



INTERNATIONAL HUMANITARIAN  
FACT-FINDING COMMISSION (IHFFC)

COMMISSION INTERNATIONALE HUMANITAIRE  
D'ÉTABLISSEMENT DES FAITS (CIHEF)

*OSCE ODIHR 2013 Human Dimension Implementation Meeting  
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*Statement by the representative of  
the International Humanitarian Fact-Finding Commission  
Ms. Elzbieta Mikos-Skuza*

Madame Moderator, Ladies and Gentlemen,

I have the honour of representing here the International Humanitarian Fact-Finding Commission constituted in 1991 as a treaty intergovernmental body, pursuant to article 90 of Protocol Additional I of 1977 to the Geneva Conventions of 1949 on the protection of victims of war. I would like to address the question of strengthening accountability for counter-terrorism measures.

This debate is an important opportunity for the International Humanitarian Fact-Finding Commission to take the floor to emphasize that in case of counter-terrorism measures the rules that may be violated are not only Human Rights standards, but also International Humanitarian Law norms, as such measures are undertaken frequently in armed conflict situations. Therefore, while talking about respect for human beings and accountability for the lack of such respect, one should take into consideration the legal framework and mechanisms established both under Human Rights Law and International Humanitarian Law. One of such IHL mechanisms is the International Humanitarian Fact-Finding Commission.

The Commission is one of the instruments at the disposal of the international community to ensure that IHL is applied during all types of armed conflict. If there are allegations of violations of international humanitarian law, e.g. because of the abuse of counter-terrorism measures, then independent and impartial inquiry might be needed. The IHFFC is a specialized mechanism established precisely for this purpose, composed of 15 members elected by the States which have recognized its competence.

The Commissioners do not represent their States and they serve in their personal capacity, as a result of which the Commission is truly independent and impartial. They come from all parts of the world, reflecting different disciplines: military officers, judges, university teachers of law, medical doctors, psychiatrists, diplomats. use of the States if there are allegations of violations of international humanitarian law. The Commissioners do not represent their States and they serve in their personal capacity, as a result of which the Commission is truly independent and impartial. The Commissioners are designed to reflect geographic diversity and come from all parts of the world, reflecting different disciplines: military officers, judges, university teachers of law, medical doctors, psychiatrists, diplomats.

The Commission is a permanent body, ready to launch a mission at a very short notice. Its procedures are very flexible and can be shaped depending on circumstances

However, to be able to operate, the Commission needs a specific mandate given by the parties to the conflict or by the competent organ of the United Nations.

Currently only 73 countries from all parts of the world have so far recognized the competence of the Commission. It is time for those who have not yet done so, including some states in the OSCE region, to join the endeavour.

To conclude I would like to recall the readiness of the International Humanitarian Fact-Finding Commission to act as an instrument of the international community to enhance respect for every human being international humanitarian law.

I thank you for your attention.

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