

Changes to legislation: There are currently no known outstanding effects for the Geneva Conventions Act 1957, Article 90—. (See end of Document for details)

SCHEDULES

[^{F2}FIFTH SCHEDULE

PROTOCOL I

Textual Amendments

F2 Fifth and Sixth Schedules inserted (20.7.1998) by 1995 c. 27, s. 6, **Sch.**; S.I. 1998/1505, **art. 2**

^{F1}PART V

EXECUTION OF THE CONVENTIONS AND OF THIS PROTOCOL

Textual Amendments

F1 Fifth and Sixth Schedules inserted (20.7.1998) by 1995 c. 27, s. 6, **Sch.**; S.I. 1998/1505, **art. 2**

^{F1}ARTICLE 90—

INTERNATIONAL FACT-FINDING COMMISSION

Textual Amendments

F1 Fifth and Sixth Schedules inserted (20.7.1998) by 1995 c. 27, s. 6, **Sch.**; S.I. 1998/1505, **art. 2**

- ^{F3}₁
- (a) An International Fact-Finding Commission (hereinafter referred to as “ the Commission ”) consisting of fifteen members of high moral standing and acknowledged impartiality shall be established.
 - (b) When not less than twenty High Contracting Parties have agreed to accept the competence of the Commission pursuant to paragraph 2, the depositary shall then, and at intervals of five years thereafter, convene a meeting of representatives of those High Contracting Parties for the purpose of electing the members of the Commission. At the meeting, the representatives shall elect the members of the Commission by secret ballot from a list of persons to which each of those High Contracting Parties may nominate one person.
 - (c) The members of the Commission shall serve in their personal capacity and shall hold office until the election of new members at the ensuing meeting.
 - (d) At the election, the High Contracting Parties shall ensure that the persons to be elected to the Commission individually possess the qualifications required and that, in the Commission as a whole, equitable geographical representation is assured.

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- (e) In the case of a casual vacancy, the Commission itself shall fill the vacancy, having due regard to the provisions of the preceding sub-paragraphs.
- (f) The depositary shall make available to the Commission the necessary administrative facilities for the performance of its functions.

Textual Amendments

F3 Fifth and Sixth Schedules inserted (20.7.1998) by 1995 c. 27, s. 6, Sch.; S.I. 1998/1505, art. 2

- ^{F42}
- (a) The High Contracting Parties may at the time of signing, ratifying or acceding to the Protocol, or at any other subsequent time, declare that they recognise *ipso facto* and without special agreement, in relation to any other High Contracting Party accepting the same obligation, the competence of the Commission to enquire into allegations by such other Party, as authorised by this Article.
 - (b) The declarations referred to above shall be deposited with the depositary, which shall transmit copies thereof to the High Contracting Parties.
 - (c) The Commission shall be competent to:
 - (i) enquire into any facts alleged to be a grave breach as defined in the Conventions and this Protocol or other serious violation of the Conventions or of this Protocol;
 - (ii) facilitate, through its good offices, the restoration of an attitude of respect for the Conventions and this Protocol.
 - (d) In other situations, the Commission shall institute an enquiry at the request of a Party to the conflict only with the consent of the other Party or Parties concerned.
 - (e) Subject to the foregoing provisions of this paragraph, the provisions of Article 52 of the First Convention, Article 53 of the Second Convention, Article 132 of the Third Convention and Article 149 of the Fourth Convention shall continue to apply to any alleged violation of the Conventions and shall extend to any alleged violation of this Protocol.

Textual Amendments

F4 Fifth and Sixth Schedules inserted (20.7.1998) by 1995 c. 27, s. 6, Sch.; S.I. 1998/1505, art. 2

- ^{F53}
- (a) Unless otherwise agreed by the Parties concerned, all enquiries shall be undertaken by a Chamber consisting of seven members appointed as follows:
 - (i) five members of the Commission, not nationals of any Party to the conflict, appointed by the President of the Commission on the basis of equitable representation of the geographical areas, after consultation with the Parties to the conflict;
 - (ii) two *ad hoc* members, not nationals of any Party to the conflict, one to be appointed by each side.
 - (b) Upon receipt of the request for an enquiry, the President of the Commission shall specify an appropriate time-limit for setting up a Chamber. If any *ad hoc* member has not been appointed within the time-limit, the President shall immediately appoint such additional member or members of the

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Commission as may be necessary to complete the membership of the Chamber.

Textual Amendments

F5 Fifth and Sixth Schedules inserted (20.7.1998) by 1995 c. 27, s. 6, **Sch.**; S.I. 1998/1505, **art. 2**

- ^{F64}
- (a) The Chamber set up under paragraph 3 to undertake an enquiry shall invite the Parties to the conflict to assist it and to present evidence. The Chamber may also seek such other evidence as it deems appropriate and may carry out an investigation of the situation *in loco*.
 - (b) All evidence shall be fully disclosed to the Parties, which shall have the right to comment on it to the Commission.
 - (c) Each Party shall have the right to challenge such evidence.

Textual Amendments

F6 Fifth and Sixth Schedules inserted (20.7.1998) by 1995 c. 27, s. 6, **Sch.**; S.I. 1998/1505, **art. 2**

- ^{F75}
- (a) The Commission shall submit to the Parties a report on the findings of fact of the Chamber, with such recommendations as it may deem appropriate.
 - (b) If the Chamber is unable to secure sufficient evidence for factual and impartial findings, the Commission shall state the reasons for that inability.
 - (c) The Commission shall not report its findings publicly, unless all the Parties to the conflict have requested the Commission to do so.

Textual Amendments

F7 Fifth and Sixth Schedules inserted (20.7.1998) by 1995 c. 27, s. 6, **Sch.**; S.I. 1998/1505, **art. 2**

- ^{F86}
- The Commission shall establish its own rules, including rules for the presidency of the Commission and the presidency of the Chamber. Those rules shall ensure that the functions of the President of the Commission are exercised at all times and that, in the case of an enquiry, they are exercised by a person who is not a national of a Party to the conflict.

Textual Amendments

F8 Fifth and Sixth Schedules inserted (20.7.1998) by 1995 c. 27, s. 6, **Sch.**; S.I. 1998/1505, **art. 2**

- ^{F97}
- The administrative expenses of the Commission shall be met by contributions from the High Contracting Parties which made declarations under paragraph 2, and by voluntary contributions. The Party or Parties to the conflict requesting an enquiry shall advance the necessary funds for expenses incurred by a Chamber and shall be reimbursed by the Party or Parties against which the allegations are made to the extent of fifty per cent of the costs of the Chamber. Where there are counter-allegations before the Chamber each side shall advance fifty per cent of the necessary funds.]

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