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### The international humanitarian fact-finding commission and the law of human rights / Eric David

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| Abstract:             | After some 20 years of existence, the International Humanitarian Fact-finding Commission (IHFFC) has never received any request for investigation. This 'technical unemployment' of IHFFC is surprising because, if among the 72 States that have recognized the competence of the Commission, few are, or were confronted with armed conflicts, such conflicts have not disappeared since 1991, and nothing precludes a third State or an international organization to request a fact-finding mission from the Commission. The object of this short note is to describe whether the Commission could deal with human rights violations. Given the lack of practice of the Commission, the following developments remain purely theoretical. The question of the jurisdiction of the Commission with respect to human rights may arise for two reasons: as part of an agreement between two parties to lodge a request with the Commission for an investigation outside the context of an armed conflict; and as part of an armed conflict when an allegation of human rights violation is submitted to the Commission. This chapter contends that the Commission can exercise its jurisdiction in the second case but not in the first one. |
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