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No.: ICC-01/15

Date: 4 December 2015

PRE-TRIAL CHAMBER I

Before: Judge Joyce Aluoch, Presiding Judge
Judge Cuno Tarfusser
Judge Péter Kovács

SITUATION IN GEORGIA

PUBLIC

With Public Annex A and Confidential Annex B

**Report on the Victims' Representations Received Pursuant to Article 15(3) of
the Rome Statute**

Source: Registry

Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

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**Victims Participation and Reparations
Section**

Ms Fiona McKay

Other

The Registrar of the International Criminal Court (the “Court”);

NOTING the Prosecutor’s Request to Pre-Trial Chamber I (“the Chamber”) for authorisation of an investigation pursuant to article 15 of the Rome Statute (the “Prosecutor’s Request”) first notified on 13 October 2015¹ and the publication of the Prosecutor’s notice to victims on the Court’s website on 13 October 2015;²

NOTING articles 15(3) and 68(1) of the Rome Statute (the “Statute”), rules 16, 50(1) and (3) and 85 of the Rules of Procedure and Evidence (the “Rules”), and regulations 23*bis*, 24*bis*, 38(2)(a), 50(1) of the Regulations of the Court (the “Regulations”);

CONSIDERING that in the 30 day period following the notification of the Prosecutor’s Request, the Registry has received 69 representation forms on behalf of 6,335 victims relating to the Situation in Georgia;

CONSIDERING that annex B of the present filing is submitted with the status “Confidential” because it contains sensitive information pertaining to the safety and physical well-being of victims or intermediaries;

CONSIDERING that on 4 December 2015, the Registry transmitted to the Chamber and to the Prosecutor 69 victim representation forms received in relation to the Situation in Georgia;

TRANSMITS to the Chamber and the Prosecutor the Registry’s report on the victims’ representations received in accordance with article 15(3) of the Rome Statute.

¹ The Registry notes that several corrigenda have since been notified, the latest on 17 November 2015, ICC-01/15-4-Corr2.

² Link to the OTP’s Notice Document on the ICC’s website: https://www.icc-cpi.int/iccdocs/otp/Article_15_Application--Notice_to_victims-ENG.pdf.

Introduction

1. On 13 October 2015, the Prosecutor filed her request for authorisation to open an investigation pursuant to article 15(3) of the Statute (the “Article 15 process”) and on the same day published a notice on the ICC’s website (the “Notice”) inviting victims to “make their representations in writing to the Pre-Trial Chamber, which they should channel through the Victims Participation and Reparations Section (“VPRS”)”³ of the Registry.
2. In accordance with rule 16 of the Rules and regulation 50(1) of the Regulations, the Registry took steps to notify victims and their representatives of the 30-day deadline for submission of representations while also organising and facilitating the process in the field. At the conclusion of the 30-day deadline, the VPRS had received representations on behalf of 6,335 victims in relation to the Situation in Georgia.
3. On 4 December 2015, the Registry transmitted all of the victims’ representations received to both the Chamber and the Prosecutor and has prepared the present report in accordance with guidance received from the Chamber.⁴ The present report will cover the following topics:
 - I. Design and Implementation of the Article 15 Victim Representation Process in the Situation in Georgia;
 - II. Details and Statistics on the Representations Received;
 - III. Results and Analysis;
 - IV. Conclusions

³ *Id.*

⁴ Telephone communication between the Senior Legal Advisor, Pre-Trial Division and the Chief of the VPRS on 30 October 2015.

I. Design and Implementation of the Article 15 Victim Representation Process in the Situation in Georgia

Lessons learned from previous experiences

4. The Situation in Georgia represents the third time that the Article 15 procedure has been initiated at the Court with two prior experiences in the Situations in Kenya⁵ and Côte d'Ivoire⁶ ("CIV") respectively. In the Registry's report to Pre-Trial Chamber III relating to CIV, the Registry noted the following lessons learned:

- Significant efforts are required to assist victims in understanding the nature and purpose of the Article 15 process and to manage their expectations;⁷
- Collective representations make the entire process more efficient and ensure that a wider group of victims make representations in a relatively short period of time;⁸
- Reducing the formal requirements for victims to make representations considerably enhances the accessibility of the process, especially given the short timeframe available and the limited purpose of the process;⁹
- Creating a standard form for the Article 15 process encourages victims and victims' representatives to focus on the limited nature of the exercise while at the same time providing the background information required to ensure that the representations are being made on behalf of victims falling under the definition of rule 85 of the Rules.¹⁰

⁵ ICC-01/09-3.

⁶ ICC-02/11-3.

⁷ ICC-02/11-11-Red, para 94.

⁸ ICC-02/11-11-Red, para 78.

⁹ ICC-02/11-11-Red, para 75.

¹⁰ ICC-02/11-11-Red, para(s) 86-87.

5. With these lessons in mind, and in close consultation with the Chamber¹¹, the Registry organised the process in the Situation in Georgia in a manner that sought to encourage collective submissions from victims' representatives¹² so as to ensure that as many victims as possible would be able to make representations to the Chamber within the 30-day deadline.

The Article 15 victim representation process in Georgia

6. Following the publication of the Notice, the Office of the Prosecutor (the "OTP") shared some information on the context in Georgia with the Registry. Considering the 30-day deadline for submissions, there was insufficient time for the Registry to conduct background assessments or commission mapping reports. To be in a position to devise a Situation appropriate strategy to facilitate the Article 15 process, the Registry relied on a number of key civil society actors to provide relevant information pertaining to the Georgian context.
7. Following exchanges with civil society and with a view to applying the lessons from past experiences, the Registry presented a proposal, along with a draft representation form, to the Chamber for its approval. The Registry's proposal included the following key components:
 - A standard, simplified form¹³ designed to encourage collective submissions from victims' representatives;
 - Outreach activities to ensure that the relevant affected communities have been notified of the procedure;
 - A mission to the field to explain the process to victims and their representatives, including how representations could be submitted to the Registry, and to gather as much background information as

¹¹ Email communication between the Senior Legal Advisor, Pre-Trial Division and the Chief of the VPRS on 14 October 2015.

¹² In this report the term "victims' representatives" includes *inter alia* legal representatives of victims, Internally Displaced Persons ("IDP") camp leaders, civil society organisations, heads of family, and others who have demonstrated the capacity to represent victims before the Court.

¹³ The Registry has included the representation form designed for the Article 15 process as Annex A.

possible on the structure and the capacity of the victims' representatives to make representations on behalf of victims in the Situation context.

8. The Registry sought to take advantage of the pre-established relationships of trust and lines of communication found in the Georgian context between victims and those legitimately representing them so that:
 - Victims would understand the limited nature of the exercise and would not confuse the Article 15 process with applying to participate in proceedings or requesting reparations;
 - In many instances, it would not be necessary to ask victims to recount what happened because their experiences would already be known by their representatives;
 - The representations would be the product of consultations with the victims;
 - The representations could be completed within the 30-day deadline.

9. The Registry notes that the relatively high number of representations received was largely predicated on the fact that so many victims' representatives have been actively engaging with victims for many years for the purpose of submitting claims to regional human rights bodies or presenting reports on human rights violations. As stated above, these pre-existing relationships of trust enabled civil society organisations, lawyers and community leaders to effectively engage their respective constituencies in a short period of time. The Registry also notes that efforts were made to ensure that the process was done in a coordinated fashion in order to reduce the likelihood that the same victim would be represented twice.

The Victim Representation Form

10. The two page form approved by the Chamber was made up of two parts. The first part was designed to establish whether or not the victim or victims fulfil the requirements set out in rule 85 of the Rules. The second part was designed to convey the views of the victims on the proposed investigation of the Prosecutor into the crimes allegedly committed in the Situation in Georgia. For collective submissions, questions three to eight of the representation form were designed to illicit as much information as possible concerning the group of victims (on whose behalf the representation is being submitted) while under question two, victims' representatives were asked to provide information about the capacity in which they represent the victims, including the number of victims consulted.

Field Activities in Georgia

11. The VPRS conducted a mission to Georgia from 26 to 31 October 2015 in order to help facilitate the Article 15 victim representation process by explaining, among other things: the role of victims in the process; how to complete and submit the representation form; and the importance of directly consulting victims. During the mission, the VPRS met with victims, victims' representatives and government officials. The VPRS also organised bi-lateral meetings with all those who had expressed an interest in submitting representations on behalf of victims in order to: provide assistance on any technical issues regarding the submission; learn more about the context including any security or confidentiality concerns; and better understand in what capacity they represent victims.

12. Two types of collective submissions have been made. First, those made by civil society organisations and legal representatives who consulted with victims and then submitted representations on their behalf (the "civil society submissions"); second, those made by persons of authority from within certain victims' communities who have submitted a representation form on

behalf of the victims in their community (the “community leader submissions”). Each will be described below.

Civil Society Submissions

13. Submissions were received from nine organisations, all of which have been working with victims from both sides of the conflict since August 2008. Six of the organisations have provided legal representation to victims in domestic proceedings and before the European Court of Human Rights (the “ECHR”).¹⁴ Several have also contributed to NGO reports on the human rights situation in the Georgian context, especially pertaining to the August 2008 conflict.¹⁵ The three remaining organisations have also been working with victim communities since the conflict in 2008 but are primarily focused on the provision of psycho-social support or humanitarian aid. Based on the information collected during the mission and provided in the relevant representation forms, the Registry considers that all nine of the organisations in the civil society submissions category enjoy a relationship of trust with the victim communities and appear to have taken steps to consult with victims in relation to the Article 15 process. The Registry therefore considers that the organisations acting as victims’ representatives in this category should be considered to have met the criteria established in the form to submit representations on behalf of victims.

Community Leader Submissions

14. Since the Registry was not able to conduct a security assessment in advance of the mission and had received reports from reliable interlocutors suggesting that the situation in some IDP camps may not be conducive to a consultation

¹⁴ The Registry notes that the names of the cases are listed in the respective representation forms typically under question two.

¹⁵ Those reports include, *inter alia*, the *August Ruins* report:

http://www.osgf.ge/files/publications/2010/Etnikuri_cmenda_English_WEB_version.pdf; and *Unable or Unwilling?*

http://humanrights.ge/admin/editor/uploads/pdf/Report_2_11_web.pdf.

by outsiders, the Registry, with the assistance of a local civil society partner, sought to invite a pre-existing network of *de facto* community leaders from within the relevant IDP camps to make representations on behalf of their communities.¹⁶ Based on the information presently available, the Registry considers that these community leaders also enjoy sufficient representational authority to make submissions for the purposes of the Article 15 process on behalf of their victim constituencies.

Security Situation

15. The Registry notes that it was not able to travel to the South Ossetian region for the purpose of the Article 15 process and instead relied on pre-existing human rights networks to convey information to potential victims living within the territory.¹⁷ During the Registry's mission, many of the victims' representatives described a climate of fear and intimidation surrounding the area known as the "buffer zone" near the *de facto* border (or "administrative boundary line") with the South Ossetian region. Stories of alleged "kidnappings" were the most commonly reported. Villagers along the *de facto* border area are reportedly taken from one side to another and allegedly made to pay a ransom to secure their release.¹⁸ According to a number of victims' representatives consulted by the Registry, this has led to a climate where certain victims are unwilling to come forward and participate in domestic or international justice mechanisms because they fear retribution or do not see how justice can be attained in a situation where not even the borders are under the control of authorities.

16. In this context, the Registry notes that certain victims' representatives have also requested that their participation in this process remain confidential so

¹⁶ The Registry has provided additional information about this category of submissions in Annex B.

¹⁷ The Registry's inability to access the disputed territories for the purposes of the Article 15 process almost certainly resulted in fewer representations received from the victims residing in these areas.

¹⁸ Representatives of the VPRS met with civil society organisations working closely on this issue, who also noted that in some cases there have been reports of severe beatings and disappearances associated with the kidnappings.

that they are able to continue serving their respective communities without fear of political reprisals or denial of access to the disputed territories.¹⁹

II. Details and Statistics on the Representation Forms Received

Type, Form and Means of Receipt

17. As noted in the introduction, the Registry has received representations on behalf of approximately 6,335 victims in relation to the Situation in Georgia.²⁰ The representations have been conveyed electronically through 43 individual submissions (pertaining to 109 persons) and 26 collective submissions (pertaining to approximately 6,226 persons). The Registry notes that 56 of the individual and collective submissions²¹ were completed in English while 13 of the individual submissions were completed in the Georgian language.²² The Registry also notes that of the collective representations received, 2,397 were made on behalf of victims through civil society submissions²³ while 3,829 were made on behalf of victims through community leader submissions.²⁴

Details and Statistics on the Victims

18. Based on the information presented in the forms and applying a *prima facie* standard of review, the Registry considers that all of the victims on whose behalf representations have been submitted appear to have met the basic Rule

¹⁹ See Annex A.

²⁰ The Registry notes that it is unable to determine the precise number of submissions due to the fact that a number of victims' representatives referred to their constituents as "families" instead of individuals. Since the Registry is not able to determine how many persons are in each family, each family was counted as single individual. Consequently, the number of representations received may be higher.

²¹ The Registry notes that collective submission r/45062/15, was submitted with 65 representation forms as supplementary information in the Russian and Georgian languages. The Registry's Languages Services Section has translated each of the supplementary representation forms into English and has attached the translated version to the original submissions.

²² The Registry's Language Services Section has provided a translation into English for each of the representations submitted in the Georgian language.

²³ r/45041/15; r/45042/15; r/45046/15; r/45036/15; r/45037/15; r/45038/15; r/45033/15; r/45034/15; r/45035/15; r/45029/15; r/45031/15; r/45030/15; r/45032/15; r/45028/15; r/45051/15; r/45062/15.

²⁴ r/45061/15; r/45060/15; r/45059/15; r/45058/15; r/45057/15; r/45056/15; r/45055/15; r/45054/15; r/45053/15; r/45052/15.

85 requirements.²⁵ As shown in the table below, a majority of the representations received have been submitted on behalf of women. The age range of the victims is between 9 and 90 years old with the majority of victims falling between the ages of 40-55 years old.

Representations Received	
Men	3,141
Women	3,169
Children	24
Organisations	1

19. As noted above, the Registry sought to ensure that victims from both sides of the conflict were aware of the opportunity to submit representations in relation to the Article 15 process. In addition to putting detailed information about the process on the Court's website in both working languages of the Court as well as Russian and Georgian, the Registry translated the representation form into both the Georgian and Russian languages and sent detailed information about the process to all known actors who have communicated with the Court in relation to the Situation in Georgia.²⁶ The Registry also sent information about the process to both the Georgian²⁷ and Russian Federation²⁸ Governments for internal dissemination.

20. During its mission to Georgia, the VPRS encouraged civil society organisations to utilise their networks in South Ossetia and elsewhere in the region to communicate information about the Article 15 process. As shown in the table below, the results were that despite the fact that most of the

²⁵ The Rule 85 standard in the Georgia context applies to victims who have suffered harm as a result of crimes committed within the jurisdiction of the Court since 1 December 2003.

²⁶ The Registry notes that in some cases email addresses were no longer active and in other cases only mailing addresses were provided. In the instances where only mailing addresses were provided, the Registry passed information about the process through the relevant embassy from where the original communication was delivered.

²⁷ The Registry met with representatives from the Georgian Ministry of Justice and the Georgian Office of the Prosecutor on 28 October 2015.

²⁸ The Registry sent a Note Verbale to the Embassy of the Russian Federation in The Hague on 3 November 2015.

representations received were made on behalf of Georgian victims, a relatively large number of South Ossetian views were also collected.

Ethnicity of Victims	
Georgian	5,782
South Ossetian	386
Mixed (Georgian/South Ossetian)	166
Russian	1

Results and Analysis

Should the Prosecutor be authorized to open an Investigation?

21. Of the 6,335 victim representations received, 99% responded that they want the Prosecutor to investigate the violence associated with the August 2008 conflict in the Situation in Georgia. The Registry notes that this number includes all of the South Ossetian victims as well as the vast majority of Georgian victims. The 51 Georgian victims who said they did not want the Prosecutor to be authorized to open an investigation cited security concerns, reluctance to revisit traumatic events, and doubt as to the likelihood of the Court process resulting in a personal benefit as the reasons why they were opposed to the Court intervention.²⁹
22. The Registry notes that the victims who responded that they did want an investigation to be opened cited the following reasons as their principal motivating factors:
 - The desire for impartial investigations into the crimes allegedly committed by both sides of the conflict;³⁰
 - To know the truth (especially in the cases of disappearances);³¹
 - To bring perpetrators of crimes to justice;³²

²⁹ r/45028/15

³⁰ r/45029/15, r/45041/15, r/45042/15, r/45056/15, r/45057/15, r/45058/15, r/45062/15

³¹ r/45042/15, r/45062/15,

³² r/45041/15, r/45046/15, r/45036/15; r/45035/15,

- To uphold the Geneva Conventions;³³
- To look into Russian involvement;³⁴
- To look into all of the crimes that have allegedly been committed, not only those proposed by the Prosecutor.³⁵

Territorial Scope of the Crimes Alleged

23. In line with the proposed scope of the Prosecutor's investigation, 98% of the victims alleged crimes that appear to the Registry to fall in or around South Ossetia. The Registry notes however, that 100 representations were received in relation to crimes allegedly committed in or around Abkhazia from August to October 2008. The Registry also received reports from civil society actors that concerning the events surrounding the territory of Abkhazia, the Article 15 victim representation process was constrained by a tense political climate and an inability to access the relevant areas. The table below illustrates the areas where, according to the victims' representations, crimes were allegedly committed in the Situation in Georgia.

Locations within South Ossetia	Tskhinvali, Java, Khetagurov, Avnevi, Eredvi, Nuli, Kemerti, Kurta, Kekhvi, Akhalgori, Zemo Achabeti, Kvemo Achabeti, Tamarasheni, Satskheneti, Bekmari, Argvitsi, Atsriskhevi, Kheiti, Ksuisi, Berula, Vanati, Dzartsemi, Beloti, Sveri, Charebi, Karbi, Upper Artsevi, Disevi, Ikoti, Argvitsi, Berula, Disevi, Satskheneti, Beloti, Prisi, Charebi, Kartuli Prisi, Berula, Koshka, Tsverakho, Kverneti, Dmenisi, Zardiantkarietc
Locations around South Ossetia (undisputed Georgian territory)	Gori, Variani, Shindisi, Gugutiantkari, Ergneti, Tirdznisi, Tkviavi, Ditsi, Karaleti, Mereti,

³³ r/45032/15,

³⁴ r/45041/15, r/45032/15, r/45028/15,

³⁵ r/45032/15, r/45034/15, r/45033/15, r/45037/15,

	Nikozi, Kordi, Pkhvenisi, Karbi, Meghvrekisi, Brotsleti, City of Gori, Tergvisi, Zemo Khviti, Arbo, Kitsnisi, Dvani, Avlevi, Kere, Zardiaant Kari, Tortiza, Plavi, Ruisi, Agara, Tsmindatskali, Sakasheti, Kheltubani, Marana, Tergvisi, Dzevera, Mejvriskhevi, Garajvari, Tiniskhidi, Bershveti, Zedguleti, Sobisi Kheltubani, Akhalsopeli, Khurvaleti, Koshka, Khurvaleti, Adzvi, Tsitelubani, Nikozi, Okona
Locations within Abkhazia	Kodori Gorge : Villages of (Gentsvishi, Zemo Gentsvishi, Omarishara, Azhara, sakeni, Chkhalt, Ptishi) ³⁶ , (Akhdaba, Kodori Sakeni) ³⁷ , (Upper Abkhazia, Village Nabake ³⁸ Khurcha ³⁹ Chuburkhinji
Locations around Abkhazia (undisputed Georgian territory)	Senaki, (Khidistavi, Nakipu, Ghaniri) ⁴⁰ (Mereti, Gali, Sokhumi) ⁴¹

Temporal Scope of the Crimes Alleged

24. The vast majority of representations received (99%) confirmed the temporal scope of the investigation proposed by the Prosecutor (1 July 2008 - 10 October 2008). The Registry notes, however, that 35 representations refer to crimes having taken place between 10 - 19 October 2008⁴² while a further 17 representations refer to crimes that were allegedly committed on 13 July 2009.⁴³ As referred to in the security section above, the Registry also notes that the allegations of crimes allegedly being committed in the so-called “buffer zone” continue to be reported to this day.

³⁶ r/45033/15

³⁷ r/45036/15

³⁸ r/45037/15

³⁹ r/45037/15

⁴⁰ r/45031/15

⁴¹ r/45036/15

⁴² r/45037/15; r/45028/15; r/45062/15.

⁴³ r/45037/15.

The Crimes Alleged in the Victim Representations

25. The vast majority of representations received from victims referred to one or more of the crimes allegedly committed against Georgian civilians in the Prosecutor's Request. However, the Registry did not receive any representations relating to the attacks on either Georgian or Russian peacekeepers.⁴⁴
26. The Registry notes that a number of additional crimes, not included in the Prosecutor's request, have been alleged in the representations submitted by and on behalf of both Georgian and South Ossetian victims. The victims of these alleged crimes include Georgian and South Ossetian civilians⁴⁵ as well as members of both the Georgian and South Ossetian armed forces.⁴⁶ The Registry has attempted to catalogue the alleged criminal acts in the table below using legal characterizations that the Registry considers most accurately reflects the information provided in the representation forms.⁴⁷ The Registry notes that the precise reference numbers of the representations containing allegations of additional crimes have also been provided in the table below for the Chamber's convenience.

⁴⁴ This may be due to the comparatively small number of victims associated with these attacks, Prosecutor's original request, para(s) 165 and 172.

⁴⁵ The Registry also notes that representation r/45037/15 and r/45062/15 allege crimes perpetrated by militias or "mercenaries" aligned with one or the other side of the conflict.

⁴⁶ These alleged crimes have been referred to as both "prisoner of war" crimes and crimes against *hors de combat* in the victim representations.

⁴⁷ The Registry notes that in most of the victim representations received, the victims' representatives provided their own legal characterisation of the crimes alleged by the victims. In many instances, these characterisations were utilised by the Registry either because the Registry agreed with the characterisation or because there was a lack of precise information on the underlying acts due to the fact that only the legal characterisation was used in the description of the events.

Within the Proposed Scope of the Investigation	Crimes Alleged	Alleged Perpetrators of the Attacks			Reference number
		South Ossetian Forces	Russian Forces	Georgian Forces	
Yes	Destruction of Property	X	X		Described in more than 95% of the representations
	Forcible Transfer	X	X		Described in more than 95% of the representations
	Murder/Wilful Killing	X	X		Described in more than 95% of the representations
	Pillage	X			Described in more than 95% of the representations
No	Murder/Wilful Killing			X	r/45062/15
	Attack Against a Civilian Population/ Attacking Civilians		X	X	Described in more than 95% of the representations pertaining to Georgian Civilians and r/45062/15 pertaining to South Ossetian civilians
	Enforced Disappearances ⁴⁸	X		X	r/45031/15; r/45032/15; r/45042/15; r/45062/15
	Severe Deprivation of Physical Liberty/Unlawful Confinement ⁴⁹	X		X	r/45028/15; r/45030/15; r/45031/15; r/45032/15; r/45034/15; r/45036/15; r/45038/15; r/45042/15; r/45062/15
	Other Inhumane Acts/Inhuman Treatment ⁵⁰	X	X	X	r/45001/15 ; r/45037/15; r/45051/15 ; r/45020/15
	Mutilation ⁵¹	X			r/45028/15, r/45001/15; r/45029/15;
	Outrages Upon Personal Dignity ⁵²	X			r/45020/15; r/45028/15; r/45030/15; r/45032/15; r/45034/15;

⁴⁸ This category generally relates to persons who were reportedly detained or abducted and are now presumed to be dead or in the custody of officials from the opposing side of the conflict.

⁴⁹ The acts described by victims under this heading relate to allegations of unlawful arrests and detention/confinement by armed forces from the opposing side during the conflict period.

⁵⁰ This category includes descriptions of acts that allegedly caused great suffering or serious injury to the body or to mental or physical health. In order to avoid duplication, the acts listed in this category are those outside the context of unlawful confinement. Examples include descriptions of severe beatings resulting in grievous bodily injury.

⁵¹ This category includes descriptions of acts that resulted in permanent disfigurement, disability or death and include: beatings with different objects like gun butts, metal rods, chairs and other dangerous objects resulting in fractured limbs and bones. Also included in this category are examples of burns from cigarettes and electric shocks.

⁵² The acts described under this category involve humiliating or degrading treatment resulting in the violation of the dignity of the victims. Examples include forcing inmates to shower with cold water in the presence of others; burying partially decomposed dead bodies of victims; cleaning the streets and other forms of forced labour; being pelted on the streets with stones and other objects by opposing forces; being filmed and photographed during episodes of torture.

Crimes Against Members of the Armed Forces ⁵³	X	X	X	r/45042/15; r/45062/15; r/45032/15
Rape ⁵⁴ / Sexual Violence	X			r/45028/15; r/45036/15; r/45037/15; r/45062/15
Torture ⁵⁵	X	X		r/45020/15 ; r/45028/15; r/45031/15; r/45032/15; r/45034/15; r/45059/15; r/45036/15; r/45037/15; r/45041/15; r/45042/15; r/45051/15;

III. Conclusions

27. Concluding its review of the representation forms received in relation to the Situation in Georgia, the Registry notes the overwhelming support of victims from both sides of the conflict for an investigation to be opened by the Prosecutor. However, the Registry also notes that a considerable number of the representations received from victims relate to crimes beyond the scope of the Prosecutor's proposed investigation. Considering that crimes against South Ossetian civilians and certain Georgian civilians and members of the armed forces are not included in the investigation proposed by the Prosecutor, the information gathered in the representations suggests that some of the victims' support for the Prosecutor's intervention may largely be predicated on the expectation that the investigation will be expanded.

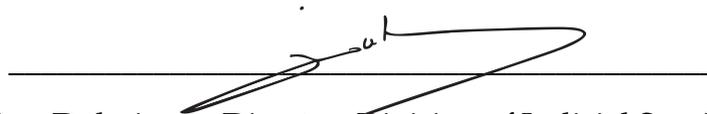
28. In response to question ten of the representation form that asked "what are the victim(s) expectations in relation to the Court in the Georgia context?" one of the top responses from victims was the expectation that impartial investigations will be conducted into crimes allegedly committed by both sides of the conflict. The victims' expectations also included:

⁵³ The acts described under this category are alleged by members of armed forces (or surviving relatives) held in detention by the opposing side and allegedly involve torture, forced labour and execution.

⁵⁴ The acts described by victims under this category use the legal characterization of "rape" and/or "sexual violence" to describe the alleged crimes.

⁵⁵ The acts described under this category relate to the infliction of severe physical or mental pain or suffering on victims for the purposes of obtaining information or punishment/intimidation.

- Punishment for those found guilty of crimes;⁵⁶
- Reparations from the person(s) convicted;⁵⁷
- Uncover the truth (for the benefit of victims and the international community);⁵⁸
- Arrests of Suspects.⁵⁹



Marc Dubuisson, Director, Division of Judicial Services
per delegation of Herman von Hebel, the Registrar

Dated this 4 December 2015

At The Hague, The Netherlands

⁵⁶ r/45031/15, r/45030/15, r/45032/15, r/45028/15, r/45058/15, r/45057/15, r/45056/15.

⁵⁷ r/45032/15, r/45046/15.

⁵⁸ r/45042/15, r/45028/15, r/45062/15.

⁵⁹ r/45061/15, r/45060/15, r/45059/15, r/45058/15, r/45054/15, r/45053/15, r/45052/15.