



FOUR YEARS HAVE PASSED SINCE OFFICE OF THE PROSECUTOR OF THE HAGUE COURT LAUNCHED AN INVESTIGATION INTO THE AUGUST 2008 WAR CRIMES

Today, four years have passed since the Office of the Prosecutor of the International Criminal Court launched an investigation into the situation in Georgia. The investigation was preceded by a seven-year preliminary investigation period, which began on August 15, 2008. Despite the considerable amount of time has passed, there has been neither an effective investigation of the crimes committed during the

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August 2008 war and nor the prosecution of perpetrators.

Hundreds of people were killed in the August 2008 war, many civilians and military personnel were injured and their fundamental rights were violated. During the war, there were cases of premeditated murder, disappearance, mass destruction and robbery of property, forced displacement and persecution, attacks on civilians, unlawful deprivation of liberty, torture and inhuman treatment.

The International Criminal Court has been investigating the cases for four years which are war crimes and crimes against humanity. Specifically, in October 2015, prosecutor Fatou Bensouda petitioned the Pre-Trial Chamber and requested permission to launch an investigation. On January 27, 2016, the Pre-Trial Chamber of the International Criminal Court allowed prosecutor Fatou Bensouda to launch an investigation into crimes committed during 2008 was in Georgia.

The decision of the Pre-Trial Chamber outlined the scope of the investigation, which included: War crimes and crimes against humanity committed by Russian and Georgian Armed Forces or de facto forces of Ossetia in or near South Ossetia between July 1 and October 10, 2008.

On January 27, 2020, four years have passed since the Office of the Prosecutor of the Hague Court is proceeding the investigation. It is noteworthy that the investigation is significantly delayed compared to all the cases that the court has discussed so far. The ongoing investigation is accompanied by significant challenges that may impede to conduct a comprehensive investigation, to involve victims effectively in the ongoing process and to administer the justice, specifically,

- The affected community and society do not have adequate information on the progress of the investigation, given the confidential nature of the investigation;
- More than 11 years have passed since the August 2008 war. During this period many injured witnesses died and numerous evidence was destroyed;
- Since the beginning of the investigation, the Russian Federation has not cooperated with the Office of the Prosecutor of The Hague Court;
- Despite the gravity and scale of the crimes committed by the Russian Federation during the August war, neither perpetrators have been identified and nor prosecuted so far.

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On December 2-7, 2019, at the 18th Session of the Assembly of the States Parties to the International Criminal Court in The Hague, prosecutor Fatou Bensouda noted that the investigation into the situation in Georgia was an inactive phase and could achieve some results soon.

An effective investigation of war crimes and the punishment of perpetrators is essential to restore justice and the rights of victims and to eliminate the impunity syndrome. Accordingly, we call on the Office of the Prosecutor of the International Criminal Court to provide:

- Complete the investigation within a reasonable time and inform victims and the public periodically of the progress of the investigation;
- Pay special attention to crimes against humanity such as the forced displacement and prosecution of ethnic Georgians and war crimes - an assault on civilians, premeditated murder, destruction of property and robbery;
- Issuance of arrest warrants to senior officials most responsible for the offenses committed.

The member organizations of Georgian Coalition for International Criminal Court:

Georgian Young Lawyer's Association

Human Right Center

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

International Center on Conflict and Negotiation (ICCN)

Article 42 of the Constitution

Justice International