

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



Statement of the Georgian Coalition for the International Criminal Court on the International Justice Day

On the International Day of Justice, celebrated on July 17 worldwide, the Georgian Coalition for the International Criminal Court composed of the following NGOs - the Georgian Young Lawyers' Association, the Human Rights Centre, Human Rights Priority, the union 'Article 42 of the Constitution', the Centre for the Protection of Constitutional Rights, the International Center on Conflict and Negotiation - addresses and once more calls for the governments of the Russian Federation and Georgia to effectively investigate crimes committed during the August 2008 war.

In the August 2008 war mass and gross violations of human rights and international humanitarian law occurred, *including* signs of ethnic cleansing against ethnic Georgians, premeditated killings of civilians were committed, facts of disappearance, mass destruction of personal property, forceful banishment, unlawful arrests, captivity, torture and inhumane treatment occurred on both sides of the conflict.

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A number of persons affected by the August war applied to the investigative agencies of Georgia and the Russian Federation, seeking investigation into the crimes committed against them. Corresponding official agencies on both sides declare that investigation of war crimes is ongoing but as of now, there are no signs of progress or considerable efforts for the purpose of ensuring effective investigation on part of either of the conflict sides. Furthermore, it should be noted that specifics of investigation of war crimes in Russia and Georgia differ to a certain extent.

In its official statements the Russian Federation straightforwardly rejects the facts of attack of Russian militaries on civilian population and/or civilian objects. Furthermore, in its official letters so far the Office of General Prosecutor of Russia declares that it has been investigating alleged acts of genocide and mass killings committed against the South Ossetian population only who are citizens of the Russian Federation and against the Russian peacekeepers. Clearly such position rules out from the outset any willingness of the Russian Federation to investigate crimes committed by the Russian and Ossetian armed forces against ethnic Georgians.

The Office of the Chief Prosecutor of Georgia has launched investigation into alleged acts of violence against civilians during the warfare on the Georgian territory in August 2008; however, it should be noted that both victims of the war crimes as well as wider public lack information on investigation that has been going on for almost three years now or its consequences. In certain cases, victims are unaware of whether necessary investigative measures have been undertaken in a given proceedings. In a number of investigations of crimes committed against ethnic Ossetians, examination of victims and witnesses is not ensured. In certain cases independence and impartiality of investigation is doubtful; furthermore, despite a number of demands raised by injured parties, the authorities have failed to undertake investigation activities that may have a decisive importance for the purpose of ensuring effective investigation.

Members of the Georgian Coalition for the International Criminal Court believe that effective investigation and prosecution of war crimes is essential for delivering justice and reinstating rights of injured parties, as well as for ensuring accountability of states and eliminating the syndrome of impunity.

The Russian Federation and Georgia are obligated to undertake all measures available for effective investigation and prosecution of crimes committed in the August 2008 war, notwithstanding which side crimes were committed on.

Furthermore, the Georgian Coalition for the International Criminal Court calls on respective agencies of Georgia and the Russian Federation to keep public informed on developments in and consequences of the investigation.

As you may be aware, members of the Georgian Coalition for the International Criminal Court have filed a number of applications against the Russian Federation and Georgia in the European Court of Human Rights, involving gross violations of human rights in the August 2008 war. Furthermore, the Georgian Coalition for the International Criminal Court is actively cooperating with the International Criminal Court in terms of providing information on war crimes committed in the August 2008 war.