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General Debate

Georgian Young Lawyer' Association  
Natia Katsitadze

Madam President, honourable delegates of the ASP, ladies and gentlemen, it is a great pleasure to be present for the general debate and have the opportunity to make this statement.

My name is Natia Katsitadze and I am the Strategic Litigation Lawyer for the Georgian Young Lawyers' Association (GYLA). GYLA is a member of the Georgian National Coalition for the International Criminal Court, as well as a member of the Steering Committee of the CICC.

More than three years have passed since the announcement of the opening of a preliminary examination by the OTP into the armed conflict between Georgia and Russia in August 2008. Evidence from various sources indicates that grave crimes occurred during the conflict, including war crimes and crimes against humanity. As a result of the conflict, over 23 thousand people have been forcibly displaced, villages have been torched and razed to the ground and the territory of South Ossetia has been completely cleansed of ethnic Georgians. Evidence is available about crimes committed by both sides to the conflict.

The OTP has stated that it is currently monitoring national investigations and prosecutions of these crimes in both Georgia and Russia. However, the national investigations in Georgia – a State Party - have now been ongoing for three years without any progress or conclusion. As a representative of around 400 individuals affected by the August war, GYLA has extensively communicated with the Georgian and Russian authorities, providing them with information and evidence on specific cases revealing violations amounting to crimes falling under the jurisdiction of the ICC. However, no adequate responses have ever been received. Moreover, no information whatsoever is available to the victims, their legal representatives, or to the general public about the progress and developments of the national investigations. Furthermore, after the legislative amendments introduced in July 2010, Georgia has made classified all information related to the cases pending before international tribunals.

At the same time, the Russian Federation has repeatedly refused GYLA's requests to investigate the crimes allegedly committed by the Russian military and/or Ossetian militias during the conflict. The RF officially stated that the criminal cases pending before Russian investigative authorities concern allegations of genocide and massive killings of Russian citizens residing in the Republic of South Ossetia, as well as of Russian peacekeepers. Russian authorities state that they have no jurisdiction to investigate violations against non-Russian nationals committed outside its national territory.

In addition, in the absence of any attempts towards co-operation between Russian and Georgian investigative authorities, the fact that the Georgian authorities are unable to access South Ossetia, where the most serious crimes were committed, makes Georgia unable, even if it was willing, to effectively investigate some of the most serious crimes committed during the 2008 war.

We believe that the victims of the Georgian-Russian war deserve to see justice done, that these serious crimes do not go unpunished and that there should be no impunity for the officials of either state should they be found guilty of such crimes.

We would like to remind the Assembly that according to the principle of complementarity, all States Parties have the primary obligation to investigate and prosecute Rome Statute crimes at the national level. They must equally cooperate with the Court in its own investigations and prosecutions. In this vein, we would like to acknowledge the efforts to date of the Georgian authorities to engage with the ICC OTP.

However, as very limited information is available to the victims and civil society about the pending national investigations, we would request that the ICC reinforce its efforts to reach out to victims and communities affected by the August war, in part by providing information about the status of its preliminary examination, including on its findings relating to the extent of national investigations and prosecutions carried out by both Georgian and Russian authorities.

It's critically important that the ICC have sufficient resources to carry out these actions. It therefore deeply concerns my organization to come to the ASP and hear that states are seeking to limit the Court's budget in a way that would impact its ability to execute its mandate in Georgia and in other places around the world where the ICC's involvement is required.

We strongly believe that the preliminary examination status could provide a unique opportunity to serve as a catalyst for the principle of complementarity to be truly effective. Appropriately targeted efforts by the OTP could ensure that national investigations and prosecutions are conducted in a genuine and effective manner with the aim of identifying and prosecuting all alleged perpetrators, so that there is true justice for all victims.

However, as the past years have shown, Georgian national investigations and prosecutions appear at a standstill. As such, on behalf of Georgian civil society, we would encourage the OTP to open an investigation into the alleged crimes committed during the conflict in 2008.

Thank you for your attention.