

ICC Assembly of States Parties, 17th Session (December 5-12, 2018).
Georgian Coalition for International Criminal Court

Mister President, Excellencies, ladies and gentlemen, I am honored to address the ICC Assembly of State Parties as a chair of Georgian Coalition for ICC which unites Georgian NGOs dedicated to promote justice and accountability for the most serious crimes at the national and international levels.

We have been engaged for many years in calling for justice for the victims of the 2008 Russia-Georgia war, known as the August War. Our organizations represented more than one thousand victims who have suffered as a result of that conflict before International Criminal Court and European Court of Human Rights.

Since the opening of the ICC investigation in January 2016, we have observed that there is a critical lack of awareness among the victims and affected communities of the 2008 armed conflict in Georgia regarding the ongoing investigation, as well as among the general public and the media. Georgia belongs to the region where not much is known about the Court and its activities. Outreach and public information activities are fundamental in order to increase victims' understanding about the Court, to enable them to follow the ICC process, and inform them what role they can play in investigation and other court proceedings. It is crucial to conduct comprehensive, locally focused information and outreach activities in Georgia now in order to prepare ground for victims' participation at later proceedings and ensure that victims' voices are heard in the process of truth seeking.

Although the ICC opened a Country Office in Georgia in December 2017, equipped with various functions, including outreach and communication to victims and affected communities, the lack of resources and under staffing of the office raises questions as to how much this office can actually achieve. The office critically lacks essential resources for reaching out to the large community of victims in Georgia, and for conducting comprehensive public information and outreach activities, including relevant mapping and analysis conducive to victims' participation at ICC proceedings. We would like to call on the member states to provide essential funding to the Court and to oppose arbitrarily limiting the Court's 2019 budget, which would undermine the Court's ability to deliver fair, effective, and efficient justice all around the world, including in Georgia.

While still waiting for the justice 10 years after the war, victims and affected communities in Georgia are suffering from the effects of crimes committed during the war. As a result of 2008 August War, about 28 thousands of Ethnic Georgians have been displaced and 20% of Georgia is occupied by the Russian Federation. The victims living in the conflict zone are subjected to ongoing persecution in the villages along the Administrative Boundary Line (ABL) to occupied Tskhinvali region (South Ossetia), where due to continued "borderization" process and installment of barbed wires by the Russian Federation, victims are suffering from the violation of freedom of movement, arbitrary killings, torture and inhuman treatment, violations of right to liberty and security, right to private and family life, housing and property on a regular basis, including numerous cases of abductions and illegal detentions where victims have no possibility

to contact their family on the other side of ABL. Moreover, the perpetrators of these crimes remain unpunished due to the lack of will and accountability. Victims living in this area are also suffering from the grave economic and social consequences of war, including loss of land and property, destroyed infrastructure and grave living and housing conditions.

As for the displaced victims, they are currently living in grave conditions, in various IDP cottage settlements with inadequate housing and living standards, lack of employment opportunities and income generating activities.

Considering ongoing socio-economic problems of victims which directly derive from the crimes committed during the 2008 August War, we would like to call on the member states to increase their support for ICC Trust Fund for Victims. As the Court is taking more complex and bigger cases, it creates bigger role for ICC Trust Fund for Victims. Therefore, state parties should strengthen their support to Trust Fund so it can effectively implement its assistance mandate.

One of the biggest challenges for the ongoing ICC investigation in Georgia is Russia's refusal to cooperate. The Russian Federation has officially withdrawn its signature from the Rome Statute and refuses any kind of cooperation with the Court unlike Georgia which is the member state of the Rome Statute and is obliged to cooperate with the Court. Therefore, there is a risk that in case of issuing arrest warrants against individuals representing all three sides of the armed conflict - Russian, Ossetian or Georgian - only Georgians may be brought to justice, considering that Russia will most likely refuse to hand its citizens or people residing in the territory under its effective control to the Court, while Georgia will bear the obligation to hand its citizens to the Court. In this case, the Court will largely lose public support in Georgia which will negatively affect the public perceptions regarding the Court in the whole region. Therefore, we would like to call on the member states to exert pressure on Russia to cooperate with the Court, as well as provide necessary support to the Court from their side, especially when it comes to the arrest of the possible suspects, in order to ensure that justice is not one-sided in Georgia case.

We urge the member states to keep Georgia case in focus - as it is a first case outside of Africa which brings lot of interest towards the Eurasia region and is a test case for other countries, including Afghanistan, Palestine and Ukraine who are awaiting ICC investigations.

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