



Georgian Coalition for the International Criminal Court

[www.gcicc.ge](http://www.gcicc.ge)

11 December 2020

Tbilisi, Georgia

## **The Statement of the GCICC for the 19<sup>th</sup> Session of the Assembly of State Parties**

Georgian Coalition for International Criminal Court (GCICC) takes opportunity to address the state parties of the International Criminal Court at the 19<sup>th</sup> Session of the Assembly of State Parties (ASP) requesting to strengthen and increase its support to the ICC, the Rome Statute system and the Trust Fund for Victims.

We have been engaged for many years in calling for justice for the victims of the 2008 August War. Our organizations represented more than one thousand victims who have suffered as a result of the 2008 Russia-Georgia armed conflict (also known as the August war) before International Criminal Court and European Court of Human Rights.

Almost 5 years have passed since the ICC opened the investigation into the situation of Georgia and more than 12 years – since the conflict. Despite the length of the time passed, the traumas of the war are still intensely felt by the victims and their communities in Georgia. This reality is further aggravated by the critical problems that victims are experiencing when it comes to their living conditions, lack of income generating activities and employment opportunities, inadequate access to the health protection services and psychosocial rehabilitation. While waiting for the concrete results from the investigation and justice to be served, the harms that the victims have suffered and are still reliving in their daily life must be alleviated. [We have widely documented and brought these issues](#) to the attention of the Court, its different organs and the Trust Fund for the Victims as we engaged in the intensive dialogue for the protection of the rights of victims. The 30 November 2020 decision of the board of the ICC Trust Fund for Victims to approve the implementation of assistance program in Georgia and address the injuries of the victims resulting from the 2008 armed conflict is significant step for the promotion of victims' central role in the ICC process. The Trust Fund for Victims decided to carry out [concrete assistance projects](#), such as medical treatment, psychological rehabilitation and material support including livelihood assistance, for the support of victims in Georgia. We welcome this decision and hope that the implementation process will include continued cooperation and consultation with the civil society organizations and victims' communities.

The significance of the start of the assistance program in Georgia demonstrates the special role that the Trust Fund for Victims plays in the system of ICC in terms of advancing the central role of the victims and promoting their meaningful engagement in the ICC process. As the Court is taking more complex and bigger cases, it creates bigger role for the ICC Trust Fund for Victims. Therefore, we would like to call on state parties to strengthen and increase their support to Trust Fund so it can effectively implement its assistance mandate in Georgia as well as in other situation

countries and alleviate the harms that the victims continue to suffer in their daily lives everywhere.

This year's ASP is pivotal. As the report from the Independent Expert Review (IER), commissioned by the 18th Assembly of State Parties [recently came to light](#), the current ASP opens the door for starting discussion and dialogue for addressing the critical issues regarding the work of the ICC as revealed by the IER report. The report well reflects systemic problems in the work of the Court which undermine its effectiveness in the fight against global atrocities, including its governance, structure and management.

The GCICC has had opportunity to share its observations regarding the gaps in the work of the ICC to the independent experts based on its engagement with different organs of the Court in relation to the Georgian situation. We have shared views and recommendations to the independent experts in relation to specific issues, such as procrastinated preliminary examination, need of guarantees of evidence protection, gaps in the process of the submission of the representation forms on behalf of victims, lack of victims' meaningful involvement in the preliminary examination and investigation stages, lack of awareness raising and informational activities to victims and general public during the preliminary examination and investigation phases and problems related to the length of the investigation and its secret nature. These issues are not pertaining only to the case of Georgia, but reflect the general problems across different spectrum of ICC situations and investigations. The common theme is the lack of victim oriented approach in all stages of ICC process and in the overall work of the Court.

Most of our concerns and recommendations have been noted by the independent experts and are included in the report. The fact that the grassroots voices are reflected in the report gives us hope of meaningful outcome as the process goes forward. It is crucial that the subsequent dialogue for addressing the issues revealed by IER report is genuine and it involves wide range of civil society organizations, including those working on the local level as well as victims' communities.

In order to comprehensively address and eradicate the problems revealed by the independent experts, the Court will have to go through structural and statutory changes that will require intensive dialogue among the state parties and civil society organizations through different formats. Moreover, it is crucial that the States Parties demonstrate their commitment to the institution they have found and publicly reaffirm their position with regard to ongoing reform. We believe that the consideration of recommendations of independent experts and implementation of relevant reforms will strengthen the Court and the Rome Statute system, make it more independent and effective in its fight against global atrocities, as well as more victim oriented institution. We stand ready to closely engage in the process of dialogue and offer our continued support.

Yours sincerely,

Nino Jomarjidze 

Chair of the Georgian Coalition for the ICC (GCICC)

*Member organizations of the GCICC:*

Georgian Centre for Psycho-social and Medical Rehabilitation of Torture Victims

Georgian Young Lawyers' Association

Human Rights Center

Human Rights Priority

International Center on Conflict and Negotiation (ICCN)

Justice International

Rights Georgia