

The International Fact-Finding Commission

STEPS TAKEN BY THE DEPOSITARY STATE

On 20 November 1990, the twentieth State made a declaration recognizing *ipso facto* and without special agreement, in relation to any other participating State accepting the same obligation, the competence of an International Fact-Finding Commission whose task it will be to investigate allegations by any such State. Article 90 of Protocol I additional to the Geneva Conventions of 1949 provides for the setting up of the Commission once 20 States have recognized its competence. The Commission will be competent to enquire into any facts alleged to be a grave breach as defined in the Conventions and Protocol I or other serious violation of those instruments and to facilitate, through its good offices, the restoration of an attitude of respect for the Conventions and the Protocol.

The conditions for the constitution of the Commission have thus been met and Switzerland, as the depositary State for the Geneva Conventions, sent out a diplomatic note at the end of December 1990 convening a meeting of representatives of the States that had made the declaration in order to elect the 15 members of the Commission by secret ballot. The members of the Commission will serve in their personal capacity and hold office until the election of new members at the ensuing meeting of States having made the declaration. Such meetings will be convened by the depositary State once every five years.

The first meeting will be held in Bern in the second half of June 1991 (the exact date has not yet been set). Switzerland has asked each State concerned to nominate one candidate for the Commission and to submit his or her name and professional qualifications by 30 April 1991.

The candidate proposed by a State need not necessarily be a citizen of that State, especially as equitable geographical representation must be assured in the Commission as a whole.

The candidate must be of high moral standing and acknowledged impartiality and must have the necessary qualifications. Switzerland feels that the Commission will function more satisfactorily if its members come from a number of different professional backgrounds. The Commission will be dealing with matters involving medicine, chemistry, physics, military science and international law.

The Swiss Government will send the States concerned a list of the candidates with a profile of each in early May.

Following the election of the Commission's members, Switzerland will provide it with all the assistance necessary for it to meet and establish its rules of procedure.
