict unless another arrangement is made.

The Swiss Government provides the Commission with the necessary administrative facilities for the performance of its functions.

Further information is available from the Secretariat of the Commission, ihffc@eda.admin.ch, in a brochure published by the Commission and on its website: www.ihffc.org.

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