

**ICC Assembly of States Parties, 14th session (18-26 November 2015).
General Debate**

Georgian Young Lawyers' Association (GYLA)

Mister President, Excellences, ladies and gentlemen, I am honoured to address the ICC Assembly of States Parties as a Chair of the Georgian Young Lawyers' Association, a group of over 800 lawyers across Georgia.

My organisation is representing 400 victims before the European Court of Human Rights who have suffered as a result of the 2008 Russia-Georgia conflict, also known as the "August war."

As evidence from various sources indicates, grave crimes have been committed during the war by all sides to 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. Massive looting, deliberate burning and destroying of houses and property in Georgian villages, as well as willful killings, physical assaults, humiliation, ill-treatment and unlawful deprivation of liberty of ethnic Georgians took place during the conflict. GYLA has lodged complaints before the ECHR regarding violations of the right to life, prohibition of torture, prohibition of forced labour, right to liberty and security, right to respect for private and family life, right to property, freedom of movement and prohibition of discrimination.

In that regard, GYLA has filed a number of applications to the office of the Chief Prosecutor of Georgia as well as with the Office of the Prosecutor of the Russian Federation. We were informed that investigations have been opened in both countries, however we have remained concerned about the limited scope, lack of effectiveness and transparency of the proceedings.

Seven years after the August war, no effective national investigations have been carried out, perpetrators continue to live with impunity while the victims of grave human rights and international humanitarian law (IHL) violations are living their lives without any redress, with a painful feeling of being neglected and forgotten.

During these 7 years we have been calling for justice for the victims and addressing the ICC Prosecutor to open an investigation into the situation in Georgia. Therefore GYLA, as well as other members of the National Georgian Coalition for the ICC, have greatly welcomed the request by the ICC Prosecutor to the Pre-trial chamber to authorize the investigation into the Russia-Georgia conflict.

To ensure a well informed decision-making by the judges, GYLA and other members of the National Georgian Coalition for the ICC have presented the views of the victims to the Court (via victims' representations process). Victims have expressed their strong support for the ICC to investigate alleged crimes committed during the war (willful killings, pillage, destruction of property, forcible transfer of Georgian population committed on the occupied territory of South Ossetia and in the former 'buffer zone' by South Ossetian forces -with possible participation by Russian forces).

Victims have further called upon the judges to expand the scope of the investigation to allow it to cover unlawful deprivation of liberty of ethnic Georgian civilians subjected to torture and ill-treatment, as well as alleged war crimes committed against Georgian prisoners of war; and the alleged crimes against the residents of upper Abkhazia (Kodori gorge) who have been forcefully

displaced during 2008 armed conflict. We believe that the territorial scope of a future ICC investigation should also include the region of Abkhazia and look into the role of the Russian armed forces together with the South Ossetian forces.

Seven years after the conflict, victims and civil society had lost hope that they would ever see justice being rendered. While there is support for the ICC in Georgia, there is an urgent need for information and outreach in Georgia so that the victims, the affected communities and the whole population understand the mandate of the Court and the extent to which it can provide justice.

Still today, due to the continued occupation, many Georgians living close to the so-called *administrative boundary line* (ABL) are facing daily security risks and the threat of again losing their loved ones, their homes, everything... Approximately 23 Georgian villages have been affected by the construction of new barbed –wired fences by the Ossetian and Russian guards alongside the ABL. The residents of these villages are unable to access their agricultural plots as they fall beyond the fences on the occupied territories and thus left without source of income. Moreover, up to date, malpractice of detaining ethnic Georgian villagers due to “illegal crossing” of the so called “border” still persists. Unlike past years, however, detained persons are released after few days as a result of meetings of the Incident Prevention and Response Mechanism (IPRM).

We firmly believe that an effective investigation and prosecution of crimes committed during the *August war* is not only the right of the victims, but the duty of the international community to keep its promise that the most serious crimes must not go unpunished.

We hope to see justice served!
Thank you for your attention.