



NORWEGIAN HELSINKI COMMITTEE
DEN NORSKE HELSINGFORSKOMITE



Human Rights Center (HRIDC)
Norwegian Helsinki Committee (NHC)
International Federation for Human Rights (FIDH)

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Georgia must enable access to justice for victims of 2008 war

Human Rights Center (HRIDC), Norwegian Helsinki Committee (NHC) and International Federation for Human Rights (FIDH) call on the Georgian authorities to take concrete steps towards accountability for crimes committed during 2008 war, including, renew investigative activities, ensure access of victims of the August 2008 war to their national case file and renew communication with the victims in order to respect their rights to effectively participate in national proceedings.

On 21 December 2016, HRIDC representatives visited Tserovani settlement for Internally Displaced Persons (IDP) on the outskirts of Tbilisi where they spoke with the victims of the August 2008 war, including individuals on behalf of whom they sent victims' representation forms to the International Criminal Court in November 2015 with the request to open an investigation¹.

This visit demonstrated once again that the Georgian authorities have not engaged into significant investigative steps and have no adequate communication with the victims. The investigative bodies communicated with the victims only once in 2008/2009 when the victims filed their initial complaints to the police and prosecution. Since then, the law enforcement bodies never contacted the victims and did not give them any information about the proceedings and the stages of investigation. From the 193 victims represented by HRIDC, only 32 were given official victim status, but even these 32 victims do not have access to their case file.

Most of the victims have never heard about the International Criminal Court and they do not know that the Court opened investigation of 2008 August war in 2015.

Our organizations remind the Georgian government that the investigation by ICC does not mean that Georgian government is free from the obligations to investigate the crimes committed on Georgian territory in 2008.

¹ For more information, see in particular the ICC Registry's Report on the Victims Representations Received Pursuant to Article 15(3) of the Rome Statute, 4 December 2015: https://www.icc-cpi.int/CourtRecords/CR2015_23215.PDF

According to Rome Statute, ICC has jurisdiction over “the most serious crimes of international concern”, such as genocide, crimes against humanity and war crimes. Some victims of 2008 August war might not fall within the jurisdiction of ICC, but they have suffered grave losses – deterioration of health, loss of property, valuables and belongings, etc.

Considering the principle of complementarity of International Criminal Court, Georgian government is obliged to implement investigation within its own capacities. The failure of Georgian government to conduct any investigative activities violates this principle, as well as rights of many victims.

Our organizations call upon the Office of Prosecutor of Georgia to take concrete steps for the investigation of crimes committed during the August 2008 war:

- Effectively communicate with the victims, give them information about the proceedings;
- Grant victims with official victim status access to their case files;
- Collect and analyze the evidence;
- Grant status to the victims who do not hold official status;
- Search information about the possible victims and their current location.

These investigative efforts and measures towards effective victims' access to justice at national level are crucial, including for a successful cooperation with the ICC.