

**FOR IMMEDIATE RELEASE**

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ICC opens investigation in Georgia

Prosecutor authorized to investigate alleged grave crimes during 2008 conflict in Georgia

WHAT: On 27 January 2016, judges of the International Criminal Court (ICC) authorized a request by the Office of the Prosecutor (OTP) to investigate ICC crimes allegedly committed in the context of the 2008 armed conflict in Georgia, which also involved Russia, over the self-proclaimed territory of South Ossetia.

HOW: Pre-Trial Chamber I concluded that there is a reasonable basis to believe that crimes within the Court's jurisdiction were committed in and around South Ossetia, Georgia, between 1 July and 10 October 2008. The Chamber received the representations by or on behalf of 6,335 victims of the conflict on 4 December 2015.

WHY: In its October 2015 request to judges, the OTP concluded that there was a reasonable basis to believe that crimes under ICC jurisdiction were committed in South Ossetia, and in areas in a "buffer zone," from at least 7 August to 10 October 2008. The prosecutor has requested authorization to investigate from 1 July to 10 October 2008. These may include alleged war crimes committed in the context of forcible displacement of ethnic Georgians from South Ossetia as well as attacks against peacekeepers, and several counts of crimes against humanity.

NEXT STEPS: The ICC prosecutor can now investigate alleged crimes committed on the territory of Georgia by all individuals, regardless of their citizenship. The prosecutor may present one or more cases to ICC judges, who will decide whether to issue arrest warrants or summonses to appear.

COMMENTS: "After almost 8 years since the August 2008 war, perpetrators continue to live with impunity while victims of grave human rights and international humanitarian law violations are left without any redress, the long-awaited opening of an ICC investigation and prospects for justice is welcome," **said Ana Natsvlishvili, chair of the Georgian Young Lawyers Association.** "We welcome the fact that the Judges clarified that the prosecutor can investigate all relevant acts and crimes as long as they are sufficiently linked to the 2008 conflict, and would fall within the Court's jurisdiction."

"We hope that the prosecutor will look into alleged attacks against and unlawful deprivation of liberty of civilians, sexual violence, alleged war crimes committed against Georgian prisoners of war and of civilians; as well as crimes committed in the region of Abkhazia, as victims reminded the judges," **Natsvlishvili added.**

"The Coalition urges ICC states parties as well as international and regional organizations to

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cooperate fully with the Court and the prosecutor in this investigation. This includes facilitating the gathering of evidence as well as ensuring the arrest of suspects since the Court does not have its own police force,” said **Virginie Amato, Regional Coordinator for Europe at the Coalition for the ICC**. “It is crucial that the Court now develops a clear and tailored communications strategy, to reach out to victims and affected communities, and civil society, governments, media and the public at large, and start activities as soon as possible,” **Amato continued**.

“The Georgia investigation is a reminder that the ICC is dealing with more and different kinds of cases than envisioned at its creation in 1998,” said **Elizabeth Evenson, senior international justice counsel at Human Rights Watch**. “The court and its member countries should face reality about what the ICC will need in resources, in cooperation, and in political support to deliver on its mandate in this changed landscape.”

BACKGROUND: Georgia ratified the Rome Statute on 5 September 2003, giving the Court jurisdiction over ICC crimes committed in the country from 1 December 2003 onwards. The OTP had been examining the situation in Georgia since 14 August 2008 in order to determine whether an investigation is warranted. The latest phase of the OTP assessment was examining whether effective national investigations were taking place into these crimes in Georgia and Russia. The OTP’s request to judges concluded that obstacles and delays hampered investigations in both countries, and that an ICC investigation was necessary as national proceedings in Georgia have recently stalled.

This is the third time OTP uses *prioprio motu* powers to start an investigation on her own accord based on evidence her office received of alleged crimes. The OTP had previously requested judges to open investigations in Kenya and Côte d’Ivoire. The prosecutor only has to request judicial authorisation for the opening of an investigation when using *prioprio motu* powers (as opposed to a state or UN Security Council referral).

The situation in Georgia is assigned to ICC Pre-Trial Chamber I composed of Presiding Judge Joyce Aluoch, Judge Péter Kovács and Judge Cuno Tarfusser.

The ICC is the world’s first permanent international court to have jurisdiction **over war crimes, crimes against humanity, and genocide**. Central to the Court’s mandate is the principle of complementarity, which holds that the Court will only intervene if national legal systems are unable or unwilling to investigate and prosecute perpetrators of genocide, crimes against humanity and war crimes. There are currently **ten active investigations** before the ICC: the Central African Republic I & II; Democratic Republic of Congo; Darfur, Sudan; Kenya; Libya; Uganda; Côte d’Ivoire; Mali and Georgia. The ICC has publicly issued 33 arrest warrants and nine summonses to appear. Four trials are ongoing. There have been two convictions and one acquittal. **Seven preliminary examinations** currently ongoing, including into situations in Afghanistan, Colombia, Guinea, Palestine, Iraq/UK, Nigeria and Ukraine. The OTP has concluded preliminary examinations relating to Honduras, Venezuela, Palestine, the Republic of Korea and the Comoros referral, declining in each case to open an investigation.

WHO WE ARE: The Coalition for the International Criminal Court is a global network of civil society organizations in over 150 countries working in partnership to strengthen international cooperation with the ICC; ensure that the Court is fair, effective and independent; make justice both visible and universal; and advance stronger national laws that deliver justice to victims of war crimes, crimes against humanity and genocide. www.coalitionfortheicc.org