



# Letter of Human Rights NGOs in Relation of International Day of Justice and Ongoing ICC investigation in the Situation of Georgia

July 17 marks the adoption of the Rome Statute – founding treaty of the International Criminal Court – and is therefore commemorated as an International Justice Day. The creation of a permanent international criminal court which seeks to punish individuals most responsible for the gravest international crimes, such as genocide, crimes against humanity and war crimes has been a significant development for the protection of human rights and an important achievement for the international community.

The below signatory organizations would like to express solidarity to all victims of international crimes who have been denied justice or are waiting for the justice to be fulfilled.

The victims of alleged war crimes and crimes against humanity committed during

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2008 August War in Georgia are among those for who justice has been delayed.

Since the end of the 2008 August War, we have been constantly advocating for the need of international investigation of war crimes and crimes against humanity that may have been committed during the conflict. In January 2016, we have welcomed the ICC Judges decision to authorize the Prosecutor to investigate ICC crimes allegedly committed in the context of the 2008 August War. We view ICC investigation as crucial for the future of rule of law and democracy in Georgia. The impact of the ongoing process may not be limited to international criminal justice but it will also affect Georgia's socio-economic and political life, as well as regional and international developments.

We would like to reinstate our support to ICC and readiness for cooperation. However, we would like to voice several concerns related to the ongoing investigative process.

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.

Particularly in this early stage of investigation, there is an information gap between what people need and want to know and what the Court has been able to provide to date. The outreach activities implemented by the Court for raising awareness of victims and affected communities have been minimal. Although it has been almost one year and a half since the opening of investigation, the Court has not yet provided approximate timeline regarding the opening of a field office in Georgia.

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We would like to stress that it is crucial that the Court itself delivers accurate, timely and neutral information about the ICC and raises awareness about its role, mandate and activities in Georgia among victims, affected communities, as well as other parts of the Georgian society. There is an urgent need to start comprehensive, locally focused information and outreach activities beyond engagement with civil society organizations in Georgia now, before there might be a case at trial phase.

The field office should be a cornerstone for the Court's outreach and public information activities, as well as for increasing the Court's overall understanding about the local and regional context, without which the court cannot effectively implement its duties. It should also be a place where victims and affected communities are able to provide feedback to the Court, allowing it to integrate their views and perceptions in its activities and processes.

We are concerned that there may be delays in the opening of the field office more than a year and half after the opening of the investigation. We urge the Registry to focus its resources on the opening of the field office and expedite the process to make sure the office becomes operational in the coming months.

When it comes to victims and affected communities, outreach and public information activities are fundamental in order to increase understanding about the Court, and avoid misunderstandings about its mandate. A particular concern among many of the victims with whom our organizations work is what role, if any, victims may play in investigations and other court proceedings. These activities, which will need to be done in coordination and with input from other court organs, in particular the Office of the Prosecutor, will help to promote support for and create a conducive environment for the Court's work in Georgia.

These activities are crucial in order to manage expectations and enable victims and affected communities to follow and understand the ICC process. Once they start hearing about the investigation, victims may have expectations about reparations. It is important that those expectations be managed early on and that victims receive information about their right to participate in ICC proceedings.

Considering the above mentioned, we recommend the following measures:

- ICC field office must be set up as soon as possible in Georgia and fulfill the following functions:
  - Serve as a cornerstone for the Court's outreach and public information activities;
  - Increase the Court's understanding regarding the local and regional context;
  - Prepare foundation for TFV's assistance mandate;
  - Support OTP in implementing its duties on the ground;
  - Act as ICC focal point on the ground & cooperate with various stakeholders including international donors and diplomatic corps;
  - Receive feedback from victims and affected communities and integrate their views in its activities;
  - The Court must provide an approximate timeline regarding setting up of the field office in Georgia and make it public;
  - Before the local office becomes operational, the Registry must provide a temporary solution to the problem, by providing high level (P) representation to fill in the gap. The Registry's proposal should reflect comprehensive strategy on Georgia;
  - The Court should provide necessary information to victims and affected communities itself, including information about the role of the ICC, its mandate and its activities in Georgia;

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- Meetings of Court representatives with victims and affected communities should be more regular, more well-planned and comprehensive;
- The Court should establish open dialogue and continue consultations with the civil society organizations;
- The Court should develop outreach strategy on Georgia and make it public.

## **Signatory Organizations:**

Article 42 of Constitution

Georgian Center for Psychosocial and Medical Rehabilitation of Torture Victims (GCRT)

Georgian Young Lawyers Association (GYLA)

Human Rights Center

Norwegian Helsinki Committee

Open Society Georgia Foundation