



STATEMENT

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Thank you.

Mr. President,

I would like to begin with congratulating you on your assumption of the position of the President of the Assembly of States Parties to the Rome Statute. Being a ministry of justice representative myself I well imagine the workload that you deal with in your capacity of the minister and therefore find your commitment to combine the ministerial duties back home with the presidential ones here at the ASP an extraordinarily commendable decision. I do wish you all the success with your responsibilities and hope that your presidency will have an impact of a positive stimulation of the concerns put by some of the members of the assembly on whether the voice of the African continent is properly heard within the ICC.

Mr. President,

Excellencies,

Dear colleagues,

Since our last gathering for the ASP in November 2013 the ICC has attained some important accomplishments, but faced some new challenges too.

Georgia remains a full supporter of the ICC as an institution and the very idea of international criminal justice, mass atrocity prevention and fight against impunity.

In line with my last year's pledge made at the general debate of the twelfth session, Georgia has ratified and just very recently submitted the instrument of ratification of the crime of aggression amendments to the Rome Statute made during the review conference in Kampala.

On a broader scale of international cooperation in prevention of mass atrocities and fight against impunity we remain full supporters of the initiative to open negotiations with all states on a new multilateral treaty on mutual legal assistance and extradition concerning the crime of genocide, war crimes and crimes against humanity. We find that this initiative offers an excellent opportunity for accommodating the concerns of some of the members of the assembly regarding the need of the broader role for the national criminal justice authorities in the process of the positive complementarity under the Rome Statute. We therefore invite all states who have not yet done so to join in and support the initiative.

In being equally attentive to the need of permanent strengthening of our national capacity for the full realization of the positive complementarity in practice we continue our work into that direction. We are currently at the stage of finalizing the arrangements necessary for the full launching of a new national capacity strengthening project with one of the leading international expertise hubs in this field – the Case Matrix Network.

In relation to the preliminary examination of the situation in Georgia by the Office of the Prosecutor I would like to reiterate what I already said last year: just as much as we fully take the responsibility for a proper, good faith performance of our obligations under the Statute, we nonetheless may have to acknowledge that there are precluding circumstances beyond our impact.

Mr. President,

As we are currently at the midst of elections of judges to fill in the six vacancies on the bench of the Court, I would like to draw your attention to the matter that has raised our serious concern on integrity of the pre-election process. At this point, I have to say that until the very last moment I was still hoping to be able to avoid the need of discussing it here. However, the lack of any response on our concern from its immediate addressee leaves us no choice but to discuss it here as well.

As we all know, our primary consideration behind the idea to create the Advisory Committee on Nominations was to stimulate the quality control in the process of national nominations of candidates for the elections of judges. The ACN committee has been tasked to provide an authoritative guidance on the qualifications of candidates for the elections. As the ongoing elections are the first major test to the efficiency of the ACN committee, I would like to note with regret that its very involvement as an expert body in the electoral process has unfortunately brought about some additional complications rather than clarifications about the qualifications of the candidates.

Namely, in the case of our candidate the ACN committee questioned in its report his experience in deciding criminal cases in his former capacity of the chief justice at the Supreme Court of Georgia based on its own factual error asserting that the candidate does not have such an experience since the Supreme Court of Georgia – for the reasons named in the committee’s report that in fact never existed in reality – stopped considering criminal cases shortly after our candidate became its chief justice. The reality is, that contrary to the committee’s statement in the report asserting that the Supreme Court of Georgia became a classical court of cassation in 1992 it was transformed into such only in 2005.

We of course immediately addressed the ACN committee and in addition to providing it with correct information of the structural evolution of our Supreme Court submitted in addition the statistics showing that our candidate participated in deciding over one thousand (and namely 1173) criminal cases during his service at the Supreme Court.

But the worst, Mr. President, came afterwards. Not only the ACN committee did not make an appropriate corrections of its manifestly erred factual assertions in the report, but it did not even consider it worth to have any direct communication with us on this. All our efforts to engage in a constructive resolution of this problem were turned down without even providing us with an opportunity of such a communication.

Mr. President,

For years now we are speaking about the need of a greater transparency in the work of international institutions. We speak about it here within the ASP and while referring to it in general, always agree on the need for it.

Going from the general theme of transparency to this particular instance of the lack of it, we have to acknowledge that the first serious test of the ACN committee has revealed that its working methods as they currently stand make it an opaque body within the institution that generally aspires towards transparency.

It is clear to us that the manifest factual errors made by the committee in its assessment of candidates cannot be left without a remedy mechanism in the future, as they were left this time causing a substantial damage to our candidate and the level playing field in the electoral process. We therefore intend to follow-up on this and propose to introduce a simple and transparent method for ascertaining of what was and was not said during the interviews. We think that keeping some records of the interviews will bring about a definitive resolution of this serious problem and will at the same time be a great step towards further transparency and inclusiveness of the whole process.

Mr. President,

At its earliest stage, prevention of mass atrocity crimes requires building national societies on an inclusive political and economic institutions. Inclusiveness cannot come without transparency. And if we are here to assist the national societies in making further their definitive turns towards inclusiveness and transparency we should make sure that this institution and its bodies are the examples of that. A single instance of unfair treatment bears a great risk of affecting the whole process.

As today, on the 10<sup>th</sup> of December each year, we are celebrating an international human rights day, I would like to conclude by the words of one of the greatest human rights activist of all times, Martin Luther King, whose words are a perfect summary of the points I just made: "Injustice anywhere is a threat to justice everywhere. We are caught in an inescapable network of mutuality, tied in a single garment of destiny. Whatever affects one directly, affects all indirectly."

I thank you for your attention!