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Statement of the GYLA regarding the Day of International Justice

On July 17, the world marks the Day of International Justice. We believe that the creation of the international system of justice in the form of the International Criminal Court – whose foundations were laid on July 17, 1998, with the adoption of the Rome Statute – is one of the most important achievements of the international community. Perpetrators of international crimes – genocide, war crimes, and crimes against humanity – must not remain unpunished regardless of their official status, and it is possible to achieve this goal through the International Criminal Court.

The Georgian Young Lawyers' Association expresses solidarity with victims of these extremely grave crimes. They also include hundreds of individuals who suffered at the time of the August War between Russia and Georgia in 2008. We welcome the fact that this year the Hague Tribunal authorized its Prosecutor to investigate the crimes committed during the August War. [1] We express hope that this investigation will make it possible to establish the truth, to identify the perpetrators and to bring them to trial, and to restore the victims' rights.

Since 2008, the GYLA has been defending the interests of about 400 persons afflicted as a result of the August War before both national and international institutions. In particular:

- With the aim of obtaining information about the investigations launched into the alleged crimes committed during the war, the GYLA has applied several times to the prosecutor's offices of both Georgia and the Russian Federation since 2008. We believe that the ongoing investigations contain considerable deficiencies and that the investigations fail to meet the standard of effective investigation. Eight years after the war, not a single perpetrator has been identified, let alone punished. No significant investigative actions have been taken in connection with the case. Despite our

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numerous demands, the majority of the persons being represented by the GYLA were granted the status of victim only after six years after the launch of the investigation, specifically in 2014.

- In 2009, we submitted 53 applications to the European Court of Human Rights on behalf of up to 400 individuals who suffered damage during the August War of 2008.
- In 2009, the GYLA took part in the publication of a report of NGOs entitled “August Ruins” which deals with violations of human rights and norms of humanitarian law at the time of the August War of 2008; this report constitutes a very important document containing the testimonies of dozens of witnesses and photos about crimes committed during the war;
- In 2009, the GYLA, together with other NGOs, notified the Prosecutor of the International Criminal Court that grave violations of human rights had taken place at the time of the war of 2008. The aforementioned was based on documentary materials submitted by the GYLA and its partner organizations, including on the report “August Ruins”;
- On April 24, 2012, the GYLA, together with its partner organizations, sent an open letter to the Prosecutor of the International Criminal Court requesting investigation of crimes committed during the war of 2008;
- On November 12, 2015, dozens of war victims sent their opinion to the International Criminal Court through the GYLA, requesting authorization to launch an investigation in Georgia. The victims supported the Prosecutor’s request for authorization of an investigation, because they hope that the ICC will identify and try those responsible for grave human rights violations at the time of the war of 2008 and ensure the rehabilitation of the victims.

Investigation of genocide, crimes against humanity, and war crimes and punishing the perpetrators is, first of all, the right of the victims of these crimes; however, the aforementioned is also an obligation of the international community. The Georgian Young Lawyers’ Association is still ready to continue cooperation with the Hague Tribunal and with all international and local mechanisms in order not to let the crimes committed during the August War go unpunished.

Additional information about the International Criminal Court (ICC):

On July 17, 1998, at the UN diplomatic conference in Rome, representatives of 120 states signed an international treaty – the Rome Statute – by which these states established the International Criminal Court (ICC). This court is the first independent standing international body which aims at preventing such extremely grave crimes as genocide, war crimes, and crimes against humanity and at punishing the perpetrators. Today, the jurisdiction of the ICC has been recognized by 124 states, including by Georgia in 2003. The number of these states increases periodically.

The jurisdiction of the International Criminal Court extends to the territories of member states or to crimes committed by citizens of member states, as well as to the territories of non-member states when the UN Security Council requests the ICC to instigate a case. It is noteworthy that the jurisdiction of the ICC is complementary. This means that the ICC launches an investigation only if the country that has jurisdiction over the case concerned cannot or does not want to properly administer justice itself, i.e. to conduct an investigation and to bring the perpetrators to trial.

Currently, the Office of the Prosecutor of the International Criminal Court is conducting preliminary inquiries in eight countries (the preliminary inquiries deal with matters into which investigations may be launched). These countries include Afghanistan, Burundi, Colombia, Iraq, Palestine, Guinea, Nigeria, and Ukraine. The ICC has launched investigations into alleged war crimes and crimes against humanity in the following nine countries: the Democratic Republic of the Congo, the Central African Republic, Uganda, Sudan (Darfur), Kenya, Côte d'Ivoire, Lebanon, Mali, Georgia (regarding the Russia-Georgia war of 2008).

[1] On the basis of the decision of the International Criminal Court of January 27, 2016, the Office of the Prosecutor of the ICC launched an investigation into crimes committed in Georgia – in the territory of South Ossetia and surrounding areas – in the period from July 1 to October 10, 2008. According to the Prosecutor of the ICC, crimes such as crimes against humanity and war crimes may have taken place in the aforementioned period.