

STATEMENT BY THE INTERNATIONAL HUMANITARIAN FACT-FINDING COMMISSION

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Madame President, Excellencies, Distinguished delegates,

Let me express my gratitude to the Assembly of the States Parties for inviting the International Humanitarian Fact-Finding Commission, to attend the *travaux* of the Assembly as an observer and for giving me the opportunity to say a few words.

Establishing individual criminal responsibility for grave breaches and other serious violations of IHL is among the key methods of ensuring accountability for violations of IHL. But it is not the only one. Among the means of ensuring compliance with IHL are also good offices, enquiries, and fact-finding. In the age of disinformation, misinformation and fake news, a proper establishment of facts is more necessary than ever.

The Commission is established under Article 90 of the First Protocol Additional of 1977 to the Geneva Conventions. We are neither the organ of the United Nations, nor of any other international or regional organization. We are created by States - Parties to Protocol Additional I and our competence is based on States' consent. This consent has been expressed so far by 76 States, the majority of which are States parties to the ICC Statute.

We are an impartial, independent, non-political organization composed of 15 experts with different backgrounds – including medical doctors, military officers, diplomats and lawyers, acting in their personal capacities – able to undertake inquiries regarding IHL violations.

We are a permanent organ, predictable, ready to undertake a mission at a short notice, contrary to other *ad hoc* bodies.

And last but not least, our confidential, flexible procedures can be shaped depending on circumstances. They thus provide the advantages of a low key, non-confrontational approach.

The Commission has proven its worth in 2017 when - at the request of the OSCE - it undertook a mission to Eastern Ukraine to conduct an independent forensic investigation on an incident in Luhansk Province where the OSCE Special Monitoring Mission Patrol was affected. And this year, Poland has requested our good offices with respect to the attack of which the World

Central Kitchen was a victim on 1 April 2024 in Gaza. A report on the incident was prepared by the Commission and has already been handed to the Polish government.

Madame President,

Implementation of IHL depends on political will. Adhering to the Rome Statute and thus accepting the jurisdiction of the Court for the most serious international crimes, among which war crimes, is proof of such will; the will – in the words of the preamble – “to put an end to impunity (...) and thus contribute to the prevention of such crimes”.

The International Humanitarian Fact-Finding Commission gives you an additional, complementary avenue towards what in essence is the same goal: “contributing to the prevention of violations IHL” which lie at the heart of war crimes.

Fifty-six States parties to the Rome Statute are parties to the First Additional Protocol but have not recognised the competence of the Commission. We would encourage them to consider such a recognition.

We would also like to remind to all States, even those that are not parties to the First Additional protocol, that they can use the Commission’s good offices and fact-finding services on an *ad hoc* basis, with all the advantages described above.

In times of recurring IHL violations, it is time to prove your commitment to ensuring respect for humanitarian law and your support to the mechanisms ensuring its respect and implementation. One strong way of doing so is by recognizing the competence of the International Humanitarian Fact-Finding Commission and using its many capabilities

Thank you for your attention.